

# Department of Justice

United States Attorney Terrance P. Flynn  
Western District of New York

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APRIL 16, 2008  
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**FIVE STATE INVESTIGATION BY U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT RESULT IN ARRESTS FOR HARBORING ALIENS TO WORK IN  
MEXICAN RESTAURANTS**

United States Attorney Terrance P. Flynn and Julie L. Myers, Assistant Secretary for U.S. Immigration and Customs Enforcement, announce the arrests of five individuals in the Western District of New York, a sixth person in Bradford, Pennsylvania, three persons in West Virginia, and another in the Cleveland area. An eleventh individual is still being sought. All the defendants were charged in a complaint which charged that they conspired to harbor illegal aliens, primarily undocumented Mexicans, who had been smuggled into the United States for the purpose of employing these aliens at seven Mexican restaurants, three in Western New York, one in Bradford Pennsylvania, one in Mentor, Ohio, one in Wheeling and one in New Martinsville, West Virginia. Conviction of this charge carries a maximum term of five (5) years in prison and a \$250,000 fine. These arrests began at 6:00 am this morning by Special Agents of the U.S. Immigration and Customs Enforcement (ICE), in a case coordinated by the ICE office of Investigations in Buffalo under the direction of Acting Special Agent in Charge Lev Kubiak.

Simultaneously with the arrests, ICE agents and state and local police agencies, executed search warrants at the seven Mexican restaurants, six residences occupied by the owners and managers of the restaurants, twelve apartments used to house undocumented aliens, and a safe deposit box at a branch of Community Bank on Vineyard Drive in Dunkirk, New York.

Arrested in the Western District of New York were Jorge Delarco of Depew, NY, whom the complaint alleges was the owner of all seven restaurants, and four other men whom the complaint alleges managed restaurants for Delarco: Javier Banda, also of Depew, NY; Sergio Resendiz of Salamanca, NY; Maurilio Feria of Allegany, NY; and Jesus Escalante of Dunkirk, NY. All of these defendants are expected to appear before U.S. Magistrate Judge Hugh B. Scott at 2:00 this afternoon for their initial appearances.

Also arrested was Honorio Banda, of Bradford, Pennsylvania who will also be appearing before U.S. Magistrate Judge Scott at 2:00 pm. The complaint alleges that Banda was another of Delarco's managers.

Arrested in the Northern District of West Virginia were Alberto Antimo and Miguel Antimo, both of New Martinsville, West Virginia, and Alejandro Garcia of Wheeling, West Virginia, all three of whom are also alleged to be restaurant managers employed by Delarco.

Arrested in the Northern District of Ohio was Alvaro Soto of Willoughby, Ohio. Another individual is still being sought.

The properties searched in the Western District of New York were the El Caporal Mexican Restaurant, 3601 Union Road, Cheektowaga, Azteca Mexican Food Cantina, suite 3955A, Vineyard Drive, Dunkirk, Don Lorenzo Mexican Restaurant, 126 – 128 West Main Street, Allegany, NY, Apartment 5, 820 Lancer Court, Depew (alleged in the complaint to be Jorge DeLarco's residence), 1167 George Urban Boulevard (upper), Cheektowaga, 212 Arthur Musarra Parkway (lower), Cheektowaga, 100 Brigham Road, apartment 212, 774 Central Avenue, lower right, Dunkirk, 126 -128 West Main Street, Allegany (two upper apartments), 101 Lincoln Avenue, Salamanca, and the safe deposit box previously noted.

Searched in Bradford, Pennsylvania were the La Herradura ("Horseshoe") Mexican Restaurant and two residences. Searched in Ohio were the Jalapeno Loco Mexican Restaurant in Mentor, Ohio, and two residences. Searched in West Virginia were the Nogales Mexican Restaurant in Wheeling, West Virginia, El Caporal Restaurant in New Martinsville, West Virginia, and five different residences in those two cities.

In addition, Atlanta based ICE agents searched the Marietta, Georgia home of Jorge Delarco's sister for cash the complaint alleges Delarco skimmed from his restaurants and secreted in his sister's home.

U.S. Attorney Flynn stated the investigation began in May of 2006. Today's operation involved approximately 130 ICE agents and also 30 state and local law enforcement agents. Mr. Flynn also noted that his office has coordinated and will continue to work with the U.S. Attorneys offices in Atlanta, Georgia namely United States Attorney David E. Nahmias, Wheeling, West Virginia namely United States Attorney Sharon L. Potter, Cleveland, Ohio namely Acting United States Attorney William J. Edwards and Erie, Pennsylvania namely United States Attorney Mary Beth Buchanan.

U.S. Attorney Flynn and ICE Acting Special Agent Lev Kubiak would like to commend the assistance and leadership provided to this investigation by the New York State Police under the direction of Major Matthew S. Renneman and the Cheektowaga Police Department under the direction of Chief Christine Ziemba.

"Employers who exploit illegal alien labor to reap greater profits for themselves can expect to pay a high price for their greed," said Julie L. Myers, Assistant Secretary of U.S. Immigration and Customs Enforcement (ICE). "Whether the violator is a multinational corporation or a small business, ICE is aggressively targeting employers who use illegal alien workers to gain an unfair business advantage and take jobs away from legal workers."

Assistant United States Attorney Anthony M. Bruce is coordinating this investigation, both with local ICE agents and with the other U.S. Attorneys' Offices. Mr. Bruce previously appeared before the courts in the other four districts to obtain the search warrants necessary for today's operation.