Iowa Won't File Charges in Turkey Plant Case

the Associated Press

IOWA CITY, Iowa (AP) — Iowa won't pursue criminal charges against a Texas company that's accused of exploiting developmentally disabled workers at a turkey plant in eastern Iowa.

According to The Des Moines Register (http://bit.ly/ofDfiB [1]), the Iowa attorney general's office said the civil penalties that other agencies have obtained against Henry's Turkey Service and its owners will hold the company accountable and serve as a deterrent.

Hill Country Farms, of Goldthwaite, Texas, does business as Henry's Turkey Service. For years it supplied the workers to a turkey processing plant in West Liberty.

U.S. District Judge Harold Vietor ordered Hill Country Farms and its president in April to pay $1.76 million in back wages and damages for repeatedly violating federal labor laws by not paying the minimum wage or overtime to 31 disabled men.

But Henry's owners don't have the resources the fines, company accountant Robert Berry said.

"That would be beyond their resources, both of the company and them personally," Berry said, referring to owners Jane Ann Johnson and Kenneth Henry. "They would be wiped out and that would be that."

Johnson, 78, and Henry, 72, who are both in poor health, are appealing the judgments against them.

Over a period of 40 years, Henry's Turkey Service housed dozens of mentally disabled men in a 100-year-old converted schoolhouse in Atalissa. The men were put to work in a West Liberty meat-processing plant, but the company kept the bulk of the men's earnings, leaving each worker with an average hourly wage of 41 cents. The company also kept a portion of the men's Social Security and disability payments.

The building where the men lived was shut down in 2009 after the state fire marshal determined it failed to meet minimum fire-safety standards. The company also was accused of violating minimum-wage laws and advocacy groups claimed Henry's violated the state's dependent-adult abuse laws and of not having the necessary license to operate a care facility for dependent adults.

Assistant Attorney General Daniel Burstein sent Muscatine County Attorney Alan Ostergren a letter last week saying the attorney general's office would not pursue charges.

Burstein said it was unlikely criminal actions could be proven beyond a reasonable doubt and that there is no evidence the company's owners knew of the conditions the men lived in.

Burstein said filing charges against the company "would not offer appreciably better remedies than those obtainable through civil and regulatory actions that have already been undertaken against the company."

The U.S. Department Labor won a $1.7 million judgment against the Henry's on behalf of the workers earlier this year and Iowa Workforce development obtained a $1.1 million fine against the company for violating state labor laws.

The Equal Employment Opportunity Commission filed a lawsuit against Henry's earlier this year. No trial date has been set.

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