

**MAR 27, 2009**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**09-20275-CR-HUCK/O'SULLIVAN**  
CASE NO.

18 U.S.C. § 371  
18 U.S.C. § 1343  
18 U.S.C. § 1546(a)  
18 U.S.C. § 1028A(a)(1)  
18 U.S.C. § 912  
18 U.S.C. § 981(a)(1)(C)  
18 U.S.C. § 982(a)(6)

UNITED STATES OF AMERICA

vs.

NESTOR ROMERO,  
ADA CALVEIRO, and  
RAFAEL DIAZ DE LA ROCHA,

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNT 1  
Conspiracy  
(18 U.S.C. § 371)

From in or about February 2003, and continuing through in or about November 2004, the exact dates being unknown to the Grand Jury, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

NESTOR ROMERO,  
ADA CALVEIRO, and  
RAFAEL DIAZ DE LA ROCHA,

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate, and agree with each other and others unknown to the Grand Jury, to commit

offenses against the United States, that is:

(a) to knowingly and with intent to defraud devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted certain wire communications in interstate commerce, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343;

(b) to knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, in matters within the jurisdiction of the Citizenship and Immigration Services (CIS), of the Department of Homeland Security, a department of the executive branch of the United States, that is, using a false alien registration number in Applications for Employment Authorizations (CIS Form I-765), when the holder of said number had not requested such application, and which statement the defendant then and there knew was false, in that the alien number used in the Form I-765 did not belong to the individual for whom the application was being made.

#### **Purpose of the Conspiracy**

It was the purpose of the scheme and artifice for **NESTOR ROMERO, ADA CALVEIRO and RAFAEL DIAZ DE LA ROCHA** to electronically file fraudulent Form I-765, Applications for Employment Authorization, using false alien registration numbers, and in so doing, to unjustly enrich themselves from the proceeds and benefits derived from the monies taken from aliens believing that they were attempting to obtain lawful employment status in the United States.

#### **Manner and Means of the Conspiracy**

The manner and means by which the defendants sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

1. Defendants **NESTOR ROMERO, ADA CALVEIRO, and RAFAEL DIAZ DE LA ROCHA** would solicit payments from aliens, fraudulently claiming to assist them in obtaining immigration documents in return.

2. Defendants **NESTOR ROMERO, ADA CALVEIRO, and RAFAEL DIAZ DE LA ROCHA** would receive payments from aliens after falsely promising to assist them with various immigration matters.

3. Defendant **NESTOR ROMERO** would use the internet to electronically submit in interstate commerce immigration documents containing alien numbers that belonged to individuals other than the respective applicant.

#### OVERT ACTS

In furtherance of the conspiracy, and to achieve the objects and purpose thereof, the conspirators committed and caused to be committed, in the Southern District of Florida and elsewhere, the following overt acts, among others:

1. In or about November 2003, **RAFAEL DIAZ DE LA ROCHA** and **NESTOR ROMERO** held a meeting at the home of "R.G.V." in New Rochelle, New York, at which time they solicited fees for immigration services.

2. In or about November 2003, **RAFAEL DIAZ DE LA ROCHA** and **NESTOR ROMERO** held a meeting at the home of "R.G.V." in New Rochelle, New York, at which time they accepted payments for immigration services.

3. On or about March 16, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "A.G.," a citizen of Colombia.

4. On or about March 16, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "J.V.," a citizen of Colombia.

5. On or about March 16, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "P.V.," a citizen of Colombia.

6. On or about March 16, 2004, **ADA CALVEIRO** accepted payment in the amount of \$2,000.00 from "M.L."

7. In or about April 2004, **ADA CALVEIRO** endorsed four checks, numbered 1196-1199, from "R.D." and "S.D.," each in the amount of \$120.00.

8. In or about April 2004, **ADA CALVEIRO** endorsed a check from "E.L." and "M.L.," in the amount of \$120.00.

9. On or about April 10, 2004, **ADA CALVEIRO** accepted payment in the amount of \$120.00 from "M.L.,"

10. On or about April 10, 2004, **ADA CALVEIRO** accepted payment in the amount of \$1,000.00 from "M.L." and "E.L."

11. On or about April 10, 2004, **ADA CALVEIRO** accepted payment in the amount of \$2,000.00 from "M.L." and "E.L."

12. On or about April 10, 2004, **ADA CALVEIRO** accepted payment in the amount of \$120.00 from "N.L."

13. On or about April 10, 2004, **RAFAEL DIAZ DE LA ROCHA** accepted two checks from "V.V.," each in the amount of \$120.00.

14. On or about July 14, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "S.D.," a citizen of Venezuela.

15. On or about July 14, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "R.D.," a citizen of Venezuela.

16. On or about July 26, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "N.L.," a citizen of Guatemala.

17. On or about August 10, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "M.L.," a citizen of Guatemala.

18. On or about August 10, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "E.L.," a citizen of Guatemala.

19. On or about August 11, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "R.F.," a citizen of Cuba.

20. On or about September 10, 2004, **NESTOR ROMERO** caused a fraudulent I-765, Application for Employment Authorization, to be filed via the internet on behalf of "V.V.," a citizen of Venezuela.

