

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

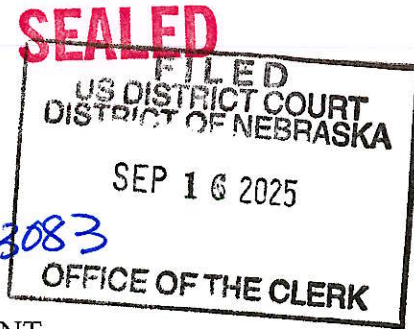
vs.

HOBERT RUPE, and
BRENT ZYWIEC,

Defendants.

4:25CR

INDICTMENT
18 U.S.C. § 1349
18 U.S.C. § 1346
18 U.S.C. § 1343
18 U.S.C. § 1951
18 U.S.C. § 2



The Grand Jury charges that

Count I—Honest Services Fraud Conspiracy

Introductory Allegations:

1. At all times material to Count I, defendant HOBERT RUPE was the Executive Director of the Nebraska Liquor Control Commission (hereinafter “Liquor Commission”). This position is selected by the three Commissioners, which are appointed to six-year terms by the Governor of Nebraska. Rupe was first appointed to this position in December 2003 and began his duties in January of 2004. He continuously held this position until his resignation in June of 2025. HOBERT RUPE did, at times material to Count I, participate in the approval process for local institutions obtaining a liquor license.
2. The Liquor Commission is responsible for regulating and controlling the alcoholic beverage industry and alcoholic beverages located within and transported into the State of Nebraska in an efficient, effective manner in order to promote public health, safety and welfare. The Liquor Commission oversees various tavern violations and the assignment of the corresponding penalties, but it also reserves the option to deviate from the penalty guidelines to encourage voluntary compliance with the Liquor Control Act and its

regulations. The Executive Director is appointed by the commissioners. The Executive Director is responsible for enforcing the liquor laws and presenting any possible violations of those laws to the Liquor Commissioners. The Executive Director keeps track of all proceedings, transactions, communications, and official acts of the Liquor Commission. The Executive Director is also the custodian of all records and performs such other duties as the commission may prescribe.

3. At all times material to Count I, BRENT ZYWIEC was partial owner of The Office Gentleman's Club (hereinafter "The Office") and The Night Before Lounge (hereinafter "The Night Before") in Lincoln, Nebraska. Both businesses are bars that feature exotic dancers, more commonly known as "strip clubs" that sell liquor, meaning they are bound by the rules and regulations set forth by the Nebraska Liquor Control Commission. Two other individuals known to the grand jury are also part owners in The Office and The Night Before and were involved in the conspiracy.
4. Between on or about January 1, 2022, and May 28, 2025, in the District of Nebraska, HOBERT RUPE, and others known and unknown to the grand jury, did knowingly combine, conspire, confederate, and agree with each other to commit honest services fraud, to wit: They agreed to knowingly devise a scheme and artifice to defraud the residents of the State of Nebraska of their intangible right to the honest services of the Nebraska Liquor Control Commissioner HOBERT RUPE, and by interstate wires and means of facilities of interstate commerce, in violation of Title 18, United States Code, Sections 1346 and 1343. Specifically, Executive Director HOBERT RUPE was provided personal and financial benefits, to include sexual acts performed on him by employees of the strip clubs, cash, free alcoholic beverages, free cover charges for his entry into The Office and The Night Before clubs on various occasions, free dances, and other items of

value, through a stream of benefits, from BRENT ZYWIEC, and other co-conspirators known to the grand jury, in exchange for official actions and inactions taken by Nebraska Liquor Control Commissioner HOBERT RUPE, for the benefit of The Office, The Night Before, and themselves. It is further alleged HOBERT RUPE's stream of benefits was provided by BRENT ZYWIEC and other co-conspirators known to the grand jury with the intent to influence HOBERT RUPE's official actions or inactions in his role as Executive Director of the Liquor Commission.

