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Cleveland, OH

Ohio restaurant owners, managers indicted for hiring illegal workers

CLEVELAND — A federal grand jury returned a 23-count indictment charging six people for their roles in a conspiracy to hire illegal workers at a chain of restaurants in Stark and Summit counties and pay them less than minimum wage and sometimes only in tips. The indictments are the result of a joint investigation by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) and the Department of Labor Office of Inspector General.

The indictment names owners Miguel Castro, 44, and Monica Castro, 43, both of Uniontown; and managers Cesar Castro, 28, of Akron; Aldo Castro, 42, of Akron; Pedro Cervantes, 39, of Mexico; and Gustavo Torres, 45, of Kent.

"The owners and managers of these restaurants took advantage of their workers' immigration status for their own profit," said Steven Dettelbach, U.S. attorney for the Northern District of Ohio.

"Employers have a legal responsibility to protect the integrity of their workforce," said Marlon Miller, special agent in charge for HSI Detroit, which covers Michigan and Ohio. "When companies engage in schemes that flout immigration laws, workers are often exploited and businesses that play by the rules are put at a significant disadvantage."

The defendants face charges including conspiracy to harbor undocumented aliens, aiding and abetting the harboring of undocumented aliens, harboring undocumented aliens, conspiracy to commit mail fraud and mail fraud. Miguel Castro and Monica Castro also are charged with making false statements to federal law enforcement officers.

Since 2002, the defendants owned and/or managed the seven "Mariachi Locos" and "Mariachi Cocos" chain of restaurants with locations in Akron, Stow, Tallmadge and North Canton.

The defendants engaged in the practice of hiring undocumented workers who were illegally present in the United States and conspired to shield these workers from detection by paying them in cash, excluding them from payrolls, leasing housing for the workers and aiding the workers in obtaining fraudulent work documentation, according to the indictment.

The defendants also mailed false wage reports to the state of Ohio.

The defendants' employment practices enabled them to enrich themselves because they paid the undocumented workers less than minimum wage and did not pay these workers for overtime

hours. In some cases, the defendants paid these workers only the tips the workers received from their customers, according to the indictment.

The indictment also seeks the forfeiture of \$16.47 million in gross proceeds that the defendants earned as a result of the offenses.

If convicted, the defendants' sentences will be determined by the court after review of factors unique to this case, including the defendants' prior criminal record, if any, the defendants' roles in the offense and the characteristics of the violations. In all cases, the sentence will not exceed the statutory maximum and in most cases it will be less than the maximum.

Assistant U.S. Attorneys Lauren Bell and Phillip J. Tripi are prosecuting this case.

An indictment is only a charge and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

<http://www.ice.gov/news/releases/1312/131213cleveland.htm>