

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America,

Plaintiff,

v.

Roger Tam, and

Ada Mei Lei

Defendant(s).

Case: **2:16-mj-30059**Assigned To : **Unassigned**Assign. Date : **2/11/2016**Description: **SEALED MATTER (LCB)**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of January 31, 2016, in the county of Oakland  
in the Eastern District of Michigan, the defendant(s) violated:

*Code Section*

8 USC Section 1324(a)(1)(A)(v)(I)

*Offense Description*

Conspiring to conceal, harbor, and shield aliens who came to the United States in violation of law.

I hereby certify that the foregoing is  
a true copy of the original on file in this  
Office.

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

BY: \_\_\_\_\_

Deputy

This criminal complaint is based on these facts:  
See attached AFFIDAVIT.

☒ Continued on the attached sheet.\_\_\_\_\_  
*Complainant's signature*\_\_\_\_\_  
Randall Cummings, Special Agent, DHS*Printed name and title*

Sworn to before me and signed in my presence.

Date: **FEB 11 2016****MONA K. MAJZOUN**\_\_\_\_\_  
*Judge's signature*City and state: Detroit, Michigan\_\_\_\_\_  
Mona K. Majzoub, U.S. Magistrate Judge  
*Printed name and title*

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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**I, Randal T. Cummings, being duly sworn, depose and state as follows:**

- 1) From an unknown date until on or about January 31, 2016, in the Eastern District of Michigan and elsewhere, the defendants,

Roger TAM  
and  
Ada Mei LEI

conspired, knowing and in reckless disregard of the fact that aliens have come to, entered, and remain in the United States in violation of law, to conceal, harbor, and shield from detection such aliens, in any place, including any building and any means of transportation, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(iii) and 1324 (a)(1)(B)(i).

- 2) I am a Special Agent with Homeland Security Investigations ("HSI"), of the United States Department of Homeland Security ("DHS"). I am assigned to the Special Agent in Charge ("SAC"), Office of Investigations, in Detroit, Michigan, located at 477 Michigan Ave, Suite 1850, Detroit, Michigan. I have been employed with HSI since August 2010. I am a member of the HSI Detroit Transnational Crimes Task Force which is responsible for investigating Human Trafficking/Smuggling and Identity Theft. I have also been assigned to the Southeast Michigan Financial Crimes Task Force based in Novi, Michigan, since December 2014. I have successfully completed the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I was previously employed from September 2005 through August 2010 with the U.S. Department of Labor - Office of Labor-Management Standards as a Lead Criminal Investigator. I received a Bachelor's Degree in Criminal Justice from Michigan State University.
- 3) The statements contained in this affidavit are based in part on information obtained through the review of documents, discussions with employees of HSI, ICE Enforcement and Removal Office, Novi Police Department Detectives, Novi Fire Department, and based on my experience and background as a

Special Agent with HSI and that of more experienced agents. This affidavit is not intended to, and does not, set forth all the evidence gathered in this matter. Rather, it is intended only to provide sufficient evidence to support a finding of probable cause that Roger Tam and Ada Lei conspired with each other to transport, harbor, and induce illegal aliens in violation of the above-referenced violations of the United States Code.

### **INVESTIGATION REGARDING ROGER TAM AND ADA LEI**

- 4) Your affiant has learned that Roger Tam is a native of Hong Kong and a naturalized United States citizen. Tam is married to Ada Lei, a native of China and naturalized United States citizen.
- 5) On or about January 31, 2016, the Novi Police Department (NVPD) responded to the residence located at 23184 Mystic Forest Drive, Novi, Michigan, to assist the Novi Fire Department (NVFD) following a 911 call received at 9:31 a.m., reporting a house fire at that location. Upon arrival the NVPD Officer observed a heavy smoke coming from the residence.

