

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	<u>UNDER SEAL</u>
v.)	
)	Violations: Title 18, United
WILLIAM MANN and)	States Code, Sections 201, 371,
ROGERIO CHARU)	1546, and 2.

COUNT ONE

The SPECIAL AUGUST 2009-2 GRAND JURY charges:

1. At times material to this indictment:

a. Customs and Border Protection (“CBP”) was a component of the Department of Homeland Security and an agency of the executive branch of the United States. CBP, among other things, regulated the admission of foreign nationals into the United States at designated ports of entry, including international airports.

b. A foreign national of certain countries wishing to visit the United States for tourism could enter the United States using a passport and a B-2 Tourist Visa, which allowed the foreign national to stay in the United States for a period of time designated by the CBP officer at the foreign national’s port of entry.

c. Pursuant to Title 8, Code of Federal Regulations, Section 235, et seq., a foreign national holding a B-2 Tourist Visa was required to present a completed Form I-94 to a CBP officer at a designated port for entry into the United States. If traveling to the United States by airplane, the foreign national was required to print the airline’s name and flight number on the Form I-94. If the CBP officer found the foreign national to be eligible

for entry into the United States and the Form I-94 to be accurate and complete, then the CBP officer provided an admission stamp on the Form I-94. The admission stamp stated, among other things, the date the foreign national entered the country. The CBP officer then wrote on the Form I-94 the date by which the foreign national was required to leave the United States (the “Exit Date”).

d. CBP managed a database called the Treasury Enforcement Communications System (“TECS”) that, among other things, stored information on foreign nationals’ arrivals into the United States, such as the dates of entry, airlines, and flight numbers, which information was used by the executive branch of the United States to enforce criminal and immigration laws.

e. Defendant WILLIAM MANN was a public official employed by CBP as a supervising officer at Midway International Airport (“Midway”) in Chicago. As part of his duties, MANN:

- i. Inspected foreign nationals’ travel documents, such as passports, B-2 Tourist Visas, and Form I-94s, to ensure the foreign nationals were eligible for entry into the United States and that the Form I-94s were complete and accurate;
- ii. Provided foreign nationals eligible for entry into the United States with admission stamps;
- iii. Determined the foreign nationals’ Exit Dates, which he wrote on the foreign nationals’ Form I-94s; and
- iv. Entered the foreign nationals’ flight and arrival information in TECS.

f. Defendant ROGERIO CHARU was part owner and general manager of Restaurant A, which operated Brazilian steakhouses in Chicago, Downers Grove, and Schaumburg. CHARU and Restaurant A hired Brazilian nationals holding B-2 Tourist Visas as managers, waiters, and butchers (the “Restaurant A Employees”).

2. From no later than in or about March 2005 and continuing until at least on or about May 23, 2005, at Chicago and Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN and
ROGERIO CHARU,

defendants herein, together with others known and unknown to the Grand Jury, knowingly conspired and agreed with each other to commit offenses against the United States, namely to:

a. on behalf of defendant MANN, a public official, directly and indirectly, corruptly demand, seek, receive and accept, and agree to receive and accept something of value, namely United States currency, in return for defendant MANN being influenced in the performance of official acts, namely the providing of admission stamps and extended Exit Dates to Restaurant A Employees, in violation of Title 18, United States Code, Section 201(b)(2)(A); and

b. knowingly alter and falsely make Form I-94s, which were documents prescribed by statute and regulation for entry into and as evidence of authorized stay in the United States, in violation of Title 18, United States Code, Section 1546(a).

Manner and Means of the Conspiracy

3. It was part of the conspiracy that defendants MANN and CHARU agreed that defendant MANN would provide false Form I-94 admission stamps to approximately in excess of thirty Restaurant A Employees and their spouses who had expired or expiring Exit Dates in exchange for approximately \$700 to \$2,000 per person, to make it appear as though the Restaurant A Employees and their spouses were eligible to stay in the United States for a longer period of time than they actually were eligible to stay.

