

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROBERTO URIBE

CASE NUMBER:
UNDER SEAL

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From on or about November 6, 2015, to on or about November 12, 2015, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant violated:

Code Section

Title 18, United States Code, Section
1951

Offense Description

attempted to obstruct, delay, or affect commerce, by extortion, in that he obtained United States currency from another person, with that person's consent induced under color of official right, and by the wrongful use of fear of economic harm.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

CHRISTINE CHOI

Special Agent, Federal Bureau of Investigation
(FBI)

Sworn to before me and signed in my presence.

Date: April 4, 2016

Judge's signature

City and state: Chicago, Illinois

SHEILA FINNEGAN, U.S. Magistrate Judge

Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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AFFIDAVIT

I, CHRISTINE CHOI, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since October 2015. My current responsibilities include the investigation of public corruption offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that ROBERTO URIBE has violated Title 18, United States Code, Section 1951. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging URIBE with attempted extortion, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, information provided by a cooperating witness, recorded conversations, and records obtained during the course of the investigation.

Summary

4. As set forth below, the FBI's investigation has shown that ROBERTO URIBE, who works for the City of Chicago Department of Buildings, has violated 18

U.S.C. § 1951 by attempting to commit extortion affecting commerce, in that URIBE obtained \$300 from Individual A, with Individual A's consent induced under color of official right and by wrongful use of fear of economic harm.

Background

5. According to City of Chicago records, URIBE is employed by the City of Chicago Department of Buildings as a Building/Construction Inspector. According to the City of Chicago website, the Department of Buildings is tasked with enforcing the Chicago Building Code and its responsibilities include the permitting and inspection process for buildings in Chicago.

6. Individual A works in the real estate business and has ownership interests in and operates several companies that own real estate and perform renovation work on properties. One of the companies in which Individual A is a part owner ("Company A") owns a two-story building located in Chicago, Illinois ("the building"). According to Individual A, in or about November 2015, two other companies wholly owned by Individual A ("Company B" and "Company C") were renovating the building, including replacing the windows on the front façade of the building, which required an increase in the height of the parapet wall underneath the windows.

7. As described below, on or about November 9, 2015, Individual A contacted the FBI regarding communications that Individual A had with a City of Chicago Building Inspector who was later identified as URIBE (*see* paragraph 21) regarding the renovations to the front façade of the building. Individual A has

agreed to cooperate with the FBI. Much of the information provided by Individual A has been corroborated by recorded communications, law enforcement surveillance, and telephone records. Individual A has no criminal history and is not being paid for his/her cooperation.¹

Individual A's Report of Information to Law Enforcement

8. On or about November 9, 2015, Individual A reported to law enforcement that, on or about November 6, 2015, a man who identified himself as a City of Chicago Building Inspector named "Bob" approached the building owned by Company A in Chicago that was undergoing renovations. Individual A explained that he/she was not present at the building when "Bob" arrived. According to Individual A, "Bob" asked Individual A's workers at the site if they had a permit to do the work relating to the front window façade of the building. In response, one of the workers called Individual A in "Bob's" presence and gave the phone to "Bob" so that he could speak directly with Individual A. According to Individual A, during this unrecorded communication, Individual A told "Bob" that he/she did not have a permit and "Bob" replied that he could stop the work being performed on the building and that "Bob" and Individual A needed to talk. According to Individual A, "Bob" and Individual A agreed to meet at the job site the following Monday

¹ Individual A previously acted as an informant for the FBI on two occasions. As a part of this prior cooperation, Individual A participated in consensually recorded meetings at the direction of the FBI. Individual A was not paid for this prior cooperation with the exception of reimbursement of expenses.

(November 9, 2015) and “Bob” agreed that, in the meantime, Individual A’s workers could continue the renovation of the front windows of the building.²

9. Individual A further reported to law enforcement that, on or about November 6, 2015, “Bob” left his phone number with one of Individual A’s workers, who then provided the number to Individual A. According to Individual A, the number provided by “Bob” was 312-743-xxxx. Based upon law enforcement’s review of the City of Chicago Department of Buildings website, the phone numbers for that department have a 312 area code and many begin with the first three digits of “743.”

