

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

- 1. AVRAHAM NADIVI,
- 2. YOSI RACHAMIM,
- 3. YEHIEL SHPITSER, and
- 4. ADAM VAKNIN.

13. MS. 428 PLW
 Case No. SEALED BY ORDER

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or between February 11, 2009 and October 30, 2012, in Hennepin County, in the State and District of Minnesota, defendants

(1) hired and recruited for employment in the United States an alien knowing the alien is an unauthorized alien with respect to such employment, in violation of Title 8, United States Code, Section 1324a;

(2) knowing or in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, concealed, harbored, and shielded from detection, or attempted to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation, in violation of Title 8, United States Code, Section 1324; and

(3) conspired either to commit the above-listed offenses against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons did any act to effect the object of the conspiracy, in violation of Title 18, United States Code, Section 371.

I further state that I am a Lead Border Patrol Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF STEVEN A. SULLIVAN

Continued on the attached sheet and made a part hereof: Yes No

[Handwritten Signature]
 Complainant's signature

Steven A. Sullivan, Lead Border Patrol Agent
 Printed name and title

Sworn to before me and signed in my presence.

Date: June 17, 2013

[Handwritten Signature]
 Judge's signature

City and state: Minneapolis, Minnesota

The Honorable Franklin L. Noel
 Printed name and title



STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

SS: AFFIDAVIT OF STEVEN A. SULLIVAN

Steven A. Sullivan, being of lawful age and duly sworn, deposes and states:

- 1) I am a Lead Border Patrol Agent with the United States Border Patrol (USBP), St. Paul, Minnesota, with approximately fifteen years of combined experience as a Border Patrol Agent and as a permanent task force officer with Homeland Security Investigations (HSI).
- 2) I graduated from the United States Border Patrol Academy at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I hold a bachelor's degree in Political Science from Texas A&M University in College Station, Texas. I am a permanent member of the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Document and Benefit Fraud Task Force (DBFTF). In that capacity, I have attended and completed the ICE Immigration and Benefit Fraud Training Program. I have previously investigated persons for violations of 8 U.S.C. § 1324 (Unlawful Employment/Alien Smuggling/Illegal Harboring), 8 U.S.C. § 1325 (Marriage Fraud/Illegal Entry), 18 U.S.C. § 1546 (Visa Fraud), 18 U.S.C. § 1028 (Identity Theft), and other federal violations.
- 3) The following information has been related to me by HSI Agents, other persons, or is known to me by my own personal observations. Because this affidavit is being submitted solely for the purpose of establishing probable cause, it does not

contain all the facts and circumstances pertaining to this investigation.

PURPOSE OF AFFIDAVIT

- 4) This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached criminal complaints against, and arrest warrants for Yosi Rachamim, Avraham Nadivi, Yehiel Shpitser, and Adam Vaknin for violations of 8 U.S.C. § 1324a (Illegal Employment), 8 U.S.C. § 1324 (Harboring Aliens), and 18 U.S.C. § 371 (Conspiracy) and therefore contains only a summary of the relevant facts.

DEFINITIONS

Agency Definitions

- 5) United States Citizenship and Immigration Services (USCIS). USCIS is the government agency that oversees lawful immigration into the United States.

Alien Classes, Categories, and Definitions

- 6) Nonimmigrant - An alien who seeks temporary entry into the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. Nonimmigrant classifications include foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, students, and others.
- 7) Alien – Someone who is not a citizen or national of the United States.
- 8) Permanent Resident Alien - An alien admitted to the United States as a Lawful Permanent Resident (LPR). LPRs are legally accorded the privilege of residing

permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjust to permanent resident status by USCIS.

- 9) Tourism and Visitor Visa, B-1/B-2 - A Tourism and Visitor Visa is a nonimmigrant visa for persons who want to enter the United States temporarily for business (visa category B-1), tourism, pleasure or visiting (visa category B-2), or a combination of both purposes (B-1/B-2). A visa allows a foreign citizen coming from abroad to travel to a United States port of entry and request permission to enter. A B-2 Visa holder may be granted a temporary stay in the United States for up to six months by CBP officers upon entry and inspection. The Visitor Visa holder must either depart the United States prior to the date of expiration or apply for and receive an extension to his/her visa. Should the B-2 Visitor Visa holder be denied an extension, he/she must then depart the United States and apply for re-entry for another temporary stay up to six months as a visitor. B-2 visa holders are not authorized to work in the United States.
- 10) A "Conditional Resident" or CR6 refers to the status granted to the spouse of a United States citizen or LPR who applied for lawful permanent residence on the basis of a marriage that was less than two years old at the time the application for lawful permanent residence is approved. The spouse remains a "conditional" permanent resident for two years, commencing at the time conditional permanent residence is granted. At the expiration of the two-year period, a conditional lawful permanent resident aliens' status will automatically expire unless a formal petition is filed to have the "conditions" removed. A CR6 is authorized to engage in the

same activities as an LPR, but must file for “Removal of Conditional Residence” before the end of the two-year period.

