

CR 13 00200

E-filing

EJD HRL

SEALED BY ORDER OF THE COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Filed

SAN JOSE DIVISION

MAR 27 2013

THE UNITED STATES OF AMERICA

vs.

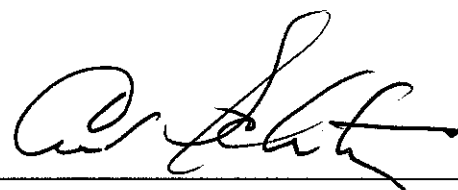
BALARKSHAN PATWARDHAN

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

INDICTMENT

Counts One-Nineteen: 18 U.S.C. § 1546(a) – Visa Fraud

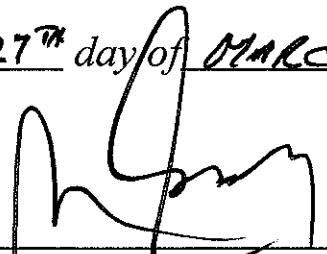
A true bill.



Foreperson

Filed in open court this 27th day of MARCH

A.D. 2013



United States Magistrate Judge

Bail. \$ No Bail arrest warrant

DOCUMENT NO. 1
CRIMINAL
DISTRICT COURT

FILED BY ORDER OF THE COURT

E-filing

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MELINDA HAAG (CABN 132642)
United States Attorney

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NORTHERN DISTRICT
OF CALIFORNIA

Filed

MAR 27 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BALARKISHAN PATWARDHAN,

Defendant.

CR 13 No. 00200

EJD

HRL

VIOLATIONS:

18 U.S.C. § 1546(a) – Visa Fraud

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNTS ONE THROUGH NINETEEN: (18 U.S.C. § 1546(a) – Visa Fraud)

On the dates set forth below, in the Northern District of California and elsewhere, the defendant,

BALARKISHAN PATWARDHAN,

did knowingly make under oath, and subscribe as true under penalty of perjury under 28 U.S.C. § 1746, false statements with respect to material facts in an application, an affidavit, and a document required by the immigration laws and regulations prescribed thereunder, namely, in I-129 petitions, and supporting documentation for applicants attached to those I-129 petitions, that is, the defendant falsely represented that the below-listed non-immigrant worker applicants had

1 job offers with an American employer consistent with the following corresponding job titles and
 2 wage amounts, when the defendant then and there knew that these representations were false, in
 3 violation of Title 18, United States Code, Section 1546(a):

COUNT	DATE	DOCUMENTS	FALSE STATEMENTS
1	7/31/08	I-129 Petition for Nonimmigrant Worker; Consulting Agreement; Consultant Work Order for "S.J."	Job Title "Systems Analyst" Full-Time Position Wages "\$65,000 per year"
2	5/19/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "P.M.S."	Job Title "Software Engineer" Full-Time Position Wages "\$75,000 per year"
3	7/7/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "F.U."	Job Title "Systems Analyst" Full-Time Position Wages "\$60,000 per year"
4	7/7/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "R.K.P."	Job Title "Systems Analyst" Full-Time Position Wages "\$50,000 per year"
5	7/22/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "A.H."	Job Title "Systems Analyst" Full-Time Position Wages "\$50,000 per year"
6	10/13/09	I-129 Petition for Nonimmigrant Worker; Consulting Agreement; Consultant Work Order for "S.J."	Job Title "Systems Analyst" Full-Time Position Wages "60,000 per year"

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2			
3	7	10/15/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "M.E.M.P."
4			Job Title "Systems Analyst" Full-Time Position Wages "[left blank]"
5			
6	8	11/2/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "P.K.P."
7			Job Title "Computer Systems Analyst" Full-Time Position Wages "60,000 per year"
8			
9	9	12/21/09	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "S.P."
10			Job Title "Computer Programmer" Full-Time Position Wages "\$62,000 per year"
11			
12	10	2/16/10	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "C.G."
13			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$60,000 per year"
14			
15			
16	11	3/12/10	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "K.M."
17			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$62,000 per year"
18			
19			
20	12	8/18/10	I-129 Petition for Nonimmigrant Worker; Consultant Work Order for "B.A.M.A."
21			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$53,000 per year"
22			
23	13	8/26/10	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "R.S."
24			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$62,000 per year"
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3	14	10/4/10	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "M.V."
4			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$90,000 per year"
5	15	11/1/10	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "H.K."
6			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$70,000 per year"
7			
8			
9	16	1/26/11	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "R.P."
10			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$53,000 per year"
11			
12			
13	17	2/2/11	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "A.V.K."
14			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$73,000 per year"
15			
16			
17	18	2/22/11	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "V.D."
18			Job Title "Computer Systems Analyst" Full-Time Position Wages "\$55,000 per year"
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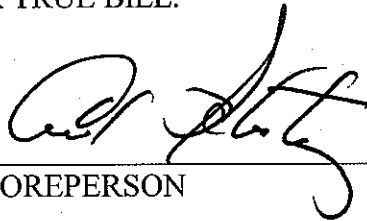
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19	5/4/11	I-129 Petition for Nonimmigrant Worker; Consultant Agreement; Consultant Work Order for "G.R."	Job Title "Computer Systems Analyst" Full-Time Position Wages "\$90,000 per year"
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All in violation of Title 18, United States Code, Section 1546(a).


DATED: 3/27/2013

A TRUE BILL.


 FOREPERSON

MELINDA HAAG
United States Attorney


 JEFFREY B. NEDROW
 Chief, San Jose Office

(Approved as to form: )
 ALISA JEFF NEDROW

SEALED BY ORDER OF THE COURT

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AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 U.S.C. Section 1546--Visa Fraud

- Petty
 Minor
 Misdemeanor
 Felony

CR 13-00200 EJD

DEFENDANT IS

BALARKISHAN PATWARDHAN

DISTRICT COURT NUMBER

Filed

HRL

MAR 27 2013

PENALTY:

For each count: Maximum Ten Years Imprisonment
Maximum \$250,000 Fine
Maximum 3 Years Supervised Release
\$100 Mandatory Special Assessment Fee

IS NOT IN CUSTODY

- 1) [checked] Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) [] Is a Fugitive
3) [] Is on Bail or Release from (show District)

Northern District of California (from original indictment)

IS IN CUSTODY

- 4) [] On this charge
5) [] On another conviction
6) [] Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? [] Yes [] No If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

[] This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any) Department of State

[] person is awaiting trial in another Federal or State Court, give name of court

[] this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

[] this is a re prosecution of charges previously dismissed which were dismissed on motion of: SHOW DOCKET NO.

[] U.S. Att'y [] Defense this prosecution relates to a pending case involving this same defendant MAGISTRATE CASE NO.

[] prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on THIS FORM Melinda Haag [checked] U.S. Att'y [] Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) JOSEPH FAZIOLI

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

[] SUMMONS [checked] NO PROCESS* [checked] WARRANT Bail Amount: No bail

If Summons, complete following:

[] Arraignment [] Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

United States District Court
Northern District of California

E-filing
Filed

MAR 27 2013

CRIMINAL COVER SHEET

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. BALARKISHAN PATWARDHAN

CR13

Case Number:

00200

EJD

HRL

Total Number of Defendants:

1 2-7 _____ 8 or more _____

Is This Case Under Seal?

Yes No _____

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No

Venue (Per Crim. L.R. 18-1):

SF _____ OAK _____ SJ

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No

Assigned AUSA (Lead Attorney):

AUSA Joseph Fazioli

Comments:

[Empty box for comments]

Date Submitted:

3/27/13

PRINT