Manner and Means of the Conspiracy

5. It was part of the conspiracy and scheme to defraud that BRENT ZYWIEC, and others known and unknown to the grand jury, would provide HOBERT RUPE with cash, sexual acts performed on Rupe by dancers, and other accommodations at The Office and The Night Before such as free private dances, free VIP dances, a waiver of any cover charge and free alcoholic beverages. HOBERT RUPE would use the cash provided to pay dancers at The Office and The Night Before for private and/or VIP dances. It is known that private dances typically cost \$100 for three songs. A VIP dance can cost upwards of \$400-500. Surveillance video was located from April 26, 2024, which depict BRENT ZYWIEC conducting a cash transaction with HOBERT RUPE. BRENT ZYWIEC is observed on security cameras at The Office handing a bundle of cash to HOBERT RUPE under a table to keep others in the room from witnessing the cash handoff. Shortly thereafter, Rupe was observed transacting cash in a private room to pay for a private session. A second video captured May 14, 2024, depicts an Office employee appearing to conduct a cash transaction with HOBERT RUPE. Shortly thereafter, HOBERT RUPE was observed transacting cash in a private room to pay for a private session.

6. It is illegal for the Executive Director of the Liquor Control Commission to accept any gift or gratuity from any person subject to the Nebraska Liquor Control Act, pursuant to Neb. Rev. Statute §53-111.
7. It was part of the conspiracy and scheme to defraud that other employees of The Office, some known and some unknown to the grand jury, would note on sticky notes the amount of money taken out of the business safe in order to provide to HOBERT RUPE. These sticky notes would have "COB" written on them and a dollar amount. "COB" stands for cost of business. This was how another owner known to the grand jury would keep track of the cash at The Office that was expensed by the business to influence HOBERT RUPE over time in the performance of his official duties.
8. It was part of the conspiracy and scheme to defraud that BRENT ZYWIEC would often send various items of value, such as photos of the dancers, identifying information on the dancers, and the dancers' schedule for The Office and/or The Night Before to HOBERT RUPE at HOBERT RUPE'S request. The photos of the dancers had value to HOBERT RUPE. The identifying information on the dancers would be used by HOBERT RUPE to look up the dancers in the Nebraska Criminal Justice Information System, a law enforcement database, to gain inside knowledge about the individuals. The dancers' schedule was of value to HOBERT RUPE as he utilized it to know when to go to The Office and/or The Night Before so he could have access to his favorite dancers. These searches exceeded HOBERT RUPE's lawful use of the Nebraska Criminal Justice Information System.
9. It was part of the conspiracy and scheme to defraud that HOBERT RUPE would travel to The Office and/or The Night Before frequently. Each time he would be exempt from

paying a cover charge which could cost up to \$20. HOBERT RUPE also did not have to pay for alcoholic beverages while at the clubs.

10. It was part of the conspiracy and scheme to defraud that HOBERT RUPE would communicate with BRENT ZYWIEC about when he would be going to The Office. The two worked together to communicate in code. The term, "team players" would be used in reference to HOBERT RUPE and BRENT ZYWIEC opining if a specific dancer would be willing to participate in sexual activities with HOBERT RUPE. References to "book" or "papers" were code words for cash.
11. It was part of the conspiracy and scheme to defraud that BRENT ZYWIEC would retain recordings of various individuals, unknown to the grand jury, in compromised positions receiving private dances or VIP sessions at The Office. Located on BRENT ZYWIEC's iCloud account was at least one compromising video of HOBERT RUPE receiving oral sex from the dancer.
12. It was part of the conspiracy and scheme to defraud that in exchange for the benefits received, HOBERT RUPE, in his official capacity as the Executive Director of the Nebraska Liquor Control Commission, would utilize his ability to materially influence the justice system in Nebraska, effectively insulating The Office and/or The Night Before from law enforcement while targeting investigations toward The Office and The Night Before's business competitors. Communications between HOBERT RUPE and BRENT ZYWIEC and other co-conspirators known to the grand jury support a part of BRENT ZYWIEC and other co-conspirators' business plan was to utilize their relationship with HOBERT RUPE to close rival clubs, thus resulting in increased revenues for The Office and/or The Night Before.