21. In or about October 2005, **NESTOR ROMERO** wore a jacket with the letters "INS"

in yellow displayed in the back of the jacket, with an "INS" patch/badge displayed on the front of the jacket.

22. In or about October 2005, **NESTOR ROMERO** wore a Department of Justice (DOJ), Immigration and Naturalization Service (INS) insignia, on his shirt pocket while selling immigration filing services to aliens in Miami, Florida.

23. On or about October 2005, **NESTOR ROMERO** verbally identified himself as a part time employee with "Immigration."

All in violation of Title 18, United States Code, Section 371.

**COUNTS 2-8**  
**Wire Fraud**  
**(18 U.S.C. §§ 1343 and 2)**

1. From in or about February 2003, and continuing through in or about November 2004, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**NESTOR ROMERO,**  
**ADA CALVEIRO, and**  
**RAFAEL DIAZ DE LA ROCHA**

did knowingly and with intent to defraud devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations and promises were false and fraudulent when made.

**PURPOSE OF THE SCHEME AND ARTIFICE**

2. It was the purpose of the scheme and artifice for **NESTOR ROMERO, ADA CALVEIRO, and RAFAEL DIAZ DE LA ROCHA** to electronically file fraudulent Form I-765, Applications for Employment Authorization, using false alien registration numbers, and in so doing,

to unjustly enrich themselves from the proceeds and benefits derived from the monies taken from aliens believing that they were attempting to obtain lawful employment status in the United States.

**SCHEME AND ARTIFICE**

3. Paragraphs 1 through 3 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

**USE OF THE WIRES**

4. On or about the dates specified as to each count below, the defendants, for the purpose of executing and in furtherance of the above-described scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations and promises, and attempting to do so, did knowingly transmit and cause to be transmitted, by means of wire communications, certain writings, as specified below:

<b>COUNT</b>	<b>APPROX. DATE</b>	<b>DESCRIPTION OF WIRE TRANSMISSION</b>
2	July 14, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480035245, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "S.D.," a Venezuelan Citizen. The alien number listed on block 10 of the application, *****1632, belongs to "A.G.," a person born in Poland.
3	July 14, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480035247, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "R.D.," a Venezuelan Citizen. The alien number listed on block 10 of the application, *****1633, belongs to "M.C.S.R.," a person born in Mexico.

COUNT	APPROX. DATE	DESCRIPTION OF WIRE TRANSMISSION
4	July 26, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480036692, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "N.L.," a Guatemalan Citizen. The alien number listed on block 10 of the application, *****5433, belongs to "Y.S.G.," a person born in Mexico.
5	August 10, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480038910, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "M.L.," a Guatemalan Citizen. The alien number listed on block 10 of the application, *****4893, belongs to "M.B.," a person born in Ethiopia.
6	August 10, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480038895, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "E.L.," a Guatemalan Citizen. The alien number listed on block 10 of the application, *****7786, belongs to "M.I.C.," a person born in Colombia.
7	August 11, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480039059, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "R.F.," a citizen of Cuba. The alien number listed on block 10 of the application, *****9368, belongs to "N.R.," a person born in Jamaica.

COUNT	APPROX. DATE	DESCRIPTION OF WIRE TRANSMISSION
8	September 10, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480042902, filed interstate via the Internet from Miami, Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "V.V.," a Venezuelan Citizen. The alien number listed on block 10 of the application, *****6549, belongs to "M.A.C.D.M.," a person born in Mexico.

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNTS 9-15**  
**Fraud and Misuse of Documents**  
**(18 U.S.C. § 1546(a))**

On or about the dates set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**NESTOR ROMERO,**

did knowingly make under oath and present a false statement with respect to a material fact in a Form I-765, Application for Employment Authorization, that is, using a false alien registration number, when the holder of said number had not requested such application, which statement the defendant then and there knew was false, in that the alien number used in the Form I-765 did not belong to the individual for whom the application was being made, as set forth below as to each count:

COUNT	APPROX. DATE	DESCRIPTION OF FALSE STATEMENT IN APPLICATION
9	July 14, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480035245, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "S.D.," a Venezuelan Citizen. The alien number listed on block 10 of the application, *****1632, belongs to "A.G.," a person born in Poland.
10	July 14, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480035247, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "R.D.," a Venezuelan Citizen. The alien number listed on block 10 of the application, *****1633, belongs to "M.C.S.R.," a person born in Mexico.
11	July 26, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480036692, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "N.L.," a Guatemalan Citizen. The alien number listed on block 10 of the application, *****5433, belongs to "Y.S.G.," a person born in Mexico.
12	August 10, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480038910, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "M.L.," a Guatemalan Citizen. The alien number listed on block 10 of the application, *****4893, belongs to "M.B.," a person born in Ethiopia.

