

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
GINA MARIE KEPLER : **VIOLATIONS:**
: **18 U.S.C. § 1951 (Hobbs Act extortion -**
: **7 counts)**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The Pennsylvania Liquor Control Board (LCB) was an agency whose primary function was to grant, monitor and enforce liquor licenses in the Commonwealth of Pennsylvania. Businesses with valid licenses are permitted to sell or serve alcohol on their premises in accordance with the terms of the liquor licenses and the laws of the Commonwealth of Pennsylvania.

2. The Pennsylvania State Police Bureau of Liquor Control Enforcement was an agency whose primary function was to enforce the liquor control laws in the Commonwealth of Pennsylvania, and protect the citizens from violations of those laws.

3. The Pennsylvania State Police Bureau of Liquor Control Enforcement hires Liquor Enforcement Officers (LEOs), who were responsible for enforcing the Pennsylvania Liquor Code, the Liquor Control Board Regulations, the Crimes Code, or any other liquor-related law of the Commonwealth of Pennsylvania. The LEOs are law enforcement officers working under the Pennsylvania State Police Bureau of Liquor Control Enforcement. Among other

things, LEOs are empowered to conduct investigations at licensed establishments for the purpose of identifying violations of the Pennsylvania Liquor Code, the Liquor Control Board Regulations, the Crimes Code, or any other liquor-related law of the Commonwealth of Pennsylvania; investigate unlicensed establishments involved in the unlawful sale of alcoholic beverages; conduct routine inspections of licensed establishments; randomly inspect licensed establishments for the illegal sales of alcoholic beverages to minors; conduct investigations of checks written by a licensee for the purchase of alcohol that are returned by a financial institution due to insufficient funds; and, investigate nuisance bars. Upon completion of an investigation, LEOs are authorized to issue a citation which could result in a closure of the licensee's business.

4. The Commonwealth of Pennsylvania Rules of Conduct for Enforcement Officers prohibits any LEO from participating in any form of solicitation where use is made of their identification card, badge, official position, title or uniform. Accordingly, LEOs are prohibited from selling tickets, collecting money or soliciting funds whether during working or nonworking hours. The Rules of Conduct expressly state that "employees shall not solicit, seek, or accept from any person, individual, or corporation, any gift or favor which might reasonably be expected to influence the employee in the discharge of official duties."

5. Defendant GINA MARIE KEPLER was employed as a LEO for the Pennsylvania State Police Bureau of Liquor Control Enforcement from on or about July 3, 2000 until in or about February 2009.

6. Chill Bar, located at 102 Buck Road, Holland, Pennsylvania in Bucks County, is a restaurant with a liquor license issued by the Liquor Control Board and enforced by

the Pennsylvania State Police Bureau of Liquor Control Enforcement. The Chill Bar opened for business in or about October 2006.

7. Before the Chill Bar opened, defendant GINA MARIE KEPLER, in her capacity as a LEO, met with the owner in or about October 2006 in order to advise him how the restaurant could operate in compliance with LCB regulations. Defendant KEPLER told the owner that he would inevitably “screw up” and that she would have to close the bar. Defendant KEPLER further told the owner he should purchase an “identification checker.” Defendant KEPLER told the owner that if he gave her \$1,040 in cash, she would get him a checker for use in the bar.

8. In or about October 2006, defendant GINA MARIE KEPLER accepted \$1,040 in cash from the owner of Chill Bar, which she was not authorized to take. Doing so was in direct violation of the Rules of Conduct for Law Enforcement Officers.

9. After months of delay, defendant GINA MARIE KEPLER delivered an identification checker to the owner of the Chill Bar. However, defendant KEPLER later returned to the bar and took it back, promising to get the owner a better identification checker. Despite her promise, defendant KEPLER never gave the owner another identification checker nor did she repay the \$1,040.

10. In or about December 2006, defendant GINA MARIE KEPLER told the owner that if he paid her \$1,100 in cash, she would buy him tickets for Philadelphia Eagles games. Defendant KEPLER accepted \$1,100 in cash from the owner, but never gave him any Eagles game tickets nor did she repay the \$1,100.

11. During the period of approximately October 2006 through on or about December 24, 2006, defendant GINA MARIE KEPLER occasionally suggested to the owner that

some unnamed patrons of his bar had been cited for alcohol-related violations. Defendant KEPLER told the owner, who was unaware of these purported violations, not to “worry” about it.