10. Individual A further reported to law enforcement that, several days later, on or about the morning of Monday, November 9, 2015, Individual A called “Bob” at 312-743-xxxx. Individual A stated that, during this unrecorded conversation, “Bob” and Individual A agreed to meet later that same day at Individual A’s building in Chicago. According to Individual A, during this conversation, “Bob” told Individual A that he would arrive at the building between noon and 2:00 p.m., and stated words to the effect of, “This being the City of Chicago, this can be worked out.” Individual A explained that, following this conversation, Individual A reported the matter to the FBI because he/she believed that, based upon “Bob’s” statement and Individual A’s prior experience with

² Law enforcement subsequently reviewed Individual A’s cell phone, which confirmed that Individual A received a voicemail from one of his/her worker’s on or about November 6, 2015, which stated words to the effect of, “please call me right away as an inspector is outside, and we do not have permits.” In addition, at approximately the same time, Individual A’s call log reflected that Individual A received an incoming call from another one of his/her workers which lasted approximately four minutes.

building inspectors, “Bob” might attempt to solicit a bribe from Individual A at the upcoming meeting.³

November 9, 2015 Meeting Between URIBE and Individual A

11. On or about November 9, 2015, at a prearranged location, law enforcement agents met with Individual A. During this meeting, law enforcement equipped Individual A with audio and video recording devices and activated these devices at approximately 11:51 a.m. Law enforcement then followed Individual A as he/she drove to the building, where Individual A planned to meet with “Bob.”

12. At approximately 11:58 a.m., law enforcement observed Individual A enter the building. Approximately ten minutes later, Individual A called law enforcement and reported that he/she had received a call from “Bob” who said that he would arrive in ten to fifteen minutes. Later that same day, law enforcement reviewed Individual A’s cell phone call log for November 9, 2015, which confirmed that Individual A received an incoming call at approximately 12:05 p.m. Toll records for Individual A’s phone showed that this incoming call came from phone number 312-xxx-9043. Law enforcement subsequently obtained subscriber records for 312-xxx-9043, which showed that this cell phone number is registered to the City of Chicago. Furthermore, according to City of Chicago Department of Buildings records, 312-xxx-9043 is a cellular phone number assigned to URIBE.

³ Individual A told law enforcement that he/she did not necessarily believe that a permit was required for this work being performed on the front façade of the building, but if a permit was required, Individual A believed that an “easy permit” was sufficient. Individual A stated that “easy permits” were issued by the City of Chicago for minor renovations and did not take long to obtain. To date, Individual A has not obtained a permit for the renovation work at the building.

13. On or about November 9, 2015, at approximately 12:20 p.m., law enforcement observed Individual A meeting with a man who was later identified as URIBE (*see* paragraph 21) on the sidewalk outside of Individual A's building. In addition, at that time, law enforcement observed approximately three vehicles parked outside of the building, including a vehicle with the license plate number Vxxx429. As set forth below in paragraph 21, law enforcement later observed URIBE driving this vehicle and determined that license plate number Vxxx429 is registered to URIBE.

14. At approximately 12:21 p.m., Individual A contacted law enforcement to inform agents that the meeting was complete. Soon thereafter, law enforcement agents met with Individual A at a prearranged location where agents deactivated the recording devices and recovered them from Individual A. Law enforcement later reviewed the audio and video recordings of the meeting between URIBE and Individual A on or about November 9, 2015. The recordings reflect that Individual A and URIBE met from approximately 12:13 p.m. until approximately 12:20 p.m. The recordings further show that, during the meeting, URIBE told Individual A about his ability to shut down Individual A's renovation due to the lack of permit, which would cost Individual A significant time and money, and URIBE solicited \$300 from Individual A in exchange for URIBE allowing the renovation work to continue without a permit. Moreover, the recordings show that URIBE instructed Individual A if ever questioned by another building inspector to contact URIBE and URIBE would tell the building inspector the parapet on the façade of the building

was original, which would mean that Individual A did not need a permit for the renovation work. Specifically, the following communications occurred between URIBE and Individual A during the recorded meeting:⁴

URIBE: I'm Bob.

Individual A: Hi Bob, how are you?

URIBE: Okay, good, good, good. You know why we're here.

Individual A: Yes sir. I don't have much to say.

URIBE: Alright. You got your cell phone? Leave your phone [URIBE directed Individual A to leave his/her cell phone in the building prior to URIBE and Individual A walking outside to continue their conversation].

