

# Portland restaurant shortchanged workers on overtime, lawsuit alleges

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A longtime cook at popular Portland restaurant Boda has sued his former employers for violating the Fair Labor Standards Act, claiming that he and other hourly wage employees at both Boda and Green Elephant weren't paid overtime despite regularly working more than 40 hours a week.

The lawsuit, filed in federal court this month, accuses owner Nattaska "Bob" Wongsachua of altering "paychecks to remove references to hours worked or hourly rate" when the plaintiff, Chad Egeland, put in more than 40 hours a week. Workers were "routinely expected" to work in excess of 40 hours, the complaint said.



A longtime worker at Boda restaurant in Portland is suing, saying he and other workers weren't paid for working overtime. Shawn Patrick Ouellette/Staff Photographer  
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Egeland first worked for Wongsachua in the summer of 2009, when the Congress Street restaurant was named Bangkok Thai. He was a dishwasher, then a food preparer. After renovations were complete and the restaurant became Boda, Egeland came back to work and was there for five months. He returned in August 2012 and was working the grill until last month.

"Wage theft is incredibly common in Maine, especially in the restaurant industry," said Andrew Schmidt, an attorney



for Egeland. “And enforcement is incredibly weak here.”

Boda, which serves tapas and skewers inspired by Thai street vendors, has had glowing reviews. Wongsachua and chef/owner Dan Sriprasert were semifinalists for a James Beard Award in 2012.

The attorney for the restaurants, Dawn Harmon of Perkins Thompson, denied the lawsuit’s allegations in an email Friday to the Portland Press Herald, but had no further comment. Wongsachua was unavailable.

Egeland left without apparent ill will, praising the Boda team on Facebook when he departed on Jan. 22 and telling friends it was for a “change of scenery, not anything more than that.” Egeland started a new restaurant job the next day.

His fondness continues unabated.

“I care a lot about everyone that works there,” Egeland said Friday in a statement delivered through his attorneys. “This case is about getting everyone the wages they’ve earned so that the restaurants can continue to develop into a strong business for our community. I hope I haven’t lost any of the great friendships I’ve built over the years working for them.”

According to the lawsuit, Egeland received a partial payment from Wongsachua after demanding the back wages in a letter delivered Jan. 27. But Wongsachua’s company hasn’t paid damages and attorney’s fees, or corrected the way it pays other workers, the lawsuit alleges.

The restaurant group has until early April to file its response. Schmidt believes it can be resolved amicably.

“The point of this is to make sure that all of the workers receive the money that they have already earned,” he said. “And hopefully that will happen soon and everyone can move on.”

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