13. It was part of the conspiracy and scheme to defraud that HOBERT RUPE would frequently refer allegations of criminal activity originating at Club Omaha and Club 180 for investigation and prosecution. These clubs are business competitors of The Office and The Night Before. The closing of The Office and The Night Before's top competitors would materially increase both The Office and The Night Before's revenues.
14. It was part of the conspiracy and scheme to defraud that HOBERT RUPE would pass along sensitive law enforcement investigative techniques and plans to BRENT ZYWIEC to let him know that law enforcement was actively investigating competitor clubs.
15. It was part of the conspiracy and scheme to defraud that HOBERT RUPE would often turn a blind eye from clear violations that he knew were occurring at The Office and/or The Night Before. Various violations that HOBERT RUPE knew about went unreported to law enforcement, thus avoiding any citations that law enforcement may have given to The Office and/or The Night Before.
16. It was part of the conspiracy and scheme to defraud that HOBERT RUPE failed to disclose that The Office and/or The Night Before were providing gifts of over \$100 as required to be disclosed under state law on HOBERT RUPE's Statements of Financial Interests filed with the Nebraska Accountability and Disclosure Commission.

17. As part of the conspiracy and scheme to defraud described above and in furtherance of it, HOBERT RUPE caused to be transmitted by means of wire communications, communications in interstate commerce and utilizing facilities of interstate commerce, the sounds and signals described below:

WIRE	ON OR ABOUT	WIRE DESCRIPTION
iMessage between Hobert Rupe and Brent Zywiec	September 16, 2022	HR: Thinking of stopping by. Are you out? BZ: No. Living in hell. But can make your night good BZ: Let me know HR: Heading to Office BZ: [Employee known to the grand jury] has your book BZ: Have fun brother HR: (thumbs up emoji) BZ: (okay hand emoji) BZ: Is it busy HR: Incredibly. [dancer known to the grand jury] and [dancer known to the grand jury] have been back in VIP since I got here BZ: sorry and (grinning face emoji)(grinning face emoji) HR: 2 guys had 4 girls HR: I never want to get in the way of them (and you) from making money BZ: I know brother. Piss em off pick another HR: The regular rooms have been busy as well. Might see if I can snag [employee of The Office known to the grand jury] BZ: Good choice HR: yes it was BZ: that a boy
iMessage between Hobert Rupe and Brent Zywiec	September 21, 2022	HR: forgot to ask. What are your thoughts on [person known to the grand jury]. Seemed cool

		BZ: Like I said if I don't know em. Know em i can't endorse em. But that shouldn't stop you HR: You know me. Always on the lookout for team players (winking face emoji) BZ: Never hurts to ask HR: Options! (grinning face emoji) HR: Out running errands. Stopping by Office to see [employee known to the grand jury]. You out? BZ: no. But did you need your book back BZ: Left it in office BZ: good read. Thanks HR: Who has the book? BZ: [employee known to the grand jury] can give it to you HR: She is leaving for break HR: [employee known to the grand jury] HR: (thumbs up emoji)
iMessage between Hobert Rupe and Brent Zywiec	May 13, 2023	BZ: [unknown object][unknown object] Private location. Text to find out where. WTF. Every Saturday. Hmm HR: Did you text for location? How did you receive the flyer? BZ: ([co-conspirator known to the grand jury] found it and sent it to me HR: Omaha or Lincoln? BZ: Omaha I assume. Need to text find locations and destroy BZ: It says he's providing booze HR: If Omaha gives me ammo to have them go after [business competitor known to the grand jury] as well. This sounds like Omaha

		Gangs. They use the “promoter” racket to launder money. This is an illegal traveling road house. BZ: Bottle service. Secret locations. Idk BZ: This is [business competitor known to the grand jury] HR: Omaha will want to shut that shit down and will be forced to look at [Competitor Strip Club known to the grand jury] HR: How do you know it is [Competitor trip lub known to the grand jury]? BZ: I’ll find out more. This is how [co-conspirator known to the grand jury] presented to me BZ: pictures of girls may be an indicator. But I’ll find out more. Night. HR: NSP can run the phone number. Let me know what you find out! Night BZ: (okay emoji)
iMessage between Brent Zywiec and Co-Conspirator known to the Grand Jury	August 12, 2023	Co-conspirator: Hobie is here BZ: He told me Co-conspirator: Should I just buy him some dances BZ: Absolutely BZ: I got security and a lot of other omaha shit locked up if it happens BZ: Ask Hobie if the 18 and over after hours is approved Co-conspirator: Gave the new blond 100 she just took Hobie to vip. Is that enough lol Co-conspirator: Then I have [dancer known to the grand jury] and hundo and she grabbed him and took him back into vip (angel emoji)