URIBE: Alright [Individual A]. We pretty much know what we're going to do. Either I'm gonna take care of you or you're gonna take care of me. We're going to let this go. We're going to take care of this very quickly. . . . But mostly what's going to happen is, if we put a stop on it, it's going

⁴ The transcripts of the conversations described in this affidavit remain in draft form; to the extent quotations from the conversations are included, they are preliminary, not final. The summary of the recorded conversations described in this affidavit do not include all potentially criminal statements or topics covered during the course of the conversations described herein. The voice identifications and my interpretations of these conversations (which are reflected in brackets) are based on my knowledge of the investigation to date, the contents and context of the conversations, conversations with Individual A, and surveillance.

to stop you for six months, seven months. This is done, I told the guys to keep going to get this done [URIBE directed Individual A's workers to finish the renovations on the façade as soon as possible]. But you didn't hear it from me. So now, what's happening now is you're gonna give me some appreciation, and you're gonna hurry up and get this done. And that appreciation is gonna be \$300. Now how quickly can you get me my money to keep my mouth shut?

Individual A: Tomorrow.

URIBE: Alright, then, tomorrow it is. Now, I'm doing you a favor.

Individual A: Yes, sir.

URIBE: This here [the process of obtaining a permit] will stop you for six months and it'll cost you starting at \$3,500 for an architect and plans [if URIBE shut down the renovation work and required Individual A to get a permit, it would cost Individual A at least \$3,500 and would stop work for six months]. You know that. I'm looking out for you, we're looking out for each other. But you're doing me a favor by hurrying up and getting this closed off. Because, the sooner this gets done, the better.

Individual A: Okay, I'll get it done.

URIBE: Okay, here's what's going to happen, should an inspector show up, you tell him to come talk to me. And I'm gonna say, our story's gonna be that this is original. All you did was, re-tuckpoint it [if another building inspector questioned Individual A about not having a permit for the façade work, Individual A should say that the parapet was original and Individual A only re-tuckpointed the windows]. That's gonna be our story . . .

Individual A: Okay . . . very good, sir.

URIBE: Okay, alright. I'm helping you out. And, I, I won't get upset if you show . . . your appreciation [URIBE would not be upset if Individual A gave him \$300 in exchange for URIBE not shutting down the renovation]. Just you know [so] we're on the same page. And all I ask again, just get this front taken care of right away, because that's what draws attention to yourself.

Individual A: Yes sir. Yes sir.

15. The recordings further reflect that, toward the end of the meeting between Individual A and URIBE on or about November 9, 2015, URIBE stated

that he would try to come by the building the next day and would call Individual A when he was ready.

November 10, 2015 Communications between URIBE and Individual A

16. On or about November 10, 2015, Individual A reported to law enforcement that he/she received a call from a phone number that appeared as an “unknown caller” on Individual A’s cell phone. The caller left a voicemail, and law enforcement subsequently recorded and reviewed the voicemail. Based upon law enforcement’s review, the voice of the caller who left this message matched that of URIBE and the message stated, “[Individual A], it’s me, Bob, your building inspector. Give me a call back at 708-xxx-3000.” According to subscriber information obtained from the service provider for 708-xxx-3000, this number is registered to URIBE’s wife at an address in Frankfort, Illinois.

17. Individual A explained to law enforcement that, following this voicemail from “Bob,” Individual A received another call that same day from a number that showed up as “unknown caller” on Individual A’s cell phone. Individual A stated that he/she answered the call, which was from “Bob.” Individual A stated that, during this unrecorded call with “Bob,” Individual A and “Bob” discussed when they would meet at the building so that Individual A could pay “Bob” the agreed upon \$300. According to Individual A, “Bob” and Individual A agreed to meet on Thursday (November 12, 2015), and agreed that “Bob” would call Individual A on that day to communicate exactly when he would arrive at the building.

18. Law enforcement subsequently reviewed toll records for 312-xxx-9043, which as set forth above in paragraph 12 is a phone number registered to the City of Chicago and used by URIBE. These toll records show that phone number 312-xxx-9043 made two outgoing calls to Individual A's cell phone on or about November 10, 2015, which were approximately 24 seconds and 53 seconds, respectively, in length.

November 12, 2015 Meeting Between URIBE and Individual A

19. On or about November 12, 2015, at approximately 11:53 a.m., Individual A contacted law enforcement and stated that he/she had received a call from "Bob." According to Individual A, during this unrecorded call, Individual A and "Bob" discussed meeting that day at Individual A's building in Chicago. Law enforcement subsequently reviewed phone records which confirmed that Individual A's cell phone received an incoming call from 312-xxx-9043 on or about November 12, 2015, at approximately 11:51 a.m.