Government Forms

- 11) United States Government form I-9 (Employment Eligibility Verification)---used by employers to verify the identity and employment authorization of each person they hire. Employers are required to complete and retain a form I-9 on each employee hired or rehired after November 6, 1986 to perform labor or services in the United States in return for wages or other remuneration. Form I-9 Inspections are conducted by auditors employed by HSI to ensure that employers have a complete and accurate form on file for each employee in its current workforce.
- 12) United States Government Employment Authorization Document (EAD)---If a person is not a U.S. citizen or a permanent resident, they may fall into one of three categories of persons who are eligible for an EAD if: they have authorization to work in the United States as a result of their nonimmigrant status, have authorization to work for a specific employer as a result of their nonimmigrant status, or may be in an immigration category which requires them to file for permission to work, such as a Conditional Resident.
- 13) United States Government form I-94 (Arrival/Departure Record)---issued to aliens who are admitted to the U.S., who are adjusting status while in the U.S. or extending their stay. A CBP officer generally attaches the I-94 to the nonimmigrant visitor’s passport upon entry. The visitor must exit the U.S. on or before the departure date stamped on the I-94.

- 14) The Visa Waiver Program (VWP)---enables nationals of 37 participating countries to travel to the United States for tourism or business (visitor [B] visa purposes only) for stays of 90 days or less without obtaining a visa. The program was established to eliminate unnecessary barriers to travel, to stimulate the tourism industry, and to permit the Department of State to focus consular resources in other areas. They are the most applied for nonimmigrant visa and unlike other visa categories, there is no set limit of B visas issued. Israel is not a participant in the VWP, in part, due to the abuse of the B-2 visa program by Israeli nationals overstaying their visas in the United States.

STATUTORY SCHEME:

ILLEGAL EMPLOYMENT - 8 U.S.C. § 1324a

- 15) A defendant commits illegal employment when (1) a defendant hired or recruited an alien for employment, (2) the defendant knew the alien was an unauthorized alien, and (3) the defendant engaged in a pattern or practice of such hiring.

BRINGING IN AND HARBORING CERTAIN ALIENS – 8 U.S.C. § 1324

- 16) A defendant commits harboring when (1) at least one person was an alien, (2) the alien entered or remained in the United States unlawfully, (3) the defendant concealed, shielded from detection, or harbored the alien, and (4) the defendant knew or recklessly disregarded the fact that the alien was not lawfully in the United States.

CONSPIRACY - 18 U.S.C. § 371, ILLEGAL EMPLOYMENT/HARBORING

- 17) A defendant commits conspiracy when (1) two or more persons reached an

agreement or came to an understanding to harbor illegal aliens or knowingly hire illegal aliens, (2) the defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time while it was still in effect, (3) at the time the defendant joined the agreement or understanding, he/she knew the purpose of the agreement or understanding, (4) while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly did one or more overt acts.

FACTS SETTING FORTH PROBABLE CAUSE:

CONSPIRACY, ILLEGAL EMPLOYMENT, AND HARBORING

Based on the facts set forth below, I submit that there is probable cause to believe the following:

- 18) Yosi Rachamim, Avraham Nadivi, Yehiel Shpitser, and Adam Vaknin all entered the United States as B-1/B-2 visa holders at different points in time and have since adjusted to Legal Permanent Residents of the United States. All have joint business interests in YA & YA USA, Incorporated as associates, managers, or owners of the company.
- 19) Y and A was legally filed as a Limited Liability Company (LLC) under the laws of Minnesota by Secretary of State Mark Richie on November 24, 2008. The registered agent is Avraham Nadivi at 9851 Harrison Road, #204, Bloomington, MN 55437. This LLC is currently inactive. On September 21, 2009, YA & YA USA INCORPORATED (hereafter known as YA & YA) was legally incorporated in Minnesota by Secretary of State Mark Richie. Avraham Nadivi is listed as the

Chief Executive Officer for YA & YA.

