

**From:** Sandy Robson [REDACTED]  
**Subject:** Is Whatcom County potentially contracting with Munger Bros./Sarbanand Farms to provide housing for local flood victims?  
**Date:** November 23, 2021 at 9:49:06 AM PST  
**To:** Satpal Sidhu <SSidhu@co.whatcom.wa.us>  
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Dear County Executive Sidhu:

It's my understanding (from a credible source) that Munger Bros./Sarbanand Farms potentially was/is offering housing that was formerly used as farmworker housing, to now shelter people who have been displaced by the flooding here in Whatcom County.

I imagine that you and other county officials who may be involved in arranging housing for people who have been displaced from the flooding are aware of Sarbanand Farms reported mistreatment of its farm workers who were part of approx. 600 workers Munger Bros./Sarbanand Farms had brought here in 2017 on H-2A visas from a number of countries. I will provide you that history toward the end of my letter.

Munger Bros./Sarbanand Farms has still not taken ownership for the mistreatment of farm workers during the summer of 2017, not has it made an apology to the public. Instead, Sarbanand Farms repeatedly publicly denied its responsibility and fought the fines that they had been assessed by L&I.

So, to hear that our county may be financially partnering with their company which would put people in crisis who are in very vulnerable circumstances in the care of Munger Bros./Sarbanand Farms is not only dangerous, it sends a message to other businesses with abusive practices that they can receive the support of county officials in powerful positions even though a company has never voluntarily restored justice to those they have abused.

Also very concerning to me is the fact that it was reported in a Dec. 9, 2019 L.A. Times article that Munger Bros. has been, "barred from recruiting foreign agricultural guest workers for three years and will have to pay \$3.5 million in back wages and penalties as part of a court agreement reached with the U.S. Labor Department.

"Munger Bros., based in Delano, Calif., shunned or failed to adequately recruit U.S.-based workers in favor of foreign guest workers recruited under the federal H-2A visa program, according to the Labor Department. Once here, those guest workers weren't adequately paid and were housed in unsanitary facilities."

Link to article:

[https://www.latimes.com/business/story/2019-12-09/munger-bros-berry-farm-fined-farm-worker-abuses?fbclid=IwAR0qcjVkgUpPep3bsbi7rsjf2VZ2QItESZJ3He19exwecvurSn\\_-GzpBiww](https://www.latimes.com/business/story/2019-12-09/munger-bros-berry-farm-fined-farm-worker-abuses?fbclid=IwAR0qcjVkgUpPep3bsbi7rsjf2VZ2QItESZJ3He19exwecvurSn_-GzpBiww)

Knowing this disturbing news, how can Whatcom County even be considering to partner with Munger Bros./Sarbanand Farms to house people displaced by the flooding?

**Besides voicing my strong opposition here to the idea of the county partnering in any way with Munger Bros./Sarbanand Farms, I am asking you some questions in this email today:**

-Is Whatcom County potentially arranging to provide funding for Munger Bros. to use their farm worker housing for people who have been displaced by flooding?

-If so, who (which county officials) have been involved in these arrangements with Munger Bros./Sarbanand Farms?

Below I have provided details on what occurred at Sarbanand Farms in the summer of 2017.

There were multiple investigations in 2017 conducted by L&I regarding Sarbanand Farms after the tragic death of H-2A guest worker, Honesto Silva Ibarra, a young, married father of three, who, while working during the 2017 summer blueberry season at Sarbanand Farms in Sumas, became ill and was taken by ambulance to a local hospital on August 2, 2017. He later died on August 6, 2017, at Harborview Medical Center, in Seattle, after having been transported there on or around August 3, 2017.

According to public records released to me by Washington State Department of Labor & Industries (L&I) on April 19, 2018, Sarbanand Farms racked-up a total of 13 violations in terms of missed breaks and late meals affecting hundreds of its farm's H-2A employees on multiple days during a 15-day period in July 2017. This is according to a February 1, 2018 letter sent to Robert Hawk, CEO of Sarbanand Farms, LLC, from Deibi Sibrian, Industrial Relations Agent with L&I.

There were five days in a row, July 24, 25, 26, 27, and 28, on which there was at least one violation that occurred in terms of missed breaks and/or late meals. There were three days on which multiple violations occurred in terms of missed breaks and late meals: July 14, July 24, and July 25.

When considering the number of violations committed by Sarbanand Farms in 2017, it is important to note that L&I only requested (from the farm) payroll records to review for a period of 15 days, from July 14, 2017 to July 28, 2017. It's unclear why the department decided to only request records through July 28, 2017.

L&I's February 1, 2018 letter to Sarbanand Farms explained that according to the calculations its department chose to use, the meal and rest period violations affected a total of 583 employees of Sarbanand Farms. The letter further spells out

that state law authorizes L&I to assess a civil infraction for each violation of the rule, and the department may include a penalty for each worker affected by each violation, which, for the selected date of July 27, 2017, would result in the total amount of \$145,750.00.

There are some important things to know about what L&I chose to do in what can be viewed as its questionable actions in reducing the penalty to \$73,000. In the public records released to me, there was an L&I internal document titled, ["Agricultural Civil Infraction Recommendations,"](#) listing various, potential options which its department could decide to take in terms of how they choose to compute the penalty.

According to that L&I document, one of the options that L&I could have selected was to have assessed a penalty of \$1,879,719.00 which was based on \$513 multiplied by the total number of workers affected (3,663) by missed rest periods and late meals.

Another listed potential option in that document was that L&I could have selected to have assessed a penalty of \$2,951,802.00. That dollar amount was based on \$513 multiplied by the "per person/per violation" figure (5,754). There were some other listed options as well.

Even though Sarbanand Farms committed a total of 13 violations during the 15-day period reviewed by L&I, the department decided to only use the date on which the largest number of workers were affected by the violations, July 27, 2017, and base the penalty on that one violation which occurred on that one day.

So, while there was a total of 13 violations during the 15-day period reviewed by L&I, the department chose to ignore the rest of those 12 violations committed by Sarbanand Farms which impacted hundreds of workers on multiple days, and instead, based its assessed penalty on only 292 workers which, as noted above, is only half of the total number of workers affected on that single date of July 27. Also, keep in mind that these missed rest breaks and late meals occurred while workers were putting in 11-hour to 13-hour workdays, as reflected in the records I received.

When some of their H-2A visa workers (male workers who Sarbanand's parent company, Munger Bros. brought to the US from other countries) spoke up against the mistreatment of their fellow workers during the summer of 2017, Sarbanand Farms gave them one hour to leave the property, bussing them to the Greyhound terminal in Bellingham without cash to pay for any types of fares.

The advocacy of Community to Community (C2C) and a generous neighbor of Sarbanand's brought those displaced workers to a property in Sumas where they could live and heal, while advocates sought to secure the rights of these workers to receive fair treatment and remain working, to their paychecks, to not be retaliated against by Sarbanand, and failing that, to be ensured of payment for the trip back to their home countries and families for the workers.

I look forward to receiving your answers to my questions I posed above in this email.

Thank you.

Regards,

Sandy Robson