

**Plain Dealer**

## **Crackdown on business owners reflects change in immigration enforcement**

**By Peter Krouse**

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The owner of eight Casa Fiesta Mexican restaurants across northern Ohio pleaded guilty last month to harboring illegal immigrants and filing false tax returns.

Ramon Ornelas of Norwalk probably faces at least one year in prison when sentenced later this year. It's a stiff penalty for a crime that in the past typically resulted in just a fine.

The conviction of Ornelas, 42, is symptomatic of a broader crackdown by federal officials on businesses that hire undocumented workers.

Getting tougher with employers -- the ones providing the means and incentive for illegal immigrants to come to the United States -- is a more effective way of combating the problem than just rounding up and deporting workers, said Khaalid Walls, spokesman for the Bureau of Immigration and Customs Enforcement.

U.S. Attorney Steve Dettelbach agrees. Employers create the market for human trafficking, whether it's Mexicans who wind up in Ohio or Asians in California, he said.

"This is a major money-making criminal enterprise," he said of people who smuggle in illegal immigrants.

More than a decade ago, Ornelas helped manage a chain of Mexican restaurants in the Columbus area that employed undocumented workers, said Matt Hamulak, the immigration agent who worked Ornelas's case.

Ornelas's attorney, Jeffrey Moore, declined to comment. But Jaime Serrat, a local attorney who represents a former Mentor restaurant owner in a separate harboring case, senses tougher scrutiny by the immigration agency, including stepped-up criminal prosecution of employers.

"They want to send a message that if you do this kind of thing you're going to be punished," Serrat said.

Ornelas owned Casa Fiesta restaurants in Youngstown, Vermilion, Ashland, Norwalk, Fremont, Oberlin, Oregon and Sandusky and he routinely employed undocumented workers, paid them in cash and failed to withhold taxes, prosecutors said.

He also found his undocumented workers places to live. Ornelas leased homes in Norwalk, Oregon and Fremont where his workers stayed, Hamulak said. Some of Ornelas's managers did the same. Three of them have also pleaded guilty to harboring charges.

Hamulak declined to provide many specifics about how the Casa Fiesta investigation was conducted, but said such cases usually involve surveillance of the restaurant and its employees as well as record checks.

It takes more than just workers' physical appearance to trigger an investigation, Walls said. It generally requires a tip about illegal immigrants from a source with verifiable knowledge. That person could be an employee, a scorned lover or just a concerned citizen.

Israel Zambrano, who owns Los Gallos restaurants in Bedford and Boardman, isn't sure how a restaurant gets targeted, but he suspects it often starts with an employee who gets in trouble with the police for drinking or some other violation. Police discover the person is in the country illegally and find out where he works, Zambrano believes.

Hamulak, who has been an immigration agent in the Cleveland area for 12 years, said criminal prosecution of employers for harboring illegal immigrants is rare in the region. He recalled a 2003 case involving Chinese restaurants in Chagrin Falls and Solon and a house in Bedford Heights where undocumented workers lived.

In a case that originated in western New York, immigration agents raided the Jalapeno Loco restaurant in Mentor in 2008. That resulted in harboring charges against owners Alvaro Soto and Augustin Quinones Torres.

Soto of Willoughby and Torres eventually pleaded guilty to a lesser crime of failing to report a felony. Soto got probation and Torres expects the same, Serrat said.

A third owner of the restaurant, viewed by prosecutors as the leader of the conspiracy, is in deeper trouble, Serrat said.

As part of the investigation into Ornelas, the immigration agency and other law enforcement agencies raided the eight Casa Fiesta restaurants on July 23, 2008, as well as Ornelas's home in Norwalk.

Hamulak said Ornelas was surprised, but remained calm and cooperative during the raids.

"He said it was difficult to find American workers," Hamulak said.

Hamulak didn't receive any complaints of exploitation from the workers, but some said they worked 12-hour days, six days a week. They were paid \$500 to \$600 in cash every two weeks for their efforts. That's about \$3.50 to \$4 an hour.

Altogether, 64 suspected illegal immigrants were rounded up as part of the raid. About 55 have since been deported. Most were men in their 20s, Hamulak said.

Many of them came to Cleveland after crossing the border in Arizona, where the desert provides cover from border agents, Hamulak said.

Latino immigrants and their supporters have protested in the past after roundups of workers, primarily in Lake County. Latino leaders could not be reached last week.

Ornelas, a legal resident of the U.S. who still knows people in Mexico, sent out the word: "Make it across [the border] and make your way up north and we'll have a job for you," Hamulak said.

Ornelas failed to keep proper records and submitted false tax documents, prosecutors said.

For instance, Ornelas reported to the Internal Revenue Service in 2007 that the Casa Fiesta in Oberlin had four employees resulting in Social Security and Medicare taxes owed of \$1,135. The restaurant actually employed 13 workers with a tax obligation of \$3,717.

On the day of the raid, 85 percent of Ornelas's employees at the eight Casa Fiesta restaurant were in the country illegally.

"He knew what he was doing and he did it over and over," Walls said.

Eduardo Galindo, who owns Luchita's restaurant in Cleveland, questions the need to crack down so hard on illegal restaurant workers.

It's not like the dishwashers and busboys are taking a job from "some guy at KeyBank," he said. But he understands why authorities may have wanted to go after the owner of the Casa Fiestas, since it employed scores of workers.

"If he had that many people who were illegal." Galindo said, "I guess they would have to do something."