- 20) In June 2009, an account was opened for a credit card point of sale software company account titled "YA & YA" with an email address of yosircm@hotmail.com and yausamn@gmail.com, telephone number 612-281-7177, and shipping and billing address of 9581 Harrison Rd #204, Bloomington, MN 55437. This database system was used by YA & YA to track employee time and attendance, commissions, deductions, and inventory. Within this credit card point of sale database the following are listed as managers for YA & YA: Avraham Nadivi with an email address of a_nadivi7@yahoo.com; Hilik Shpitser with an email address of hilik2001@hotmail.com; Yosi Rachamim with an email address of yosircm@hotmail.com; and Adam Vaknin with an email address of deadseamagic@yahoo.com.
- 21) In response to an HSI I-9 audit in August 2012, YA & YA identified Nadivi as president, Shpitser as secretary, and Vaknin as director of the company. Rachamim was listed as a previous employee who was hired in August 2009 and terminated in March 2010. Rachamim's job duties or title were not disclosed.
- 22) Lisa Taylor, Mall of America leasing agent, reported that she knows Rachamim and that Rachamim appeared to be the person in charge of the stores and kiosks, because he was involved in setting them up in 2008. Taylor stated that she knows Vaknin because she was told by Rachamim that Vaknin is to be the contact for YA & YA when Rachamim is out of town. Mall of America leasing agent Sherry Weber stated that she had worked with Vaknin regarding leasing and customer

complaints. Vaknin had signed a lease agreement in July 2012 for YA & YA in the Mall of America. Taylor and Weber recognize Nadivi as a person who works for Rachamim and handled leases and customer complaints in 2011. Taylor recognizes Shpitser and stated that on one occasion she contacted Rachamim regarding a customer complaint and Rachamim directed her to Shpitser. Shpitser sent Taylor an email with sales figures for YA & YA.

- 23) Taylor provided the following contact information for Rachamim: 612-281-7177, yosirem@hotmail.com; Shpitser 310-678-4579; Vaknin 850-960-0881; and Nadivi 612-709-5990, a_nadivi7@yahoo.com.
- 24) Through interviews of Pebble Brook Apartment staff, where YA & YA workers have been housed, I learned that the name YA & YA may represent (Y)osi, (A)vraham, (Y)ehiel, and (A)dam. Additionally, Avi (the nickname of Avraham Nadivi) was known to run the Dead Sea portion of the business, Hilik (the nickname of Yehiel Shpitser) handled the hair products part of the company, and Vaknin acted as a manager.

GENERAL ILLEGAL EMPLOYMENT

On June 11, 2013, a request was sent to Minnesota Department of Employment and Economic Development (MNDEED) for all employees working for YA & YA. MNDEED has no record for the past three years of persons working or receiving benefits as employees for YA & YA.

Specific Employment of Unauthorized Aliens

Sagi Wolozny- Knowingly Employed by YA & YA

- 25) Through investigative findings it was learned that Sagi Wolozny was employed by YA & YA at a time when he was not authorized to engage in work in the United States.
- 26) On November 10, 2006, Sagi Wolozny entered the United States on a B-2 Visitor Visa from Israel. According to the I-94, Wolozny was authorized to remain in the United States until May 9, 2007. On June 14, 2009, an immigration petition was filed on behalf of Wolozny by his U.S. citizen spouse. As a result, on August 3, 2009, Wolozny was issued an Employment Authorization Document (EAD), legally allowing Wolozny to work in the United States as a Conditional Resident. From November 10, 2006 to August 2, 2009, Wolozny was not authorized to engage in work in the United States.
- 27) During an interview, Wolozny stated he met Rachamim and Nadivi in the Topanga Plaza Mall in Los Angeles, California, in 2006. At that time, Rachamim was running the kiosks in the mall. Sometime later, Rachamim offered Wolozny a job. Nadivi and Rachamim paid for Wolozny's plane ticket from Los Angeles to Minneapolis. Wolozny was immediately put to work at the NATURAL BEAUTY kiosk in the Mall of America. Wolozny reported it was common knowledge that B-2 visitor visa holders cannot work in the United States. Nadivi knew the immigration status of YA & YA employees, including Wolozny, who were B-2 visa holders. Nadivi told Wolozny that it was a risk he had to take.
- 28) HSI investigators obtained YA & YA employee account information stored by the point of sale database software program used by YA & YA, including the

employment history records for Fabio Vilo. Wolozny stated his work name in the point of sale database software program used by YA & YA was "Sagi Vilo," which he later had Nadivi change to "Fabio Vilo." Payroll records dated from June 24, 2009 to February 1, 2012, indicate Wolozny was employed by YA & YA. Wolozny was paid in cash by individuals who were identified by Wolozny as "managers" for YA & YA. From November 10, 2006 to August 2, 2009, Wolozny was not authorized to engage in work in the United States.