COUNT	APPROX. DATE	DESCRIPTION OF FALSE STATEMENT IN APPLICATION
13	August 10, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480038895, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "E.L.," a Guatemalan Citizen. The alien number listed on block 10 of the application, *****7786, belongs to "M.I.C.," a person born in Colombia.
14	August 11, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480039059, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "R.F.," a citizen of Cuba. The alien number listed on block 10 of the application, *****9368, belongs to "N.R.," a person born in Jamaica.
15	September 10, 2004	Form I-765, Application for Employment Authorization, receipt number MSC0480042902, filed interstate via the Internet from Florida to Citizenship and Immigration Services, located in Lee's Summit, Missouri, on behalf of "V.V.," a Venezuelan Citizen. The alien number listed on block 10 of the application, *****6549, belongs to "M.A.C.D.M.," a person born in Mexico.

In violation of Title 18, United States Code, Section 1546(a).

**COUNTS 16-22**  
**Aggravated Identity Theft**  
**(18 U.S.C. § 1028A)**

On or about the dates set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**NESTOR ROMERO,**

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is,

knowingly and willfully devising and intending to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and knowingly transmitting and causing to be transmitted, by means of wire communications, in interstate commerce, certain writings, did knowingly possess and use, without lawful authority, a means of identification of another person, that is, an alien registration number, as set forth below as to each count:

COUNT	APPROX. DATE	ALIEN REGISTRATION NUMBER
16	July 14, 2004	Alien number *****1632 belonging to "A.G."
17	July 14, 2004	Alien number *****1633 belonging to "M.C.S.R."
18	July 26, 2004	Alien number *****5433 belonging to "Y.S.G."
19	August 10, 2004	Alien number *****4893 belonging to "M.B."
20	August 10, 2004	Alien number *****7786 belonging to "M.I.C."
21	August 11, 2004	Alien number *****9368, belonging to "N.R."
22	September 10, 2004	Alien number *****6549 belonging to "M.A.C.D.M."

In violation of Title 18, United States Code, Section 1028A(a)(1).

**COUNT 23**  
**Impersonation of Employee**  
**(18 U.S.C. § 912)**

In or about October 2005, in the Southern District of Florida, and elsewhere, the defendant,

**NESTOR ROMERO,**

did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Department of Homeland Security, and in such assumed

and pretended character did act as such, in that he falsely stated that he was an employee of the Department of Homeland Security and demanded on behalf of the United States and obtained for the United States the sum of three thousand dollars (\$3,000.00), in violation of Title 18, United States Code, Section 912.

**COUNT 24**  
**Impersonation of Employee**  
**(18 U.S.C. § 912)**

In or about October 2005, in the Southern District of Florida, and elsewhere, the defendant,

**NESTOR ROMERO,**

did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is an employee of the Department of Homeland Security, and in such assumed and pretended character did act as such, in that he falsely stated that he was an employee of the Department of Homeland Security and demanded on behalf of the United States and obtained for the United States the sum of one thousand eight hundred twenty dollars (\$1,820.00), in violation of Title 18, United States Code, Section 912.

**FORFEITURE ALLEGATIONS**

1. The allegations of Counts 1 through 15 of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which one or more of the defendants may have an interest.

2. Upon conviction of a conspiracy to commit a violation of Title 18, United States Code, Section 1343 pursuant to Title 18, United States Code, Section 371 as alleged in Count 1, or any of the violations of Title 18, United States Code, Sections 1343, as alleged in Counts 2 through 8 of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code,

Section 981(a)(1)(C), as incorporated by Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes, or is derived from, proceeds traceable to such violations.

3. Upon conviction of a conspiracy to commit a violation of Title 18, United States Code, Section 1546(a) pursuant to Title 18, United States Code, Section 371 as alleged in Count 1, or any of the violations of Title 18, United States Code, Sections 1546(a), as alleged in Counts 9 through 15 of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6)(A): (1) any conveyance, including any vessel, vehicle, or aircraft, used in the commission of such offense; (2) any property, real or personal, which constitutes or is derived from or is traceable to any proceeds which the defendants obtained, directly or indirectly, from the commission of such offense; and (3) any property, real or personal, that was used, or intended to be used, to facilitate the commission of such offense.

4. The property subject to forfeiture includes, but is not limited to:

\$426,770.76 in United States currency.

5. Pursuant to Title 21 United States Code, Section 853(p), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of any defendant

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred, or sold to, or deposited with a third party;
- (C) has been placed beyond the jurisdiction of the Court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek the forfeiture of other property of the defendants up to the value of the above-described forfeitable property and to have the Court order the defendants to return the property to the jurisdiction for seizure and forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), Title 18, United States Code, Sections 981(a)(1)(C), and 982(a)(6); and the procedures outlined at Title 21, United States Code, Section 853.

A TRUE BILL

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FOREPERSON

  
\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
KELLY S. KARASE  
ASSISTANT U.S. ATTORNEY