20. Soon after Individual A contacted law enforcement on or about November 12, 2015, law enforcement met with Individual A at a prearranged location to prepare for Individual A's meeting with "Bob." During this meeting, law enforcement equipped Individual A with audio and video recording devices and searched Individual A and his/her vehicle for the presence of money. The searches revealed that Individual A had no money on his/her person and had approximately \$19.00 in his/her wallet, which was located in Individual A's vehicle. Law enforcement then provided Individual A with an envelope containing \$300 of law enforcement funds for the purpose of providing those funds to "Bob." At

approximately 12:49 p.m., law enforcement agents activated the recording devices and followed Individual A as he/she drove to the building in Chicago where Individual A planned to meet with “Bob.”

21. At approximately 12:52 p.m. on or about November 12, 2015, law enforcement observed Individual A arrive at the building. At approximately 12:55 p.m., law enforcement observed a dark blue Ford Escape bearing Illinois license plate Vxxx429 arrive in the area of the building. A subsequent search of a law enforcement database revealed that this license plate number is registered to URIBE at an address in Frankfort, Illinois. Law enforcement agents who were familiar with URIBE’s appearance after having reviewed URIBE’s driver’s license photograph observed URIBE exit the Ford Escape vehicle and meet with Individual A in front of the building. The law enforcement agents further observed that URIBE appeared to be the same man who met with Individual A on or about November 9, 2015. At approximately 12:58 p.m., law enforcement observed URIBE and Individual A enter the building. At approximately 12:59 p.m., law enforcement observed URIBE and Individual A exit the building together, and at approximately 1:01 p.m., law enforcement observed URIBE enter the Ford Escape vehicle described above and leave the area.

22. Soon thereafter, law enforcement observed Individual A leave the area of the building and drive to the prearranged location. At the prearranged location, law enforcement agents deactivated the recording devices and recovered them from Individual A. Law enforcement again searched Individual A and Individual A’s

vehicle for the presence of money. During the search, no money was found on Individual A's person and \$19.00 was found in Individual A's wallet which was located in his/her vehicle. Individual A then signed a form confirming that he/she provided the \$300 of law enforcement funds to URIBE.

23. Following this meeting, law enforcement reviewed the audio and video recordings of the meeting between URIBE and Individual A on or about November 12, 2015. The recordings show that, during the meeting, URIBE solicited and accepted \$300 from Individual A in exchange for URIBE allowing the renovation work on the building to continue without a permit. The recordings further show that URIBE instructed Individual A, if ever questioned about the \$300, to say that the \$300 was for the purchase of URIBE's table saw. Specifically, the following communications occurred during the recorded meeting:

URIBE: So, you're, for the record, you're purchasing my . . . You're purchasing my DeWalt, Delta table saw.

Individual A: Okay . . . where do you want to go?

URIBE: Anywhere, anywhere where it's private, is fine. This is good, this is good. And you'll be happy, you'll be very happy with the, with the table saw.

Individual A: I appreciate it.

URIBE: Not a problem.

Individual A: You want to count it [the \$300]?

URIBE: No . . . No, this is a merit of trust.

Individual A: Okay.

URIBE: And like I said, take care of this right away, so that . . .

Individual A: Yeah, the windows are going to be here on Wednesday, or Tuesday. Wednesday we will be installing them.

Individual A: I have stuff all over the city, so in the future, if I have any problems . . .

URIBE: Well if you need me, you got my number . . . And, uh, do you want my personal number? Here, I'll give you my personal number. If you got your phone, you can store it there . . . it's 708 . . . xxx . . . 3000.⁵

Individual A: This is your cell?

URIBE: That's my personal line.

Individual A: Bob.

URIBE: If you need to reach me or talk to me . . . Alright, [Individual A].

Individual A: Thank you, take care.

⁵ As set forth above in paragraph 16 above, subscriber information shows that this phone number is registered to URIBE's wife.

24. As noted above, Individual A is a part-owner of Company A, which owns the building. Company B and Company C, companies owned and operated by Individual A, financed the renovations of the building, including by purchasing supplies from various suppliers including national chain stores that operate in interstate commerce. The supplies purchased by Company B and/or Company C for the renovation project on the building, as well as for other renovation projects, included plumbing supplies such as ball valves that were manufactured outside of Illinois.

Conclusion

25. Based on the foregoing, there is probable cause to believe that ROBERTO URIBE violated 18 U.S.C. § 1951 by attempting to commit extortion affecting commerce, in that URIBE obtained \$300 from Individual A, with Individual A's consent induced under color of official right and by wrongful use of fear of economic harm.

FURTHER AFFIANT SAYETH NOT.

CHRISTINE CHOI
Special Agent, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on April 4, 2016.

SHEILA FINNEGAN
United States Magistrate Judge