- 29) Paperwork received from YA & YA listed Wolozny as an employee who worked for YA & YA beginning October 1, 2009. However, YA & YA did not submit a form I-9 for Wolozny.
- 30) MNDEED does not have any records for Wolozny working or receiving benefits within the state of Minnesota while an employee of YA & YA.

Lihl Elgrably- Knowingly Employed by YA & YA

- 31) Through investigative findings it was learned that Lihl Elgrably was employed by YA & YA at a time when she was not authorized to engage in work in the United States.
- 32) On August 1, 2008, Lihl Elgrably entered the United States as a B-2 visitor for pleasure from Israel. According to the I-94, Elgrably was authorized to remain in the United States until January 28, 2009. On February 2, 2009, Elgrably applied for and was granted an extension to stay in the United States as a B-2 until July 27, 2009. On February 15, 2010, an immigration petition was filed on behalf of Elgrably by her U.S. citizen spouse. As a result, on May 3, 2010, Elgrably was

issued an EAD, legally allowing Elgrably to work in the United States as a Conditional Resident. From August 1, 2008 to May 2, 2010, Elgrably was not authorized to engage in work in the United States.

- 33) On February 11, 2009, a Mall of America employee identification badge application was filled-out under the name Lihi Elgrably in order to obtain a Mall of America security badge. The application paperwork listed Elgrably's place of work as NATURAL BEAUTY. HSI investigators have obtained a copy of the Mall of America employee ID badge which includes a photograph of Elgrably and an expiration date of 12/20/2011.
- 34) On May 24, 2009, Elgrably was identified by Mall of America security and interviewed. The security interview report stated that Elgrably was found in the back corridors without a Mall of America employee ID badge. Elgrably told mall security that she had left her badge at home.
- 35) HSI obtained the employment history records for Elgrably while she was working for YA & YA as stored in the point of sale database. Payroll records dated from June 24, 2009 to October 30, 2012, indicate Elgrably was employed by YA & YA. From August 1, 2008 to May 2, 2010, Elgrably was not authorized to engage in work in the United States.
- 36) Paperwork received from YA & YA listed Elgrably as an employee. The form I-9 submitted was dated October 18, 2010, with Elgrably as the employee and Nadivi as the employer or authorized representative.
- 37) MNDEED does not have any records for Elgrably working or receiving benefits

within the state of Minnesota while an employee of YA & YA.

Doreen Ganon- Knowingly Employed by YA & YA

- 38) Through investigative findings it was learned that Doreen Ganon was employed by YA & YA at a time when she was not authorized to engage in work in the United States.
- 39) On July 10, 2008, Ganon entered the United States as a B-2 visitor for pleasure from Israel. According to the I-94, Ganon was authorized to remain in the United States until January 9, 2009. On December 31, 2008, Ganon applied for and was denied an extension to stay in the United States.
- 40) On June 21, 2010, Ganon was issued an EAD as a result of her marriage to a U.S. citizen and was legally allowed to engage in work in the United States as a Conditional Resident. From July 10, 2008 to June 20, 2010, Ganon was not authorized to engage in work in the United States.
- 41) Ben Tibi, a United States citizen and former employee of YA & YA, stated that he arrived in December 2009 from Louisiana to work for YA & YA at the Mall of America. Tibi met Ganon within the first weeks of his arrival while they were working at the Mall of America for YA & YA. On January 26, 2010, Tibi married Ganon.
- 42) Tibi, a roommate to Ganon and Adam Vaknin, consented to a search of his laptop computer. Forensically extracted and partially recovered data shows that on May 31, 2010, Vaknin's YA & YA account for the point of sale database was accessed and several queries were made regarding YA & YA employees. The recovered

data for May 31, 2010, listed Ganon as an employee of YA & YA who did not clock out from NATURAL BEAUTY5 at 01:10PM, NATURAL BEAUTY3 at 10:07AM, and NATURAL BEAUTY2 at 04:06PM. Additionally, Ganon is listed as having sold \$1,260.00 and \$1,351.73 on this same date. Ganon is listed as "Doreen Ganon" with an employee ID of "9237." Ganon was not authorized to engage in work on May 31, 2010.