Excerpts of 9-1-1 Call #1 - January 31, 2016, 9:31 a.m. (provided by NVPD essentially stated)

D: 9-1-1, What's the exact location of your emergency  
C: My house is on fire  
D: What's the address  
D: What is it? Mystic Forest  
C: Yeah, 2-3-1-8-4  
D: Ok, and do you see flames  
D: From where  
C: Ah, in the basement  
D: Ok, are you able to get everyone out of the house  
C: Yes  
D: Ok, alright, we're, we're getting the fire department out there

Excerpts of 9-1-1 Call #2 - January 31, 2016, 9:38:14 a.m. (Provided by NVPD essentially stated)

D: 9-1-1  
C: I believe the house is on fire

D: Yes, you guys actually, I know that there are flames in the basement; do you have any other updated information

C: There's a lot of smoke

D: Yep, yep, we've got the fire department enroute, they will be there shortly

- 6) Your affiant received information that the responding NVPD Officer encountered an Asian male in the driveway of the residence, who later identified himself as Roger Tam, the owner of the property located at 23184 Mystic Forest Drive. The Officer also encountered Jennifer Tam, the daughter of Roger Tam, at the residence who stated that there may be five (5) Asian males in their 20's inside the home. Jennifer Tam stated that the five (5) males occasionally stay in the basement of the residence.
- 7) The fire at the residence resulted in the deaths of five (5) individuals. The NVPD Officer questioned Roger Tam about the identities of the victims, at which time, Roger Tam informed the Officer that the victims work for him, but that Roger Tam was not aware of their names. Roger Tam stated that approximately six-months ago, the five (5) victims came to his business looking for employment. Roger Tam hired the victims, paid them in cash, and allowed them to reside in the basement of his residence on a nightly basis as a condition of employment. Roger Tam informed the Officer that he did not have documentation that would help identify the victims.
- 8) On or about January 31, 2016, a NVPD Detective Sergeant arrived on scene and entered the premises while NVFD personnel were still present. The Detective Sergeant observed five beds, a futon, and the appearance of personal items in the basement.
- 9) NVPD identified the five (5) deceased victims as: Brayan Alexis Medina Contreras; Leonel Alvarado Rodriguez; Simeon Diaz Nunez; Miguel Nunez Diaz; and Pablo Alvaro Encino. Immigration database searches disclosed that all of the deceased victims to be Mexican Nationals unlawfully present in the United States.
- 10) The NVFD Fire Marshall stated that while present at the scene, he observed fire code violation(s) in the basement of the house where the victims were found.

- 11) On January 31, 2016, at the NVPD Station, a NVPD Detective conducted a follow-up interview with Jennifer Tam pertaining to the incident at 23184 Mystic Forest Drive, Novi, Michigan. Jennifer stated that she had resided in this home while attending high school in the area and that in October 2015, the family purchased a lake house at 1359 East Lake Road in Novi, Michigan. Jennifer and her parents reside at both the Mystic Forest Drive residence as well as the East Lake Road residence, having a bedroom and personal belongings at both locations. Jennifer explained that sometimes her dad's friends would stay at their family home on Mystic Forest Drive, but she could not recall when or how often they would stay there. The friends came to their home with Roger Tam after they finished work and remained until the morning when they would leave. While attending High School, Jennifer did not really see her dad's friends staying over because she would leave for school early in the morning and be sleeping before her father returned from work. Since beginning college last year, year and a half, Jennifer had observed some of Roger Tam's friends staying in their home due to attending college and the change in her school hours. Jennifer stated that "friends" sometimes actually reflects a friend of her father's and sometimes reflects an employee of her father.

Jennifer said that the individuals who stayed at the residence on Mystic Forest Drive would not be home during the day, but would come home with her father around 10:00 p.m., and remain at the home until they would leave with Roger Tam in the morning for work at 10:30 a.m. Jennifer stated that her father worked at the restaurant they owned called Kim's Garden. Jennifer had no knowledge of the immigration status of the subjects staying at their home other than one spoke Chinese and the others spoke Spanish.

