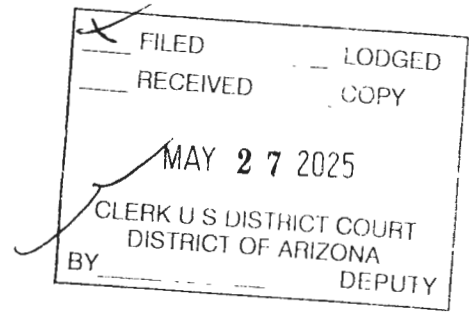


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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

1. Robert Clouston
(Counts 1-5)
2. Brenda Clouston
(Counts 1-5)
3. Luis Pedro Rogel-Jaimes
(Counts 1-5)
4. Iris Romero-Molina
(Counts 1-5)

Defendants.

No. **CR-25-08086-PCT-SPL (ASB)**

INDICTMENT

VIO: 8 U.S.C. §§ 1324(a)(1), (a)(2) and
(f)(1) and 18 U.S.C. § 2
(Pattern and Practice of Knowingly
Employing Unauthorized Aliens)
(Count 1)

8 U.S.C. §§ 1324(a)(1)(A)(i),
1324(a)(1)(A)(v)(I) and (a)(1)(B)(i)
(Conspiracy to Bring Illegal
Aliens to the United States
Unlawfully)
Count 2

8 U.S.C. §§ 1324(a)(1)(A)(ii),
1324(a)(1)(A)(v)(I) and (a)(1)(B)(i)
(Conspiracy to Transport Illegal
Aliens)
Count 3

8 U.S.C. §§ 1324(a)(1)(A)(iii),
1324(a)(1)(A)(v)(I) and (a)(1)(B)(i)
(Conspiracy to Harbor Illegal
Aliens)
Count 4

8 U.S.C. §§ 1324(a)(1)(A)(iv),
 (a)(1)(A)(v)(I), (a)(1)(B)(i)
 (Conspiracy to Encourage and
 Induce an Alien to Unlawfully
 Enter the United States)
 Count 5

8 U.S.C. § 1324(b),
 18 U.S.C. §§ 981 and 982,
 21 U.S.C. §§ 853 and 881 and
 28 U.S.C. § 2461(c)
 (Forfeiture Allegations)

THE GRAND JURY CHARGES:

At all times material to this Indictment, within the District of Arizona and elsewhere:

INTRODUCTION

1. Defendants ROBERT CLOUSTON and BRENDA CLOUSTON owned and operated four Colt Grill BBQ & Spirits (hereafter “Colt Grill”) restaurant businesses in Arizona – Old Town Cottonwood (Colt 804 LLC created approximately May 26, 2016); Prescott (Colt Grill Whiskey Row, LLC created approximately July 27, 2020); Prescott Valley (Colt BBQ & Spirits LLC created approximately May 7, 2019), and Sedona (Colt Grill Village of Oak Creek or VOC, LLC, created approximately July 2, 2020). They owned and operated an additional restaurant called Colt Foley, LLC, in Foley Alabama (created approximately December 29, 2023). The restaurants used a combination of authorized workers and unauthorized alien workers to staff the expected positions of a barbeque restaurant such as manager, pitmaster, line cook, bartender, prep, and busser. Defendant LUIS PEDRO ROGEL-JAIME was a Colt Grill employee as of approximately May 1, 2020. IRIS ROMERO-MOLINA was a Colt Grill employee as of approximately May 14, 2020.

Defendants

2. Defendants ROBERT CLOUSTON and BRENDA CLOUSTON, a married couple, owned, operated, and managed the four Arizona Colt Grill restaurants in Cottonwood, Prescott, Prescott Valley, and Sedona, and the location in Foley, Alabama:

a. **Colt 804, LLC** (Old Town Cottonwood), 804 N. Main Street, Cottonwood,

1 AZ

- 2 b. **Colt Grill WR, LLC** (referred to Whiskey Row in Downtown Prescott),
 3 202 S. Montezuma Street, Prescott, AZ
- 4 c. **Colt BBQ & Spirits, LLC**, 2790 N. Park Avenue, Prescott Valley, AZ
- 5 d. **Colt Grill VOC, LLC** (referred to as The Village of Oak Creek), 6101 SR
 6 179, Ste. D, Sedona, AZ
- 7 e. **Colt Foley, LLC**, 118 W. Laurel Ave., Foley, AL

8 3. Defendant BRENDA CLOUSTON represented herself to be the sole
 9 member of each Colt Grill, LLC, restaurant with the Arizona Secretary of State.
 10 BRENDA CLOUSTON signed or authorized her stamped signature to be used by the
 11 employee responsible for checks paid from the Colt Grill bank accounts. Defendant
 12 BRENDA CLOUSTON represented herself to be the registered agent of Colt Foley, LLC
 13 in Foley, AL with the Alabama Secretary of State. Defendant ROBERT CLOUSTON
 14 represented himself to be the owner of Colt Grill on a leasing document for a residence in
 15 Prescott Valley, AZ.