- 43) YA & YA payroll records dated from June 24, 2009 to January 5, 2011, indicate Ganon was employed by YA & YA. From July 10, 2008 to June 20, 2010, Ganon was not authorized to engage in work in the United States.
- 44) Paperwork received from YA & YA disclosed Ganon as an employee. The I-9 submitted was signed on October 3, 2010, with Ganon as the employee and Nadivi as the employer or authorized representative. The I-9 paperwork submitted by YA & YA identified Ganon's date of work as possibly incorrect.
- 45) MNDEED does not have any records for Ganon working or receiving benefits within the state of Minnesota while an employee of YA & YA.

Aharon Ben Ezri-Knowingly Employed by YA & YA

- 46) Through investigative findings it was learned that Aharon Ben Ezri was employed by YA & YA when he was not authorized to engage in work in the United States.
- 47) On November 22, 2011, Aharon Ben Ezri entered the United States as a B-2 visitor for pleasure from Israel. According to the I-94, Ben Ezri was authorized to remain in the United States until May 21, 2012. On May 12, 2012, Ben Ezri applied for and was granted an extension to stay in the United States as a B-2 until

October 24, 2012. On September 11, 2012, Ben Ezri departed the United States. As a B-2 visa holder from Israel, Ben Ezri never was authorized to engage in work in the United States.

- 48) On an unknown date Ben Ezri received a Mall of America ID badge with his name, photograph, and the employer name NATURAL BEAUTY displayed on the badge. This badge had an expiration date of 08/13/2012.
- 49) On June 6, 2012, Ben Ezri was identified by Mall of America security and interviewed. The security interview report stated that Ben Ezri was making deliveries to HOLLYWOOD HAIR and NATURAL BEAUTY kiosks. Ben Ezri was documented by mall security as not in possession of his Mall of America ID badge (left at home), but wearing the Mall of America ID badge of another YA & YA employee.
- 50) YA & YA did not list Ben Ezri as a past or present employee of YA & YA in its response to an I-9 audit.
- 51) MNDEED does not have any records for Ben Ezri working or receiving benefits within the state of Minnesota.

Anastasia Deyduch - Knowingly Employed by YA & YA

- 52) Through investigative findings it was learned that Anastasia Deyduch was employed by YA & YA when she was not authorized to engage in work in the United States.
- 53) On April 13, 2010, Anastasia Deyduch entered the United States as a B-2 visitor for pleasure from Ukraine. According to the I-94, Deyduch was authorized to

remain in the United States until October 12, 2010. On September 20, 2010, Deyduch applied for and was granted an extension to stay in the United States as a B-2 until April 13, 2011. On March 30, 2011, Deyduch departed the United States. As a B-2 visa holder from Ukraine, Deyduch was never authorized to engage in work in the United States.

- 54) On February 3, 2011, according to a Mall of America Call For Service report, mall security was dispatched to the East NATURAL BEAUTY kiosk. Mall security made contact with and identified Deyduch as the employee working at the NATURAL BEAUTY kiosk and as the individual lodging the complaint. Deyduch had summoned mall security to report a male distributing anti-Jewish propaganda.
- 55) Paperwork received from YA & YA does not list Deyduch as a past or present employee of YA & YA in its response to an I-9 audit.
- 56) On February 13, 2013, Sagi Wolozny stated that he had worked with Deyduch in 2010 at YA & YA kiosks selling cosmetics.

GENERAL HARBORING OF ALIENS

- 57) HSI investigators interviewed Tracy Gannon, the apartment manager for the Pebble Brook Apartments in Bloomington, Minnesota. Gannon stated that she believed that all YA & YA employees' apartments were in Nadivi's name and that Nadivi and Shpitser paid for the YA & YA employees' apartments. Nadivi and Shpitser wrote checks for the electricity and for the apartments where the employees were living. I obtained copies of cancelled YA & YA checks that were

used to pay for the housing at the Pebble Brook. Gannon stated that Nadivi referred to these tenants as his “employees.” Nadivi also said that all the furniture in the apartments rented was his. Nadivi requested to have access to all the apartments, but that was never authorized by Pebble Brook.

- 58) On one occasion, Nadivi told Gannon that if there were any problems with the employees or the apartments that she should contact him. Gannon stated that when any violation notices for the employees of YA & YA apartments’ were generated by Pebble Brook management, a copy would also be sent directly to Nadivi.
- 59) YA & YA employees were driven to the Mall of America in two vehicles: a black SUV and a black luxury sedan. Gannon and other Pebble Brook staff would see between two to four persons in these vehicles, and the vehicles were loaded with employees several times throughout the day at Pebble Brook. Shpitser drove the black sedan.