Jennifer further said that the basement of the Mystic Forest Drive residence had bedrooms created where family members and friends would stay there for various lengths of time. The basement was also equipped with a stove, refrigerator, and bathroom. The last time that Jennifer, Roger Tam, and Ada Lei stayed at the Mystic Forest Drive residence was two or three days prior to the fire. The three of them moved over to the East Lake Drive residence due to a cockroach problem. Jennifer Tam was unsure if Roger Tam's friends continued to stay at the residence on Mystic Forest Drive.

- 12) On February 2, 2016, your affiant was informed by the NVPD Detectives that deceased victim Leonel Alvarado-Rodriguez had a brother present in the United States (herein after referred to as "the brother"). The brother stated that

he worked for Roger Tam at Kim's Garden, a restaurant located in Novi, Michigan, from August 2015 to October 2015. The brother stated that Leonel Alvarado-Rodriguez began working for Roger Tam in April 2014. Both the brother and Leonel Alvarado-Rodriguez resided in the basement of the residence on Mystic Forest Drive with Roger Tam while employed at Kim's Garden. The brother stated that during his time employed at Kim's Garden, there were four (4) Hispanics and one Chinese male living in the basement, all of whom were employed by Roger Tam at Kim's Garden.

- 13) The brother stated that as an employee of Kim's Garden, he worked six days a week from 10:30 a.m. to 10:00 p.m. He was paid \$2,000 a month, plus the ability to live in the basement of Roger Tam's home. The brother was provided food during his hours of work at Kim's Garden, but responsible for purchasing food when not working. Roger Tam drove the brother and the four (4) other individuals to and from Kim's Garden and 23184 Mystic Forest Drive for work each day. The brother recalled that on occasion, Roger Tam would enter the basement to wake up the individuals.
- 14) The brother informed NVPD Detectives that there were no fire extinguishers in the basement and that the smoke detector was disabled by the homeowner, Ada Lei. The brother witnessed Ada Lei disable the smoke alarm due to its constant beeping.
- 15) A State of Michigan Database search disclosed that Roger Tam is the registered agent of Kim's of Novi, Inc., located at 26150 Novi Road, Novi, Michigan (location of Kim's Garden). The listed mailing address is P.O. Box 723 Novi, Michigan 48376.
- 16) A Real Property Database search disclosed that Roger Tam and Ada Lei are the listed owners of 23184 Mystic Forest Drive, Novi, Michigan, and that Kelvin Tam (son of Roger Tam) and Ada Lei are the listed owners of a second residence located at 1359 East Lake Road, Novi, Michigan. The residence on East Lake Road shows a mailing address of P.O. Box 723, Novi, Michigan 48376.
- 17) NVPD Detectives stated that a NVPD Officer responded to Walmart to obtain video reference of a receipt that was located at the scene of the fire. The video provided by Walmart showed two males walking across the parking lot of Walmart. The individuals entered the store and went to the beer aisle. They then separated and the one male pays for the items in cash and exits Walmart.

They are then observed getting into a Black Chevrolet Equinox that is sitting in the parking lot of Walmart. State of Michigan Database search disclosed that a 2011 Chevrolet Equinox bearing license plate CEX2997 is registered to Ada Lei. A short time later, Roger Tam is observed exiting Walmart after buying eggs, and getting in to the driver seat of the Black Chevrolet Equinox and driving away from Walmart.