16 4. Defendants LUIS PEDRO ROGEL-JAIMES and IRIS ROMERO-
 17 MOLINA lived together in a residence in Cottonwood, Arizona. They worked at Colt
 18 Grill restaurants and received checks consistent with wages from approximately May
 19 2020 through May 26, 2025. Defendant IRIS ROMERO-MOLINA formed R&R AZ
 20 Cleaning, LLC on September 27, 2022.

21 **Employers' Verification Duties Under Federal and State Law**

22 5. The Immigration Reform & Control Act ("IRCA") of 1986 requires all
 23 employers and prospective employees to complete and Employment Eligibility
 24 Verification Form ("Form I-9") during the hiring process. To complete the Form I-9, a
 25 prospective employee must provide basic identifying information, assert his or her
 26 immigration status, and supplement the form with documentation evidencing his or her
 27 claimed identity and immigration status. IRCA prohibits employers from hiring and
 28 employing workers who are not authorized for employment. Employers also are

1 prohibited from continuing to employ an individual after obtaining knowledge that the
2 individual is unauthorized for employment.

3 6. On January 1, 2008, the Legal Arizona Workers Act (“LAWA”), also
4 known as the “Employer Sanctions Law,” went into effect in Arizona. LAWA makes it
5 mandatory for most Arizona businesses to use the “E-Verify” system—a federal
6 verification system that interconnects with databases maintained by the Social Security
7 Administration (“SSA”) and U.S. Citizenship & Immigration Services (“CIS”)—during
8 the hiring process.

9 7. To use E-Verify, an employer inputs information provided by the applicant
10 (including name, date of birth, Social Security number, and/or alien registration number)
11 into the system. E-Verify then queries SSA and CIS databases to determine whether this
12 information is consistent with—that is, is “verified” by—the information in the
13 databases. Such queries can generate only two results: (1) Employment Authorized or (2)
14 Tentative Non-Confirmation. In short, the only way an unauthorized alien can obtain
15 authorization during the E-Verify process is to assume the identity of an authorized
16 worker and provide documents reflecting the other individual’s name and other personal
17 identifiers. In an attempt to subvert the requirements of IRCA and LARA employer of
18 unauthorized aliens may choose to bypass the E-Verify process and pay unauthorized
19 alien workers through another means such as cash or through a shell company, i.e. a
20 company that exists primarily on paper often created to obscure the true nature of its
21 activities.

22 **Knowingly Employing Unauthorized Aliens**

23 8. From at least as of November 2021, Defendant ROBERT CLOUSTON was
24 aware that Arizona state law required that the Colt Grill employees needed to be paid
25 time and a half for any work over 40 hours per week. Defendant ROBERT CLOUSTON
26 told a manager not to be concerned with receiving required paperwork to properly
27 calculate pay, taxes and worker’s compensation from some newly hired employees
28 stating those were “Pedro’s people.” Defendant ROBERT CLOUSTON advised that

1 “Pedro” would bring workers up from Mexico and was seen on at least one occasion
2 handing Defendant LUIS PEDRO ROGEL-JAIMES cash while shaking hands and
3 discussing bringing more Mexican national workers up from Mexico. Further, between
4 approximately April – July 2022, Defendant ROBERT CLOUSTON instructed two
5 managers with the Sedona location to fire United States citizen employees in the Sedona
6 Colt Grill to create employment openings for undocumented Mexican nationals for the
7 purpose of having less expensive labor costs.

8 9. Defendant ROBERT CLOUSTON spoke of buying a house for the
9 unauthorized workers to stay and, in fact, leased the following locations which were
10 occupied by undocumented workers of Colt Grill:

- 11 a. XXXX N. Catherine Dr., Prescott Valley, AZ;
- 12 b. XXXXXX Aubrey Street, Prescott, AZ, first leased by ROBERT
13 CLOUSTON for a time period of July 1, 2022 through July 1, 2023.
- 14 c. XXXX Searle Place, Prescott Valley, AZ, where utilities were paid
15 by Colt 804 LLC, reflected a utilities connection date of September
16 1, 2022, and a phone number of the Prescott Valley Colt Grill
17 restaurant location. ROBERT CLOUSTON signed a contract to
18 extend the lease from September 1, 2022 through August 31, 2023.
- 19 d. XXX S. Alarcon St., Prescott, AZ;
- 20 e. XXXX E. Mingus Ave., Cottonwood, AZ.

