



For Immediate Release

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**BOLI Final Order: California company must pay \$200,000 in race discrimination and retaliation case**  
*Gun threats, racial slurs and an off-hours attack contribute to hostile work environment*

PORTLAND, OR—Two employees of Maltby Biocontrol, Inc. (MBI) will receive \$200,000 for abusive treatment, race discrimination and retaliation, the Bureau of Labor and Industries (BOLI) announced today.

The agency found that Guatemalan and Hispanic employees faced unlawful discrimination and unfair treatment due to race because of the actions of a co-worker, James Bassett. The company failed to control a hostile and racist employee and retaliated against a worker for filing criminal charges related to an afterhours attack.

Copies of the Final Order (Cases No. 31-13 and 34-13) are available upon request.

“This Final Order should be viewed as an example of how the State of Oregon will not tolerate harassment and discrimination,” said Labor Commissioner Brad Avakian. “No worker should have to fear violence, endure racial slurs or face retaliation for contacting law enforcement when attacked by a racist co-worker.”

In April 2010, MBI employee James Bassett attacked a fellow employee, hitting him in the chest. That employee reported the incident to MBI supervisor Louis Bassett, Sr. (James Bassett’s father).

Later in August 2010, James Bassett fired a .45 caliber pistol and yelled out “Spanish motherf-----s” as several Guatemalan and Hispanic MBI employees worked near Bassett’s residence on the company property. The incident frightened the workers, but they refrained from filing a police report based on assurances from the owner of MBI that the workers would be separated from Bassett.

James Bassett also routinely called co-workers “Hispanic motherf-----s” and threatened them when he was upset. On September 9, 2010, James Bassett pulled in front of a co-workers car and twice tried to hit him through the window, telling him, “I’m going to kick your f---ing ass.”

On January 10, 2011, two Hispanic employees left the ranch and were driving home when they encountered two parked cars blocking the road. James Bassett, his brother Louis Bassett, Jr. and an unidentified third assailant beat one employee with a wooden fish bat and hit him in the left eye, causing significant swelling and injury.

A girlfriend of one of the employees called the police, who arrested the Bassett brothers that evening.

After being contacted about the incident, MBI owner Howard Maltby was upset that the employee had contacted police because “he knew how to control Jimmy.”

The incident caused employees to lose sleep and made them afraid of future attacks.

MBI owner Maltby testified that he felt betrayed that employee Guevara filed a police report.

On February 8, 2011, an angry Maltby called the MBI employee at 12:16 a.m. to fire him, saying: “You prefer to say with your own kind, like the Guatemalan you are. You are fired. Stay away from my properties.”

The Final Order directs Maltby Biocontrol, Inc., Howard Maltby and James Bassett to pay victims \$150,000 and additional \$50,000 from Maltby Biocontrol, Inc. and Howard Maltby for retaliation.

BOLI protects Oregonians from unlawful discrimination, investigating allegations of civil rights and wage and hour laws so that Oregonians are treated in the workplace.

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