- 18) On January 31, 2016, at the scene of the fire NVPD Officers observed a black 2011 Chevrolet Equinox bearing license plate CEX2997 parked inside the garage of 23184 Mystic Forest Drive. Also observed in the driveway of the residence was a white 2008 Lexus RX350 bearing plate CMG6802. A State of Michigan Database search disclosed that the 2008 Lexus RX350 bearing plate CMG6802 is registered to Roger Tam. NVPD provided information to your affiant that they later learned that Roger Tam arrived in the Lexus to the residence at approximately 9:30 a.m., to pick up his employees for work when he observed his residence to be on fire. Roger Tam was responding from 1359 East Lake Road, where he also resides.
- 19) On February 3, 2016, Federal search warrants were executed on the properties located at 1359 East Lake Road and 23184 Mystic Forest Drive in Novi, Michigan.
- 20) The search warrant executed at 1359 East Lake Road resulted in the seizure of bulk documents in two black binders, an iPad in a black case, an iPad in a pink case, and other bulk documents. All items were seized by and transported to the NVPD.
- 21) A review of the documents disclosed Payroll Liability sheets for Kim's of Novi, Inc., for the period covering December 24, 2015, through January 23, 2016. The Payroll Liability sheets show Pay Frequency: Monthly Payment summary for Federal/State Income Tax, Social Security, Medicare, Federal Unemployment Tax Act, and MI State Income Tax. It further shows the Payroll Summary, Payroll Detail, Worksheet, Employee Summary, and Wage and Tax Register monthly reports.
- 22) Further review of the documents disclosed Kim's of Novi, Inc., spreadsheets of Employee Names, Hours Worked, Rate, and Tips with the most recent sheet having 12-26-15 – 1-22-16 hand written at the top and hand written numbers in the Hour and Tips columns. A review of employee names shown on the spreadsheets going back to August 2014 disclosed one likely Hispanic

individual employed at Kim's of Novi, Inc. A review of employees names going back to August 2014 disclosed one likely Hispanic name and social security number employed by Kim's of Novi and lawfully residing in the US. This individual was not one of the victims involved in the basement fire.

- 23) The review of documents for Kim's of Novi, Inc., seized during the search warrant of 1359 East Lake Road, did not indicate that any of the deceased undocumented aliens were employed at Kim's Garden. Through training and experience, your affiant is aware that this behavior is common with employers that attempt to shield undocumented workers from detection.
- 24) Neighbors of the Tam residence located at 23184 Mystic Forest Drive were interviewed by NVPD officers. A summary of the interviews with the neighbors disclosed the following:

The Tam's have resided in the home for approximately 10 years, and own a restaurant. Some of the neighbors stated that they are aware of Hispanic individuals residing in the basement of the home, that they witness the individuals smoking in the garage, that on occasion they could see Hispanic individuals walking down the street with bags and standing around until they are picked up by a van, and that Roger Tam was observed by neighbors driving the Hispanic individuals in the morning and evening. A neighbor reported that the Hispanic individuals mainly kept to themselves.

- 24) NVPD Officers also interviewed a neighbor of the Tam residence located on East Lake Road, Novi, Michigan. The neighbor stated that an Asian Family recently purchased the home at 1359 East Lake Road as a vacation home, and stay there on the weekends. The neighbor believes it is an Asian male, female, and teenage daughter.
- 25) On February 8, 2016, a NVPD Detective and your affiant interviewed a former employee of Kim's Garden, who is a Mexican National and a Lawful Permanent Resident of the United States. The individual stated that he/she noticed other Hispanic males working at the restaurant, but was unsure of their immigration status. However, the individual stated that he/she witnessed the boss, Roger Tam, drive the Hispanic males to and from work on the days the individual worked and that the Hispanic males resided at Roger Tam's home.



- 25) Based on the above facts, there is probable cause to believe that Roger Tam and Ada Lei conspired, knowing and in reckless disregard of the fact that aliens have come to, entered, or remain in the United States in violation of law, to conceal, harbor, and shield from detection such aliens, in any place, including any building and any means of transportation, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(iii) and 1324 (a)(1)(B)(i).

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Randal Cummings  
Special Agent  
United States Department of Homeland Security  
Homeland Security Investigations

Sworn to before me and subscribed in my presence this 11th day of February 2016.

MONA K. MAJZOUB

FEB 11 2016

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United States Magistrate Judge

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Date