Specific Examples of Harboring of Unauthorized Aliens for Employment

Sagi Wolozny- Employee Knowingly Harbored by YA & YA

- 60) Through investigative findings it was learned that Sagi Wolozny was harbored as an employee by YA & YA when he was not authorized to engage in work in the United States.
- 61) After Rachamim offered Wolozny a job in 2006, Nadivi and Rachamim paid for Wolozny’s plane ticket from Los Angeles to Minneapolis. Nadivi picked up Wolozny from the Minneapolis airport upon his arrival and drove Wolozny to the

Pebble Brook Apartments in Bloomington, Minnesota, where Wolozny was housed in a furnished apartment with other employees of Nadivi and Rachamim. Wolozny was provided transportation to the Mall of America by Nadivi where Wolozny was immediately put to work at the NATURAL BEAUTY kiosk.

- 62) Payroll records dated from July 12, 2009 to December 31, 2009, indicate a daily deduction of \$13.00 for “rent” under the name Fabio Vilo in YA & YA’s point of sale database software program. From November 10, 2006 to August 2, 2009, Wolozny was not authorized to engage in work in the United States.

Lih Elgrably- Employee Knowingly Harbored by YA & YA

- 63) Through investigative findings it was learned that Lih Elgrably was harbored by YA & YA as an employee when she was not authorized to engage in work in the United States.
- 64) On May 25, 2009, an apartment lease agreement for Pebble Brook Apartments in Bloomington, Minnesota was filled-out with the names Lih Elgrably and Avraham Nadivi. On the lease agreement, Elgrably is listed as the resident and Nadivi is listed as the guarantor. Within the apartment lease paperwork is a page entitled Request for Employment Verification. On this form, which was signed February 10, 2010, Elgrably’s gross monthly income is listed as \$2,500 with an employment start date of June 1, 2008. An undated, handwritten paper included within the lease agreement paperwork lists Elgrably as an employee with “YA & YA USA Inc.” for three years with a salary of \$36,000 per year. This paper is signed by Avraham Nadivi on behalf of YA & YA. From August 1, 2008 to May

2, 2010, Elgrably was not authorized to engage in work in the United States.

Doreen Ganon- Employee Knowingly Harbored by YA & YA

- 65) Through investigative findings it was learned that Doreen Ganon was harbored by YA & YA as an employee when she was not authorized to engage in work in the United States.
- 66) Payroll records dated from August 1, 2009 to December 31, 2009, indicate a daily deduction of \$13.00 for “rent.” From July 10, 2008 to June 20, 2010, Ganon was not authorized to engage in work in the United States.
- 67) Payroll records on November 1, 2009, December 6, 2009, January 3, 2010, February 7, 2010, March 7, 2010, April 4, 2010, and May 2, 2010, for a deduction for “gas.” From July 10, 2008 to June 20, 2010, Ganon was not authorized to engage in work in the United States.

CONCLUSION

Based on my knowledge and understanding of the laws and regulations of the United States, I have probable cause to believe that;

- 68) Yosi Rachamim, Avraham Nadivi, Yehiel Shpitser, and Adam Vaknin, conspired when they knowingly hired B-2 visa holders who were unauthorized to work in the United States and harbored unauthorized alien workers at the Pebble Brook Apartments in Bloomington, Minnesota and shielded unauthorized alien workers in an effort to evade provisions of U.S. law. They paid unauthorized alien workers’ rent and electricity. They did not report wages of unauthorized alien workers to Minnesota Department of Employment and Economic Development or

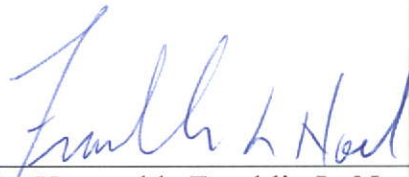
HSI. They did this in violation of 8 U.S.C. § 1324a (Illegal Employment), 8 U.S.C. § 1324 (Harboring), and 18 U.S.C. § 371 (Conspiracy).

All statements contained in this affidavit are true and correct to the best of my knowledge.



Steven A. Sullivan
Lead Border Patrol Agent, Task Force Officer
Homeland Security Investigations

Sworn to before me and subscribed in my presence on this 17th day of June, 2013, at Minneapolis, Minnesota.



The Honorable Franklin L. Noel
United States Magistrate Judge
District of Minnesota