4. It was further part of the conspiracy that defendant CHARU informed the Restaurant A Employees in Chicago, Downers Grove, and Schaumburg that he could help extend their immigration statuses for approximately \$700 to \$2,000 per person.

5. It was further part of the conspiracy that in or about March 2005, defendant CHARU directed Restaurant A employees with expired or expiring passports to renew their passports at the Brazilian Consulate General in Chicago, so they could later acquire false Form I-94s, admission stamps, and Exit Dates from defendant MANN.

6. It was further part of the conspiracy that defendant CHARU collected money, passports, and B-2 Tourist Visas from certain Restaurant A Employees.

7. It was further part of the conspiracy that defendant CHARU directed other Restaurant A Employees to bring money, passports, and B-2 Tourist Visas to Restaurant A's facility in Downers Grove on May 23, 2005.

8. It was further part of the conspiracy that defendant MANN brought Form I-94s and a CBP Form I-94 admission stamping device from Midway to Restaurant A's facility in

Downers Grove on May 23, 2005.

9. It was further part of the conspiracy that defendant CHARU and Restaurant A Employees provided defendant MANN with money, passports, and B-2 Tourist Visas at Restaurant A's facility in Downers Grove on May 23, 2005.

10. It was further part of the conspiracy that defendants MANN and CHARU took steps to make it falsely appear as though the Restaurant A Employees and their spouses had entered the United States on May 23, 2005 and were eligible to stay legally in the United States until May 22, 2006, when, as defendants MANN and CHARU knew, the Restaurant A Employees and their spouses had not entered the United States on May 23, 2005, and were not eligible to stay in the United States until May 22, 2006. Specifically:

a. Defendants MANN and CHARU caused blank Form I-94s to be filled out, falsely showing that the Restaurant A Employees and their spouses were passengers on international airline flights arriving at Midway on May 23, 2005.

b. Defendant MANN provided the Restaurant A Employees and their spouses with false admission stamps on their Form I-94s, falsely representing that the Restaurant A Employees and their spouses had entered the United States on May 23, 2005.

c. Defendant MANN provided the Restaurant A Employees with new Exit Dates that appeared to allow the Restaurant A Employees to remain lawfully in the United States until May 22, 2006.

d. Defendant MANN entered information and caused information to be entered into the TECS database falsely showing that the Restaurant A Employees and their

spouses had arrived at Midway on airline flights on May 23, 2005, had entered the United States on May 23, 2005, and were eligible to remain in the United States until May 22, 2006.

Overt Acts

11. In furtherance of the conspiracy and to effect its unlawful objectives, defendants MANN and CHARU committed and caused to be committed the following overt acts among others:

a. On or about May 23, 2005, defendant MANN accepted approximately \$3,000 from Restaurant A Employee 1;

b. On or about May 23, 2005, defendant MANN provided false Form I-94s with admission stamps to Restaurant A Employee 1, falsely representing that Restaurant A Employee 1 and Restaurant A Employee 1's spouse entered the United States on May 23, 2005;

c. On or about May 23, 2005, defendant CHARU provided defendant MANN with approximately \$2,000 from Restaurant A Employee 2;

d. On or about May 23, 2005, defendant MANN provided CHARU with false Form I-94s with admission stamps for Restaurant A Employee 2, falsely representing that Restaurant A Employee 2 and Restaurant A Employee 2's spouse entered the United States on May 23, 2005;

e. On or about May 23, 2005, defendant MANN accepted approximately \$1,000 from Restaurant A Employee 3;

f. On or about May 23, 2005, defendant MANN provided a false Form I-94 with an admission stamp to Restaurant A Employee 3, falsely representing that Restaurant A Employee 3 entered the United States on May 23, 2005; and

g. On or about May 23, 2005, at Midway, defendant MANN altered the TECS database to make it falsely appear as though the Restaurant A Employees had arrived at Midway on international airline flights on May 23, 2005, had entered the United States on May 23, 2005, and were eligible to remain in the United States until May 22, 2006;

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

The SPECIAL AUGUST 2009-2 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. On or about May 23, 2005, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN,

defendant herein, a public official, namely, a supervising officer of the CBP, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept something of value personally, namely approximately \$3,000, in return for being influenced in the performance of official acts, namely the providing of admission stamps and extended Exit Dates to Restaurant A Employee 1 and Restaurant A Employee 1's spouse; and

ROGERIO CHARU,

defendant herein, aided and abetted defendant MANN in committing said offense;

In violation of Title 18, United States Code, Sections 201(b)(2)(A) and 2.