21 10. On or about September 27, 2022, Defendant IRIS ROMERO-MOLINA
22 created a shell company under the name R&R AZ Cleaning, LLC, purporting to be a
23 cleaning company. Neither Colt Grill, Defendants ROBERT CLOUSTON, BRENDA
24 CLOUSTON, IRIS ROMERO-MOLINA, nor R&R AZ Cleaning required undocumented
25 workers to fill out the requisite paperwork for lawful employment.

26 11. Beginning on or about September 2022, Defendants ROBERT
27 CLOUSTON, LUIS PEDRO ROGEL-JAIMES and IRIS ROMERO-MOLINA agreed to
28 a plan whereby LUIS PEDRO ROGEL-JAIMES and IRIS ROMERO-MOLINA would

1 acquire undocumented workers, i.e. unauthorized aliens from Mexico, to fill positions at
2 the Colt Grill locations. Defendant ROBERT CLOUSTON signed leases to properties
3 which housed the unauthorized alien workers and acquired vehicles that provided
4 transportation for the unauthorized alien workers to go from the properties to the Colt
5 Grill locations where they worked. The plan further included that Defendant IRIS
6 ROMERO-MOLINA create a shell company purporting to be a cleaning company, when
7 in fact, she and Defendant LUIS PEDRO ROGEL-JAIMES obtained unauthorized alien
8 workers from Mexico for the purpose of having them work at the Colt Grill restaurants.
9 Defendants ROBERT CLOUSTON and BRENDA CLOUSTON directed money from
10 the Colt Grill revenue to pay Defendant IRIS ROMERO-MOLINA and/or R&R AZ
11 Cleaning. These funds were to pay Defendants LUIS PEDRO ROGEL-JAIMES and
12 IRIS ROMERO-MOLINA to obtain the unauthorized alien workers and to pay wages to
13 these workers. Using the Colt Grill funds, Defendant IRIS ROMERO-MOLINA paid the
14 unauthorized alien workers for their Colt Grill employment reflecting amounts that were
15 below the legal minimum wage and did not compensate them as required for time and a
16 half pay if they worked in excess of 40 hours per week. Through this process,
17 Defendants ROBERT CLOUSTON and BRENDA CLOUSTON avoided paying an
18 accurate minimum wage, time and a half wage, and required taxes in an amount
19 beneficial to them between at least approximately September 27, 2022 and June 2024.

20 COUNT 1

21 **(Pattern and Practice of Knowingly Employing Unauthorized Aliens)**

22 12. The factual allegations in the preceding paragraphs are realleged and
23 incorporated as though fully set forth herein.

24 13. Beginning in or around September 27, 2022, and continuing through on or
25 around May 26, 2025, in the District of Arizona and elsewhere, Defendants ROBERT
26 CLOUSTON, BRENDA CLOUSTON, LUIS PEDRO ROGEL-JAIMES and IRIS
27 ROMERO-MOLINA, and others known and unknown to the grand jury, engaged in a
28 pattern and practice of hiring for employment and continuing to employ, aliens in the

1 United States, knowing the aliens were and had become unauthorized with respect to
2 such employment.

3 In violation of Title 8, United States Code, Sections 1324a(a)(1), 1324a(a)(2),
4 1324a(f)(1), and Title 18, United States Code, Section 2.

5 **COUNT 2**

6 **(Conspiracy to Bring In Illegal Aliens for Profit)**

7 14. The factual allegations in the preceding paragraphs are realleged and
8 incorporated as though fully set forth herein.

9 15. Beginning on an unknown date and continuing through on or about May
10 26, 2025, in the District of Arizona and elsewhere, Defendants ROBERT CLOUSTON,
11 BRENDA CLOUSTON, LUIS PEDRO ROGEL-JAIMES, AND IRIS ROMERO-
12 MOLINA did knowingly and willfully combine, conspire, confederate, and agree with
13 persons known and unknown to the grand jury, to knowingly bring or attempt to bring to
14 the United States in any manner whatsoever illegal aliens at a place other than a
15 designated port of entry or place other than as designated by the Commissioner,
16 regardless of whether such alien has received prior official authorization to come to,
17 enter, or reside in the United States and regardless of any future official action which may
18 be taken with respect to said alien, for the purpose of commercial advantage and private
19 financial gain in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i).