12. From in or about October 2006, through on or about December 24, 2006, in Bucks County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained and attempted to obtain money from the owners of Chill Bar which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are realleged here.
2. Kenny's Spirited Eatery, 1134 Street Road, Southampton, Pennsylvania, in Bucks County, is a restaurant with a liquor license issued by the Liquor Control Board and enforced by the Pennsylvania State Police Bureau of Liquor Control Enforcement.
3. Beginning in approximately October, 2004, defendant GINA MARIE KEPLER had contacts with the owners of Kenny's Spirited Eatery in her capacity as a LEO.
4. In or about October, 2006, defendant GINA MARIE KEPLER told the owners that she had a personal problem. Defendant KEPLER asked the owners for \$2,000 and promised to repay them. Defendant KEPLER accepted \$2,000 in cash from the owners of Kenny's Spirited Eatery, which she was not authorized to take.
5. Defendant GINA MARIE KEPLER, to date, has not paid back the \$2,000 she took from the owners of Kenny's Spirited Eatery.
6. In or about October, 2006, in Bucks County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained money from the owners of Kenny's Spirited Eatery which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are realleged here.
2. Johnny Apples Restaurant, located at 184 Buck Road, Holland, Pennsylvania, in Bucks County, is a restaurant with a liquor license issued by the Liquor Control Board and enforced by the Pennsylvania State Police Bureau of Liquor Control Enforcement.
3. In approximately December 2007 or January 2008, defendant GINA MARIE KEPLER advised the owners of Johnny Apples Restaurant that the LCB had accessed a penalty on them because some of their checks to beer distributors had bounced for insufficient funds. Defendant KEPLER told the owners that she would close their restaurant if they did not pay the beer distributors the outstanding balance. Defendant KEPLER further told the owners that if they gave her \$1,100 in cash, she would assist them in resolving their penalties.
4. In or about January 2008, defendant GINA MARIE KEPLER accepted approximately \$1,100 in cash from the owner of Johnny Apples Restaurant, which she was not authorized to take.
5. In or about January 2008, the owners of Johnny Apples learned that checks they had previously issued to the beer distributors had, in fact, cleared. The owner advised GINA MARIE KEPLER that there was no outstanding balance and requested the return of the cash.
6. Despite this request, defendant GINA MARIE KEPLER did not return the approximately \$1,100 cash she took from the owners of Johnny Apples restaurant.
7. In or about January or February 2008, defendant GINA MARIE KEPLER returned to Johnny Apples restaurant and told the owner that she needed an additional \$700 to

\$800 in cash in order to resolve the problems resulting from the bounced checks, but the owners of Johnny Apples Restaurant refused to give her the additional money.

8. In or about January 2008, in Bucks County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained and attempted to obtain money from the owners of Johnny Apples Restaurant which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are realleged here.
2. Jerzee's Sports Bar and Grill, located at 2509 Mount Carmel Avenue, Glenside, Pennsylvania, in Montgomery County, is a restaurant with a liquor license issued by the Liquor Control Board and enforced by the Pennsylvania State Police Bureau of Liquor Control Enforcement.
3. In approximately April 2008, defendant GINA MARIE KEPLER, in her capacity as a LEO, conducted an investigation into underage drinking at Jerzee's Sports Bar and Grill. Jerzee's Sports Bar and Grill did not receive any citations following the investigation, although one underage patron was cited for underage drinking at another establishment. The next day, defendant KEPLER called the owner of Jerzee's Sports Bar and Grill and told the owner that he needed an identification scanner. Defendant KEPLER told the owner not to buy a scanner until the owner had a chance to meet with KEPLER. Defendant KEPLER and the owner made an appointment to meet, but defendant KEPLER failed to appear for the appointment.
4. On October 16, 2008, defendant KEPLER conducted an investigation at Jerzee's Sports Bar and Grill and found no violations. KEPLER told the owner of Jerzee's that "today was on her" but that in the future she could cite him for violations. Defendant KEPLER further told the owner he should purchase an identification scanner, and that she could obtain one for him for \$1,100. The owner of Jerzee's gave defendant KEPLER a check in the amount of \$1,100 made out to cash to pay for the scanner.

5. Immediately following her receipt of the check from the owner of Jerzee's, defendant KEPLER obtained the assistance of another individual known to the grand jury to cash the check and receive the \$1,100 in cash. Defendant KEPLER was not authorized to accept the check or the cash from Jerzee's Sports Bar and Grill. Doing so was in direct violation of the Rules of Conduct for Law Enforcement Officers.

6. The owner of Jerzee's Sports Bar and Grill has never received an identification checker, nor has he received his money back from defendant KEPLER.

7. On or about October 16, 2008, in Montgomery County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained and attempted to obtain money from the owner of Jerzee's Sports Bar and Grill which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are realleged here.
2. Maggio's, located at 400 2nd Street Pike, Southampton, Pennsylvania, in Bucks County, is a restaurant with a liquor license issued by the Liquor Control Board and enforced by the Pennsylvania State Police Bureau of Liquor Control Enforcement.
3. In approximately February 2007, defendant GINA MARIE KEPLER, in her capacity as a LEO, arrived at Maggio's and announced that she was investigating alleged violations of the Pennsylvania Liquor Code and the Liquor Control Board Regulations. Defendant KEPLER then told the owner of Maggio's that he needed an identification scanner, and that she could sell one to him for \$800. The owner of Maggio's gave defendant KEPLER \$800 in cash for the scanner because he was aware of what defendant KEPLER could do to his business if he did not cooperate with her.
4. In approximately June 2007, defendant KEPLER delivered a yellow scanner to Maggio's. The scanner was missing parts and did not work. Defendant KEPLER promised to replace the broken scanner. She picked up the yellow scanner, and has not delivered another scanner, nor has she returned the \$800 paid to her by the owner of Maggio's.
5. Defendant KEPLER was not authorized to accept the cash from Maggio's. Doing so was in direct violation of the Rules of Conduct for Law Enforcement Officers.
6. Several months after defendant KEPLER took the scanner back, she called Maggio's twice and spoke to the owner. In both phone calls, defendant KEPLER told the owner that a car accident had occurred, and the drunk driver had been drinking at Maggio's. Defendant

KEPLER told the owner that he “didn’t have to worry about it,” because she was the first LEO agent notified about the accident.

7. In or about June 2007, in Bucks County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained and attempted to obtain money from the owner of Maggio’s which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are realleged here.
2. Bobby Burgers Tavern, in Conshohocken, the Bridgeport Rib House in Bridgeport, and the Perkiomen Café in Oaks, are all restaurants with the same owner, with liquor licenses issued by the Liquor Control Board and enforced by the Pennsylvania State Police Bureau of Liquor Control Enforcement.
3. In early 2008, defendant KEPLER met with the owner of Bobby Burgers Tavern, the Bridgeport Rib House, and the Perkiomen Café at the Perkiomen Café, where KEPLER had conducted an investigation. KEPLER told the owner about some violations, and gave a written warning. KEPLER suggested that the owner purchase identification scanners for his businesses. The owner bought three scanners on March 3, 2008 for \$875 each.
4. In early April 2008, defendant KEPLER asked to borrow one of the scanners purchased by the owner of Bobby Burgers Tavern, the Bridgeport Rib House, and the Perkiomen Café, to show to the Montgomery County District Attorney's Office and the Pennsylvania State Police. The owner agreed to let defendant KEPLER borrow the scanner because she was a law enforcement officer and the owner was afraid that if he said no, he would suffer repercussions. The owner took the scanner from the Bridgeport Rib House, put it in a box, and left it for defendant KEPLER to pick up, which she did. The scanner, or its equivalent value, has never been returned to the Bridgeport Rib House or its owner.
5. Defendant KEPLER was not authorized to take the identification scanner from the Bridgeport Rib House or its owner. Doing so was in direct violation of the Rules of Conduct for Law Enforcement Officers.

6. In or about April 2008, in Bucks County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained and attempted to obtain an identification scanner from the owner of Bobby Burgers Tavern, the Bridgeport Rib House, and the Perkiomen Café, which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are realleged here.
2. Langhorne Hotel, located at 100 West Maple Avenue, Langhorne, Pennsylvania, in Bucks County, is a restaurant with a liquor license issued by the Liquor Control Board and enforced by the Pennsylvania State Police Bureau of Liquor Control Enforcement.
3. In approximately April 2008, defendant GINA MARIE KEPLER, in her capacity as a LEO, called the owner of the Langhorne Hotel and told him that she had seen an intoxicated patron in his bar being served alcohol. Defendant KEPLER came into the bar shortly after that call to introduce herself. During the visit, KEPLER suggested that the owner purchase an identification scanner. The owner already had two scanners, but KEPLER told him she knew of a new improved model that she could get at cost. The owner agreed to buy the scanner, and gave KEPLER \$950 in cash.
4. Shortly thereafter, defendant KEPLER delivered a scanner to the owner of the Langhorne Hotel. The scanner was not in a box and did not have paperwork with it. Defendant KEPLER assured the owner that the scanner was better than the other scanners he already had. The owner was unable to get the scanner to work, and repeatedly tried to contact defendant KEPLER to return it. KEPLER never appeared to take the scanner back or return the owner's money.
5. Defendant KEPLER was not authorized to accept the cash from the Langhorne Hotel. Doing so was in direct violation of the Rules of Conduct for Law Enforcement Officers.

6. The identification scanner that defendant KEPLER delivered to the owner of the Langhorne Hotel is the same identification scanner taken from the owner of Bobby Burgers Tavern, the Bridgeport Rib House, and the Perkiomen Café, and referred to in Count Six, above.

7. In or about April 2008, in Bucks County, in the Eastern District of Pennsylvania, defendant

GINA MARIE KEPLER

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that defendant KEPLER obtained and attempted to obtain money from the owner of the Langhorne Hotel which was not due defendant KEPLER in her capacity as a Liquor Enforcement Officer with the Pennsylvania State Police Bureau of Liquor Control Enforcement, under color of official right.

In violation of Title 18, United States Code, Section 1951(a).

A TRUE BILL:

GRAND JURY FOREPERSON

MICHAEL L. LEVY
United States Attorney