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## Community: California

### Comcast Fails to Protect the Public Safety

A cable worker dressed in a Comcast uniform, driving a Comcast van and wearing Comcast employment identification raped a young woman in Sacramento. The rapist was arrested and convicted. Comcast argued that they were not responsible for background checks of contractors but the judge ruled that Comcast was responsible for people working in their name.

If you have any examples of abuses resulting from unregulated labor contractors, please let us know. We are collecting stories about Comcast's breach of the public trust and we would like your help. Let us know about your experiences with Comcast's failure to protect public safety through our [contact page](#).

The following brief was provided by James E. Fox of Fox & Fox Law Corporation.

#### **MARIA D. v. COMCAST CORPORATION Sacramento Superior Court Case No. 03AS05745**

Nineteen-year-old Maria D was raped by a Comcast cableman who was hired by a labor contractor despite prior felony convictions for rape and sexual assault. The civil case for negligent hiring exposes the shoddy hiring practices of the cable TV industry; the widespread use of "contract" cablemen recruited by unregulated labor contractors; and botched background checks by companies like Kroll, Inc. (recently acquired by insurance giant Marsh McLennan). The case exposes a national problem: that dangerous felons are roaming our neighborhoods as uniformed cable TV installers. They work alone and unsupervised.

A video surveillance camera captured portions of the attack.

#### **FACTS:**

On July 30, 2003 at approximately 11:30 a.m., Maria was doing her weekly chore of rolling the garbage bin in her front yard when she was lured into a grassy area near the utility pole by a Comcast cableman. This was captured by a neighbor's video surveillance camera. Maria was 19 at the time. She was afflicted with cerebral palsy, right hemiplegia, mental retardation and cortical blindness. The Comcast cableman exploited Maria's mental and physical condition when he lifted her over a fence and forcibly raped and sodomized her. Comcast disavows any responsibility for the attack, contending the cableman was employed by a labor contractor. At the time of the attack, the cableman was wearing a Comcast uniform.

The cableman was hired by a Comcast labor contractor despite an extensive and violent criminal history. In 1996 and 1997, the cableman was convicted on multiple felony, rape and sexual assault charges involving teenage girls. He served three years in the Oregon State Penitentiary before being deported to El Salvador as a dangerous felon. He is a registered sex offender in the State of Oregon. His criminal past is a matter of public record. The cableman's "rap sheet" which was accessible through an internet-based search of the Oregon Judicial Information Network (OJIN) is attached. Although the cableman used multiple aliases, his Oregon felony records are referenced by OJIN under the name "Luis J. Saravia" the same name and middle initial that appears on his Oregon driver's license and vehicle registration. The cableman presented the Oregon driver's license and vehicle registration when he applied for employment as a Sacramento Comcast cable installer. He used a social security card purchased on the street for \$10.00 and a bogus INS number.

He had no "green card."

The cableman's job description required him to work alone and unsupervised in residential neighborhoods, homes and backyards. The cableman, Saravia, was a sexual predator.

Comcast required that all cable installers undergo a "background check." The Comcast labor contractor used Kroll Background America, Inc. to perform background checks on all its cable installers. Despite Saravia's multiple felony sexual assault convictions and public sex offender status, Kroll reported that Saravia was clean: "no records found."

In a national advertising campaign, Kroll brags that employers can "COUNT ON KROLL."

Here, Kroll and Comcast and the labor contractor botched the job. As a result, a dangerous felon was hired and dispatched to Sacramento neighborhoods. The case will demonstrate the likelihood that Sacramento neighborhoods are infested with other dangerous felons wearing Comcast uniforms. This is a national problem given the cable industry's reliance on labor contractors and cheap computerized background checking.

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