20 All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i),
21 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i).

22 **COUNT 3**

23 **(Conspiracy to Transport Illegal Aliens)**

24 16. The factual allegations in the preceding paragraphs are realleged and
25 incorporated as though fully set forth herein.

26 17. Beginning on an unknown date and continuing through on or about May
27 26, 2025, in the District of Arizona and elsewhere, Defendants ROBERT CLOUSTON,
28 BRENDA CLOUSTON, LUIS PEDRO ROGEL-JAIMES, AND IRIS ROMERO-

1 MOLINA did knowingly and willfully combine, conspire, confederate, and agree with
2 persons known and unknown to the grand jury, to transport and move and attempt to
3 transport and move within the United States aliens who had come to, entered, and
4 remained in the United States in violation of law, by means of transportation and
5 otherwise, and in furtherance of such violation of law, in violation of Title 8, United
6 States Code, Section 1324(a)(1)(A)(ii).

7 All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii),
8 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i).

9 **COUNT 4**

10 **(Conspiracy to Harbor Illegal Aliens)**

11 18. The factual allegations in the preceding paragraphs are realleged and
12 incorporated as though fully set forth herein.

13 19. Beginning on an unknown date and continuing through on or about May
14 26, 2025, in the District of Arizona, and elsewhere, Defendants ROBERT CLOUSTON,
15 BRENDA CLOUSTON, LUIS PEDRO ROGEL-JAIMES, AND IRIS ROMERO-
16 MOLINA, in knowing and in reckless disregard of the fact that certain aliens had come
17 to, entered, and remained in the United States in violation of law, did knowingly and
18 intentionally combine, conspire, confederate, and agree with persons known and
19 unknown to the grand jury to conceal, harbor, and shield from detection, such aliens, in
20 any place, including any building or any means of transportation, in furtherance of such
21 violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) .

22 All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii),
23 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i).

24 **COUNT 5**

25 **(Conspiracy to Encourage and Induce an Illegal Alien**
26 **to Unlawfully Enter the United States)**

27 20. The factual allegations in the preceding paragraphs are realleged and
28 incorporated as though fully set forth herein.

21. Beginning on an unknown date and continuing through on or about May 26, 2025, in the District of Arizona and elsewhere, Defendants ROBERT CLOUSTON, BRENDA CLOUSTON, LUIS PEDRO ROGEL-JAIMES, AND IRIS ROMERO-MOLINA did knowingly and willfully combine, conspire, confederate, and agree with persons known and unknown to the grand jury to encourage and induce an alien to come to, enter and reside in the United States in violation of law and the defendant knew and acted in reckless disregard of the fact that the aliens coming to, entering into and residing in the United States would be in violation of the law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv), 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i).

FORFEITURE ALLEGATIONS

The Grand Jury realleges and incorporates the allegations of Count 1 - 5 of this Indictment, which are incorporated by reference as though fully set forth herein.

Pursuant to Title 8, United States Code, Section 1324(b), Title 18, United States Code, Sections 981 and 982, Title 21, United States Code, Sections 853 and 881, and Title 28, United States Code, Section 2461(c), and upon conviction of one or more of the offenses alleged in Counts 1 - 5 of this Indictment, the defendant(s) shall forfeit to the United States of America all right, title, and interest in (a) any property constituting, or derived from, any proceeds the persons obtained, directly or indirectly, as the result of the offense, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (1) cannot be located upon the exercise of due diligence,
- (2) has been transferred or sold to, or deposited with, a third party,
- (3) has been placed beyond the jurisdiction of the court,
- (4) has been substantially diminished in value, or

1 (5) has been commingled with other property which cannot be divided without
2 difficulty,
3 it is the intent of the United States to seek forfeiture of any other property of said
4 defendant(s) up to the value of the above-described forfeitable property, pursuant to Title
5 21, United States Code, Section 853(p).

6 All in accordance with Title 8, United States Code, Section 1324(b), Title 18,
7 United States Code, Sections 981 and 982, Title 21, United States Code, Sections 853 and
8 881, Title 28, United States Code, Section 2461(c), and Rule 32.2, Federal Rules of
9 Criminal Procedure.

10 A TRUE BILL

11
12 s/
13 FOREPERSON OF THE GRAND JURY
Date: May 27, 2025

14 TIMOTHY COURCHINE
15 United States Attorney
District of Arizona

16 s/
17 GAYLE L. HELART
18 LEIGHANN M. THOMAS
Assistant United States Attorneys