		BZ: It's not what you know. It's who you know (fist pump emoji)
iMessage between Hobert Rupe and Brent Zywiec	August 15, 2023	BZ: Did you find out anything new from Omaha And 18 and over after hours Lincoln? HR: Did you find out who your guy talked too? I spoke with [lobbyist known to the grand jury] and gave him a heads up. He agreed that the issue would be in front of council and that being "Not [competitor strip club known to the grand jury]" is the way to go. BZ: Idk. I'll ask [co-owner of The Office/The Night Before known to the grand jury] HR: I forgot to ask the Lincoln question. Efforting BZ: No worries Ty HR: Welcome as always BZ: I owe you. As always
Email from Hobert Rupe to Assistant Attorney General	August 24, 2023	"A heads up on the Omaha issue. 1. Got a call from an attorney earlier this week asking what would be needed to change from a "normal" license to become a Bottle Club with exotic entertainment. May be the one I knew about but could also be a new player. 2. Got some info on the "Toy" shows that [competitor strip club known to the grand jury] is putting on at [competitor strip club known to the grand jury]. They are live sex shows with the dancers "enjoying" each other with the use of "Toys." These shows are not in the private areas but right up on the main stage. Let me

		know if you need any more info and what decision the AG makes.”
iMessage between Hobert Rupe and Brent Zywiec	November 29, 2023	BZ: Snapchat messages that 2 fine Irishmen not kicked out. Remodeling and doing a [business competitor known to the grand jury] style HR: That is concerning. How reliable is source? BZ: reliable HR: Good. Gives me leverage when I talk to AG tomorrow. HR: BTW. There was a smoking hot Cuban there tonight. Was gonna chat her up but [employee known to the grand jury] says no English and then I talked to [dancer known to the grand jury]. Still wanna fuck her too! (grinning face emoji) BZ: She's wasted HR: If I had more time I would have tried to see how poor her decision skills were affected (grinning face emoji) BZ: Lol
iMessage between Hobert Rupe and Brent Zywiec	December 6, 2023	HR: heading to your club BZ: (thumbs up emoji)(thumbs up emoji) HR: Doubt I will be able to take advantage of the offer. If not today, can I get a rain check? HR: never mind. She is now available. How do I get the cash HR: I told her you where picking up a vip and she got excited HR: she is on stage now
iMessage between Hobert Rupe and Co-Conspirator known to the grand jury	March 30, 2024	Co-Conspirator: [Competitor strip club known to the grand jury] officially passed final eviction today. Unreal

		HR: That is bullshit! I need to see that order HR: Where's the case that [business competitor] won. I can't find shit about it.
Security Camera Surveillance Video	April 26, 2024	A video was located on The Office's DVR recording system of Zywiec handing Rupe a bundle of cash under a table so other individuals in the room did not see the cash transaction. Shortly thereafter, Rupe is seen on video transacting cash in a private room to pay for a private dance session.
iMessage between Hobert Rupe and Brent Zywiec; phone calls placed by Brent Zywiec; Security Camera Surveillance Video uploaded by Brent Zywiec to iCloud account	May 14, 2024	HR: You at club or house? BZ: House HR: Stopping by BZ: K Call from HR to BZ that lasts 131 seconds Call from BZ to The Office that lasts 171 seconds Call from BZ to HR that lasts 51 seconds A video located on The Office's DVR recording system of a bartender at The Office handing Rupe a stack of cash. Shortly thereafter, a video saved on Zywiec's iCloud of Rupe making a cash transaction in a private room to pay for a private dance session. In the video, Rupe is seen having a large amount of physical contact with the dancer, to include Rupe rubbing and/or grasping the dancer's nude breasts and partially clothed buttocks.
Security Camera Surveillance Video	July 20, 2024	A video was located on Zywiec's iCloud account depicting Rupe in a private room with a dancer. Rupe was