COUNT THREE

The SPECIAL AUGUST 2009-2 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. On or about May 23, 2005, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN,

defendant herein, a public official, namely, a supervising officer of the CBP, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept something of value personally, namely approximately \$2,000, in return for being influenced in the performance of official acts, namely the providing of admission stamps and extended Exit Dates to Restaurant A Employee 2 and Restaurant A Employee 2's spouse; and

ROGERIO CHARU,

defendant herein, aided and abetted defendant MANN in committing said offense;

In violation of Title 18, United States Code, Sections 201(b)(2)(A) and 2.

COUNT FOUR

The SPECIAL AUGUST 2009-2 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. On or about May 23, 2005, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN,

defendant herein, a public official, namely, a supervising officer of the CBP, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept something of value personally, namely approximately \$1,000, in return for being influenced in the performance of official acts, namely the providing of an admission stamp and extended Exit Date to Restaurant A Employee 3; and

ROGERIO CHARU,

defendant herein, aided and abetted defendant MANN in committing said offense;

In violation of Title 18, United States Code, Sections 201(b)(2)(A) and 2.

COUNT FIVE

The SPECIAL AUGUST 2009-2 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. On or about May 23, 2005, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN,

defendant herein, knowingly altered and falsely made a document prescribed by statute and regulation for entry into and as evidence of authorized stay in the United States, namely Restaurant Employee 1's Form I-94, which falsely stated that Restaurant Employee 1 had arrived on an airline flight and entered the United States on May 23, 2005 and was eligible to remain in the United States until May 22, 2006; and

ROGERIO CHARU,

defendant herein, aided and abetted defendant MANN in committing said offense;

In violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT SIX

The SPECIAL AUGUST 2009-2 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. On or about May 23, 2005, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN,

defendant herein, knowingly altered and falsely made a document prescribed by statute and regulation for entry into and as evidence of authorized stay in the United States, namely Restaurant Employee 2's Form I-94, which falsely stated that Restaurant Employee 2 had arrived on an airline flight and entered the United States on May 23, 2005 and was eligible to remain in the United States until May 22, 2006; and

ROGERIO CHARU,

defendant herein, aided and abetted defendant MANN in committing said offense;

In violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT SEVEN

The SPECIAL AUGUST 2009-2 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. On or about May 23, 2005, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

WILLIAM MANN,

defendant herein, knowingly altered and falsely made a document prescribed by statute and regulation for entry into and as evidence of authorized stay in the United States, namely Restaurant Employee 3's Form I-94, which falsely stated that Restaurant Employee 3 had arrived on an airline flight and entered the United States on May 23, 2005 and was eligible to remain in the United States until May 22, 2006; and

ROGERIO CHARU,

defendant herein, aided and abetted defendant MANN in committing said offense;

In violation of Title 18, United States Code, Sections 1546(a) and 2.

FORFEITURE ALLEGATIONS

The SPECIAL AUGUST 2009-2 GRAND JURY further alleges:

1. The allegations contained in Counts One through Four of this Indictment are realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. As a result of his violations of Title 18, United States Code, Sections 201 and 371, as alleged in the foregoing Indictment,

WILLIAM MANN,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section, 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all right, title and interest in property, real and personal, which constitutes and is derived from proceeds traceable to the charged offenses.

3. The interests of defendant MANN subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) include but are not limited to: approximately \$52,000 that MANN received from Restaurant A Employees.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;

- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY