

Department of Justice
U.S. Attorney's Office
Western District of New York

FOR IMMEDIATE RELEASE

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Two Niagara County Men Sentenced For Forcing Undocumented Immigrants To Work In Their Mexican Restaurant

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BUFFALO, N.Y. - U.S. Attorney James P. Kennedy, Jr. announced today that Roberto Montes-Villalpando, 60, of Sanborn, NY, and Abraham Montes, 29, of North Tonawanda, NY, who were convicted of conspiring to harbor aliens for financial gain and causing serious bodily injury, were sentenced by U.S. District Judge Lawrence J. Vilaro. Roberto Montes-Villalpando was sentenced to serve 18 months home incarceration, while his son, Abraham Montes was sentenced to serve six months in prison and six months home detention.

Assistant U.S. Attorneys Meghan A. Tokash and Laura A. Higgins, who handled the case, with support from the Department of Justice's Civil Rights Division's Human Trafficking Prosecution Unit, stated that the defendants owned and operated El Cubilete Mexican Restaurant, in Niagara Falls, NY. Between December 2014 and late 2018, the restaurant was located at 9400 Niagara Falls Boulevard. In late-2018, the restaurant moved to 2050 Cayuga Extension in Niagara Falls. Defendant Montes-Villalpando managed the restaurant, supervised the staff, including wait and kitchen staff, made hiring and firing decisions, and determined payroll. Defendant Montes supervised the kitchen staff, which included Victims 1, 2, 3, and 4, who were each natives and citizens of Mexico. The victims—none of whom had legal status in the United States—were employed by the defendants as cooks, food preparers, and dishwashers. In addition, the victims sublet a Niagara Falls apartment rented by defendant Montes-Villalpando.

Between November 1, 2014, and February 18, 2018, the defendants recruited and hired undocumented foreign nationals who had entered the United States illegally to work for them. Montes-Villalpando and Montes enticed prospective laborers who lived and worked in Ohio, including Victim 1 and Victim 2, to work at El Cubilete by promising them better pay and fewer hours. During their employment, Victims 1, 2, 3, and 4 were paid less than required by the Fair Labor Standards Act and by New York State law, which required a minimum wage of \$9/hour. According to analysis performed by the Department of Labor, Office of the Inspector General, the victims were underpaid in the following amounts respectively: Victim 1—\$5,386.60; Victim 2—\$8,513.44; Victim 3—\$61,665.40; and Victim 4—\$6,006.60.

Additionally, in about February 2018, defendant Montes punched Victim 3 in the nose and stated he would kill Victim 3. Montes then used a fire extinguisher to strike Victim 3 in the head causing him to fall to the ground. Victim 3 was transported to a hospital for medical treatment where he was diagnosed with a broken nose and a laceration on his head was closed with staples.

The sentencing are the result of an investigation by the Homeland Security Investigations, under the direction of Acting Special Agent-in-Charge Matthew Scarpino; the Erie County Sheriff's Office, under the direction of Sheriff Timothy Howard; the U.S. Department of Labor, Office of Inspector

General, Office of Investigations – Labor Racketeering and Fraud, under the direction of Jonathan Mellone, Special Agent-in-Charge of the New York Region; and the Human Trafficking Task Force of Western District New York, which is co-led by the United States Attorney's Office, Erie County Sheriff's Office, and International Institute of Buffalo.

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Topic(s):
Human Trafficking

Component(s):
USAO - New York, Western