		engaged in a large amount of physical contact with the dancer, to include receiving oral sex and manual stimulation.
iMessage between Hobert Rupe and Brent Zywiec	December 8, 2024	BZ: [video depicting a large fight involving an individual who is believed to be Zywiec, multiple punches are thrown at one another. The group of individuals fighting spills out of The Office's front door which leads to the parking lot] BZ: [video depicting the fight from the vantage point of The Office's front parking lot facing the front door. An individual again believed to be Zywiec appears to hold and point a handgun at another male while yelling, "Don't fucking move, motherfucker...I'll fucking kill you...get the fuck out of here."] BZ: Had to pull my gun on a guy who pulled a knife HR: did you contact LPD? BZ: No BZ: photo of a bloody hand resting on a pillow or cushion
iMessage between Hobert Rupe and Brent Zywiec	December 16, 2024	BZ: [unknown object][unknown object][unknown object] HR: Damn those girls are (fire emoji) HR: Which one do you want? I take the other one (grinning face emoji) BZ: Lol HR: Thank you for the pick me up. Do they even know who they are posing for? How did [employee known to the grand jury] meeting go?

		BZ: They know. Meeting good HR: So being kind to an old man. Lol. I look forward to getting to know them better. At least I won't have to use a phone to translate(grinning face emoji) So is [employee known to the grand jury] gonna pick up more shifts? BZ: Yea BZ: [unknown object] [unknown object] HR: Who are those girls? BZ: Who knows. Sending it all. Lol HR: Thank you!
Conversation intercepted between Assistant Attorney General and Hobert Rupe	March 28, 2025	The topic of the conversation focused on allegations of two Omaha strip club competitors. Rupe encouraged additional conversations with law enforcement to focus investigations into both strip clubs, to include sending law enforcement investigators back into the clubs.

All in violation of Title 18, United States Code, Sections 1349 and 1346.

Counts II - IV—Honest Services Fraud

1. At all times material to Count II, defendant HOBERT RUPE was the Executive Director of the Nebraska Liquor Control Commission for the State of Nebraska. The Liquor Control Commission does not have its own investigators. The Liquor Commission relies on local law enforcement and the Nebraska State Patrol. The Liquor Control Commission also believes the consumption of alcohol could impair judgment and could lessen inhibitions, causing some consumers to engage in illegal activities or to be victims of illegal activities on or about licenses premises, endangering the health, safety and welfare of individuals. The

Liquor Commission believes there is a nexus between the consumption of alcohol and certain illegal activities that occur within licensed premises or in adjacent related outdoor areas. Such activities include, but are not limited to, drug-related offenses, prostitution or pandering, assaults, sexual assaults, homicide, gambling, vandalism, weapons-related offenses, etc.

2. At all times material to Count II, HOBERT RUPE witnessed numerous instances of such “illegal activities” occurring while he was present at The Office. HOBERT RUPE also learned of and participated in various illegal activities at The Office.
3. As part of the scheme to defraud the public of his honest services, HOBERT RUPE, failed to report the illegal activities he witnessed that had occurred at The Office and/or The Night Before. The Commissioners expected the Executive Director of the Liquor Control Commission to report known violations of liquor licenses to local law enforcement or to refer the violation for further investigation.
4. As part of the scheme to defraud the public described above, HOBERT RUPE and BRENT ZYWIEC in furtherance of the scheme, caused to be transmitted by means of wire communications, communications in interstate commerce and utilizing facilities of interstate commerce, the sounds and signals described below:

WIRE	ON OR ABOUT	WIRE DESCRIPTION
II. iMessage between Hobert Rupe and Brent Zywiec	December 8, 2024	BZ: [video created, saved, and stored on an iCloud account depicting a large fight involving an individual who is believed to be Zywiec, multiple punches are thrown at one another. The group of individuals fighting spills out of The Office’s front door which leads to the parking lot]

