Enforcing Contract Law

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**OPINION**

A brief history of Trump's small-time swindles

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*P* resident Trump has long claimed to be a fierce defender of the "forgotten" American. In his unsettlingly dark inauguration address, for example, Trump declared: "The forgotten men and

women of our country will be forgotten no longer. Everyone is listening to you now. ... And I will fight for you with every breath in my body, and I will never, ever let you down."

But Trump has long made a career of letting down just these sorts of Americans.

Despite his fiery rally rhetoric and over-the-top working-class bluster, Trump's hypocrisy on this score has always been gobsmackingly obvious, since in his former life as a real estate tycoon he left a long trail of small businesses and independent contractors feeling bilked or burned.

Granted, fights between developers and contractors over payments are not uncommon in the construction and real estate business. But consultants and lawyers in the industry say that Trump's tactics — like using last- minute excuses to either refuse payment or renegotiate terms — were especially cutthroat and petty.

Let's take a brief (and hardly comprehensive) tour of some of the Americans left burned by the president.

**1. Trump's personal driver**

This is the latest entry in Trump's ledger: Noel Cintron, 59, says he worked as a chauffeur for Trump and his family for 25 years. On top of amammoth unpaid overtime bill — 3,300 hours in the last six years — Cintron says he only got a raise twice after 2003: to $68,000 in 2006, and then to $75,000 in 2010. The second bump came with a requirement that Cintron give up his health benefits. All told, Cintron is suing Trump for at least $350,000 in damages.

**2. A Philadelphia cabinet maker**

Edward Friel Jr. owned a family business that harked back to the 1940s. During the Atlantic City boom four decades later, he landed a $400,000 contract to make slot machines, bars, desks, and other furniture for Harrah's at Trump Plaza. But Trump refused to pay the final bill of around $84,000. Friel's son suspected that Trump also used his clout in the industry to block the company from getting other Atlantic City contracts. Friel had to file for bankruptcy a few years later.

**3. A paint seller and event workers in Florida**

After putting in long hours for a special event at Trump National Doral, a Miami resort, 48 servers had to sue for unpaid overtime. The settlements averaged around $800 per worker, but went as high as $3,000 in one case. On top of that, a paint shop owner named Juan Carlos Enriquez also sued Trump's business, claiming he never got the final payment for a paint shipment to the same resort. In 2017, after a three-year legal fight, a court found in Enriquez's favor, and ordered Trump's company to pay the final $32,000, plus $300,000 in legal fees.

**4. A drapery business in Las Vegas**

Back in 2007, Larry Walters got an order for over $700,000 of curtains, pillow covers, and bedspreads for Trump's hotel in Sin City. Walters said additional orders grew the job to $1.2 million, but the developer, a joint venture LLC called Trump Ruffin, only paid $553,000. Eventually, Walters responded by halting work and keeping the remaining fabric as collateral. Trump Ruffin sued, and sheriff 's deputies actually showed up at Walters' business to take the fabric away. Knowing they could drag the legal fight out, Walters eventually settled for $823,000 — about $380,000 short of what he said he was owed. He closed the business in 2011.

According to court records, Walters never had a dispute with any other client.

**5. A toilet maker in Atlantic City**

It was 1988 when Forest Jenkins won a $200,000 contract to install toilet partitions at Trump's Taj Mahal in Atlantic City. For a modest business like Jenkins', it was a huge score. But thanks to the enormous debts Trump built up, the casino went belly up just a few years later, and the payment never came. After years of fighting in bankruptcy court, Jenkins only got $70,000 back, and was nearly ruined in the process. According to CNN, dozens of other contractors on the project went through the same ordeal.

There's plenty more, like the jewelry store owner who was strong-armedout of his kiosk in Trump Tower, or the West Palm Beach chandelier company that Trump sued to avoid paying half of a $34,000 bill. Even lawyers who helped Trump in his fights with contractors later got into payment fights with Trump himself.

Of course, not everyone who ever worked with Trump is unhappy, and he's won plenty of his legal fights. *Reuters* looked at over 50 court cases and liens related to Trump projects: "The majority said they were paid in full and happy to work for him but at least a dozen said they had been left out of pocket or had watched as other contractors were short-changed." A far more sweeping investigation by *USA Today* found Trump was involved in over 3,500 lawsuits during the last three decades. "At least 60 lawsuits, along with hundreds of liens, judgments, and other government filings" were from contractors claiming they got stiffed. *USA Today* also found "24 violations of the Fair Labor Standards Act since 2005 for failing to pay overtime or minimum wage."

Trump says this is just business. "Let's say that they do a job that's not good, or a job that they didn't finish, or a job that was way late. I'll deduct from their contract, absolutely," Trump once said. As for Noel Cintron, Trump's longtime driver, a spokeswoman for the Trump Organization said he was always "paid generously and in accordance with the law. Once the facts come out we expect to be fully vindicated in court."

With these sorts of disputes, who you believe often comes down to whose integrity, honor, and moral character you have more faith in.

As to how Trump stacks up on those metrics, I leave it to readers to judge.

**Questions:**

1. **Do you think there are differences in contract law between Canada and the USA?**
2. **Do you think if Trump wasn’t a multi-billionaire he would get away with this type of neglect for contract law?**
3. **What do you think would happen to him if he was a small business owner in Canada who did the same things?**