

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 19-09

v. * SECTION: "B"

THAI THAI, LLC. *

d/b/a Sticky Rice Thai Cuisine *

SOMPHON CHIWABANDIT *

* * *

FACTUAL BASIS

The defendant, **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine**, has agreed to plead guilty as charged to count one of the bill of information, which charges it with harboring aliens in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii), and defendant, **SOMPHON CHIWABANDIT**, has agreed to plead guilty as charged to count two of the bill of information, which charges him with employing illegal aliens in violation of Title 8, United States Code, Section 1324a(a)(1)(A).

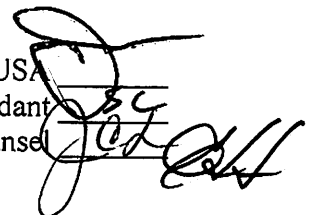
Should this matter have gone to trial, the government would have proven beyond a reasonable doubt, through the introduction of competent testimony and other admissible evidence, the following facts to support the allegations charged by the United States Attorney in the bill of information now pending against the defendants:

THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine is a limited liability company that operates as a restaurant located at 528 N. Columbia Street, Covington, Louisiana. Evidence would show that **SOMPHON CHIWABANDIT** is the owner of the restaurant and is responsible for hiring employees. The actions attributed herein to **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine** were undertaken by and through its agent, **CHIWABANDIT** and employees, who were

AUSA
Defendant
Defense Counsel

acting within the scope of their employment and for the intended benefit of **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine.**

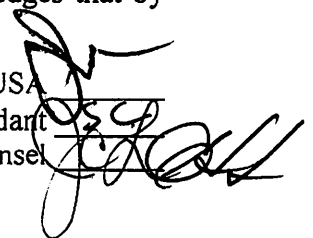
Special Agents from Homeland Security Investigations (HSI) would testify that they received information that **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine** may be harboring, transporting, and housing illegal aliens. As a result, surveillance was performed for several months. Specifically, surveillance was performed at the restaurant on May 3, 2018, May 18, 2018, June 7, 2018, June 20, 2018, September 19, 2018, November 1, 2018 and November 30, 2018. Surveillance was performed at **CHIWABANDIT's** apartment that housed one of the illegal aliens (J.F.M.) on June 15, 2018, June 20, 2018, September 19, 2018, and November 30, 2018. Surveillance was performed at **CHIWABANDIT's** residence that housed one of the illegal aliens (V.S.) on June 7, 2018, June 20, 2018, and November 30, 2018. The surveillance confirmed that illegal aliens, V.S. and J.F.M., were provided with housing as well as transportation to and from work each day. The agents watched vehicles and the drivers that parked at the restaurant prior to opening, as well as watched those that departed after closing. After agents became aware of the names of the two illegal aliens working at the restaurant, database checks determined that those employees were also in the United States illegally. V.S. is a native of Lao, who entered the United States on a B-2 Visitor's Visa and was only allowed to remain in the United States until April 7, 2008. J.F.M. is a native of Mexico and it is not known when he originally entered the United States illegally. Agents were able to determine where the illegal employees lived, that **CHIWABANDIT** paid their rent, and that he provided transportation for them to and from the restaurant. Computer database checks also determined that **CHIWABANDIT**, a citizen of Thailand, was also in the country illegally for the past seven years, as he had overstayed his temporary B-1 (business visitor) Visa. Specifically, **CHIWABANDIT** provided vehicles (grey Toyota 4Runner and a white Audi



SUV) that were registered in his name to workers of the restaurant to allow them transportation to and from work. **CHIWABANDIT** picked up illegal alien, J.F.M., at the apartment each day for work in his Honda Civic and also transported him home.

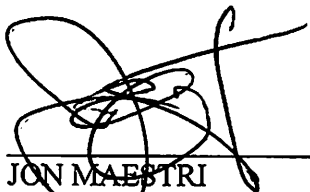
Testimony and evidence would prove that **CHIWABANDIT** is the person responsible for the employment records of **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine**, and he did not list the illegal workers (V.S. and J.F.M.) on employment records that were sent to the Louisiana Workforce Commission. On July 17, 2018, HSI agents commenced a Form I-9 inspection of **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine**. A Form I-9 Inspection is an administrative inspection process to verify employment eligibility for a business's employees. By law, employers are required to maintain Forms I-9 for all current employees, and the Form I-9 Inspection is a review of the relevant forms. **CHIWABANDIT** produced **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine** I-9's for the legal workers, but did not submit any documentation for illegal workers, V.S. and J.F.M.

On November 30, 2018, an HSI agent had lunch at the restaurant and confirmed that **CHIWABANDIT**, V.S., and J.F.M., were illegally working in the restaurant that day. When **CHIWABANDIT** was arrested approximately one week later, he admitted that on behalf of **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine** and himself, that he had illegally hired V.S. and J.F.M. for work purposes, and that he and the company knew or recklessly disregarded the fact that V.S. and J.F.M. were illegal aliens, not lawfully in the United States. **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine** and **CHIWABANDIT** agree that "recklessly disregarded" has been construed to mean a deliberate indifference to facts which, considered and weighed in a reasonable manner, indicate the highest probability that the individuals were aliens and in the country illegally. **THAI THAI, LLC., d/b/a Sticky Rice Thai Cuisine** acknowledges that by




housing, transporting, employing and paying bills for V.S. and J.F.M., that it concealed, harbored, and/or shielded them from detection, which tended to substantially facilitate their remaining in the United States illegally, as prohibited under 8 U.S.C. § 1324(a)(1)(A)(iii). **CHIWABANDIT** agrees that he unlawfully hired the two illegal aliens, V.S. and J.F.M., for employment knowing that they were unauthorized workers that did not possess the required documents to be employed in the United States.

CHIWABANDIT also agrees that he withheld their names from employment records at the time of the I-9 inspection as he knew of their illegal status, yet continued to employ them when he knew that HSI agents were conducting an investigation, in violation of Title 8, United States Code, Section 1324a(a)(1)(A).



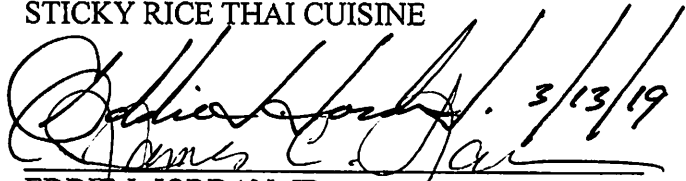
JON MAESTRI
Assistant United States Attorney

3/13/19
DATE



SOMPON CHIWABANDIT
DEFENDANT AND DULY AUTHORIZED
CORPORATE REPRESENTATIVE FOR
THAI THAI, LLC., D/B/A
STICKY RICE THAI CUISINE

02.18.19
DATE



EDDIE J. JORDAN, JR.
J.C. LAWRENCE
Attorneys for Defendant

2-18-19
DATE