



Posted on Tue, Apr. 02, 2013

Human trafficking victim can't collect from hotel, court rules

By MARK MORRIS
The Kansas City Star

A Kansas City hotel and its operators cannot be held responsible for unpaid wages to a worker who was defrauded by a human trafficker, an appeals court ruled Tuesday.

In his lawsuit, Andro Tolentino, a native of the Philippines, alleged that the owners and operators of the Westin Crown Center should pay wages that a contractor illegally took from him.

The Missouri Western District Appeals Court found, however, that Starwood Hotels and Resorts Worldwide Inc., and Westin Hotel Management LP could not be held liable for a staffing contractor's "unforeseeable criminal" deductions from Tolentino's paychecks.

Federal prosecutors indicted that the staffing contractor, GLS, and 12 of its owners, operators and associates in 2009 on racketeering and human trafficking charges. At the time prosecutors described the GLS conspiracy as the largest human trafficking ring ever uncovered by U.S. law enforcement.

Authorities alleged that conspirators lured more than 1,000 foreign workers to Kansas City and then contracted for them to work at hotels, casinos and constructions sites in 14 states, sometimes for pennies a day.

A federal judge sentenced the leader of the conspiracy, Abrorkhodja Askarkhodjaev, to 12 years in prison in 2011.

According to federal court records, GLS obtained a temporary work visa for Tolentino in October 2007. By February 2008, he was cleaning rooms at the Westin as part of GLS's contract with the hotel.

Tolentino actually received a check from GLS for \$0.00 for one pay period in April 2008 because the company had illegally deducted money for "visa fees," the appeals ruling noted.

But the hotel could not be found liable, the appeals court found.

"There is no evidence that (the hotel or its operators) did anything that could have reasonably led Tolentino to believe that they consented to GLS's illegal deduction of visa fees," the court found.

Indeed, by then hotel officials knew GLS was under federal investigation but not why.

A federal court later awarded Tolentino restitution of \$3,150 from the criminal defendants, describing it as his "total loss," the court noted.

Lawyers representing Tolentino and the hotels could not be reached for comment Tuesday.

To reach Mark Morris, call 816-234-4310 or send email to mmorris@kcstar.com.

© 2013 Kansas City Star and wire service sources. All Rights Reserved. <http://www.kansascity.com>