

Department of Justice

United States Attorney William J. Hochul, Jr.
Western District of New York

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CONTACT: BARBARA BURNS
PHONE: (716) 843-5817
FAX: (716) 551-3051

MEXICAN NATIONAL SENTENCED FOR HARBORING ILLEGAL AND UNDOCUMENTED ALIEN RESTAURANT EMPLOYEES

BUFFALO, N.Y.-- U.S. Attorney William J. Hochul, Jr. announced today that Simon Banda-Mireles, also known as Jorge DeLarco, 50, a native and citizen of Mexico, who was convicted of harboring illegal aliens for commercial advantage, was sentenced to 46 months in prison by Chief U.S. District Judge William M. Skretny. Judge Skretny also ordered Banda-Mireles to pay restitution in the amount of \$239,089 to 15 illegal aliens who worked for him and had been paid substantially below minimum wage. Previously, the defendant had agreed to forfeit money and property valued at \$70,009 to the government.

Assistant U.S. Attorney John E. Rogowski, who handled the case, stated that Banda-Mireles, who at one time owned and operated several Mexican restaurants in Western New York, Ohio, Pennsylvania, and West Virginia, employed and harbored between 25 and 100 illegal aliens in those businesses between 2006 and 2008. The defendant paid those employees substandard wages - thereby gaining a competitive commercial advantage over other restaurants that paid workers at least minimum wage.

AUSA Rogowski urged the Court to consider the extent to which the defendant exploited the illegal alien employees in order to maximize his profits. Judge Skretny noted the serious nature of the defendant's conduct when he imposed the sentence. Banda-Mireles, who entered the United States illegally using an assumed identity of Jorge DeLarco, was arrested in April 2008, along with 10 of his restaurant managers. All 11 defendants have now been convicted.

“This case should serve as a warning and a deterrent to any individual who would attempt to exploit others for their own financial benefit,” said U. S. Attorney Hochul. “In this case, the defendant used those who were particularly vulnerable due to their status in order to illegally maximize his profit.”

“Today the leader of a criminal organization received both a significant sentence and financial penalty for using illegal alien labor to operate seven Mexican restaurants throughout New York, Pennsylvania, West Virginia and Ohio,” said Lev J. Kubiak, special agent in charge of Homeland Security Investigations (HSI) in Buffalo. “This sentence should stand as a warning to criminal employers like Simon Banda-Mireles who knowingly hire and employ illegal aliens that they will be held accountable for their actions. Business owners who diligently operate within the laws of the United States should be encouraged by the results of this investigation, as HSI strives to ensure that criminal businesses do not gain a competitive advantage by employing illegal labor.”

The joint investigation culminating in this sentence included the participation of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, under the direction of Special Agent in Charge Lev J. Kubiak; and the Erie County Sheriff’s Department, under the direction of Sheriff Timothy B. Howard.