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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOBBY G. CUEVAS,

Defendant.

) INFORMATION
)
) **CASE No. 109CR225**
)
)
) Title 18, United States Code, Section
) 1951 **JUDGE DOWD**
)
)
)

COUNT 1
(Extortion Under Color of Official Right)

The United States Attorney charges:

General Allegations

At all times material to this Information:

1. The City of Cleveland Building and Housing Department (“CBHD”) was a government agency that administered and enforced the Cleveland, Ohio building, housing and zoning codes as well as the national electrical code and the state of Ohio building, plumbing, and elevator codes. The CBHD registered building contractors, inspected all new and major

rehabilitation construction and provided nuisance abatement to condemned properties. The CBHD supervised and managed the Code Enforcement, Construction Permitting and Records Administration divisions. The mission was to assure that all existing and new structures in the City of Cleveland were maintained and constructed in a safe and habitable manner through enforcement of the building and zoning codes, pursuant to the review of plans, issuance of permits and inspection of property.

2. Defendant BOBBY G. CUEVAS, an agent of CBHD, was a building inspector responsible for inspecting structural work on commercial and residential construction projects within the City of Cleveland to ensure compliance with the City of Cleveland's building and zoning codes, including projects such as La Copa Bar & Grille ("La Copa").

3. La Copa was a dining and entertainment establishment located at 2704 Clark Avenue, Cleveland. The activities of La Copa affected interstate commerce. From on or about March 9, 2006 to on or about August 10, 2006, La Copa was engaged in construction projects in preparation for opening.

4. As part of the investigation leading to the filing of this Information, an FBI agent acting undercover ("UCA") represented himself to be the principal of a real estate investment company from New York and an investor in La Copa.

5. The CBHD Code Chapter 3107 required that all commercial property construction and renovation be performed by contractors who are registered, licensed, bonded and pre-approved by CBHD to do the work. In order for a property owner to obtain a permit from CBHD, he or she must hire an approved general contractor. CUEVAS knew that none of the contractors working on La Copa were registered with the City of Cleveland and that La Copa

needed to find registered contractors who would obtain permits for La Copa and misrepresent to the City of Cleveland that they were doing the work.

6. From on or about March 9, 2006 through on or about March 28, 2006, CUEVAS (using his official position) offered to find registered HVAC, plumbing, electrical and general contractors who would obtain permits for La Copa and misrepresent to the City of Cleveland that they were doing the work at La Copa. The UCA gave CUEVAS \$2,600 in cash all of which CUEVAS transferred to the four registered contractors. CUEVAS intended that the funds would cover the La Copa permit fees plus an extra payment for each registered contractor in exchange for their services in obtaining the permits and allowing their names to be used for the work at La Copa.

7. On or about May 4, 2006, CUEVAS solicited and received from the UCA \$200 in cash in exchange for allowing La Copa to use 25 gauge studs instead of 20 gauge studs in a knee wall at La Copa which saved La Copa approximately \$800 in construction costs.

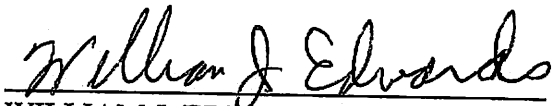
8. On or about August 10, 2006, CUEVAS requested and accepted from the UCA a \$1,500 cash payment in exchange for the favors CUEVAS had done for the UCA relating to LaCopa.

The Offense

9. From on or about March 9, 2006 to on or about August 10, 2006 in the Northern District of Ohio, Eastern Division, the Defendant, BOBBY CUEVAS, did knowingly attempt to obstruct, delay, and affect in any way and degree interstate commerce and the movement of articles and commodities in interstate commerce by extortion; that is, CUEVAS

obtained property (\$1,700 in cash) not due him from the UCA with his consent under color of official right.

All in violation of Title 18, United States Code, Section 1951.


WILLIAM J. EDWARDS
UNITED STATES ATTORNEY