		BZ: [video depicting the fight from the vantage point of The Office's front parking lot facing the front door. An individual again believed to be Zywiec appears to hold and point a handgun at another male while yelling, "Don't fucking move, motherfucker...I'll fucking kill you...get the fuck out of here." BZ: Had to pull my gun on a guy who pulled a knife HR: did you contact LPD? BZ: No BZ: photo of a bloody hand resting on a pillow or cushion
III. Security Camera Surveillance Video uploaded to Brent Zywiec's iCloud account	July 20, 2024	A video was located as being saved and uploaded on Zywiec's iCloud depicting Rupe in a private room with a dancer. Rupe was engaged in a large amount of physical contact with the dancer, to include receiving oral sex and manual stimulation.
IV. iMessage between Hobert Rupe and Brent Zywiec; phone calls placed by Brent Zywiec; Security Camera Surveillance Video uploaded to Brent Zywiec's iCloud account	May 14, 2024	HR: You at club or house? BZ: House HR: Stopping by BZ: K Call from HR to BZ that lasts 131 seconds Call from BZ to The Office that lasts 171 seconds Call from BZ to HR that lasts 51 seconds A video located on The Office's DVR recording system of a bartender at The Office handing Rupe a stack of cash. Shortly thereafter, a video saved on Zywiec's iCloud of Rupe making a cash transaction in a private

		room to pay for a private dance session. In the video, Rupe is seen having a large amount of physical contact with the dancer, to include Rupe rubbing and/or grasping the dancer's nude breasts and partially clothed buttocks.
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All in violation of Title 18, United States Code, Sections 1346 and 1343.

Count V—Wire Fraud

1. The allegations set out in Count I are hereby realleged as if set forth herein.
2. The allegations set out in Count II are hereby realleged as if set forth herein.
3. On or about March 14, 2023, HOBERT RUPE devised and intended to devise, and participated in, a scheme to defraud the citizens of Nebraska, and to obtain money by means of fraudulent pretenses, representations, and promises.
4. As part of the scheme to defraud the public described above, HOBERT RUPE in furtherance of the scheme, on or about the date below, caused to be transmitted by means of wire communications, communications in interstate commerce and utilizing facilities of interstate commerce, the signals and sounds described below.

WIRE	DATE	DESCRIPTION OF WIRE
Submission of Form	March 14, 2023	HOBERT RUPE caused his 2022 Statement of Financial Interests to be filed electronically with the Nebraska Accountability and Disclosure Commission and there were material omissions on the Statement of Financial Interests, to wit: gifts over \$100 in value.

All in violation of Title 18, United States Code, Section 1343.

Count VI—Wire Fraud

5. The allegations set out in Count I are hereby realleged as if set forth herein.
6. The allegations set out in Count II are hereby realleged as if set forth herein.
7. On or about March 12, 2024, HOBERT RUPE devised and intended to devise, and participated in, a scheme to defraud the citizens of Nebraska, and to obtain money by means of fraudulent pretenses, representations, and promises.
8. As part of the scheme to defraud the public described above, HOBERT RUPE in furtherance of the scheme, on or about the date below, caused to be transmitted by means of wire communications, communications in interstate commerce and utilizing facilities of interstate commerce, the signals and sounds described below.

WIRE	DATE	DESCRIPTION OF WIRE
Submission of Form	March 12, 2024	HOBERT RUPE caused his 2023 Statement of Financial Interests to be filed electronically with the Nebraska Accountability and Disclosure Commission and there were material omissions on the Statement of Financial Interests, to wit: gifts over \$100 in value.

All in violation of Title 18, United States Code, Section 1343.

SEALED

Count VII—Hobbs Act Extortion Under Color of Official Right

1. The allegations set out in Count I are hereby realleged as if set forth herein.
2. On about or between April 5, 2021 and January 31, 2025, in the District of Nebraska, HOBERT RUPE did knowingly affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is HOBERT RUPE obtained money not due to him or his office from Business Owner 1, under color of official right, to wit: requiring a total of \$65,000 in payments from Business Owner 1 for the purported purpose of helping Business Owner 1 retain his liquor license for which Business Owner 1 would not otherwise qualify for independently without HOBERT RUPE's unlawful assistance.

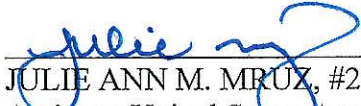
All in violation of Title 18, United States Code, Section 1951.

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Lincoln, Nebraska, pursuant to the rules of this Court.

By:


JULIE ANN M. MRUZ, #25564
Assistant United States Attorney