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FILED

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ OCT 23 2017

LONG ISLAND OFFICE

ALB:CPK  
F.# 2014R01439

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

ROBERTO VILLANUEVA,  
also known as "Bobby," and  
RALPH COLAMUSSI,

Defendants.

-----X

THE GRAND JURY CHARGES:

INDICTMENT  
**CR-17 0592**

Cr. No. \_\_\_\_\_  
(T. 8, U.S.C., §§ 1324(a)(1)(A)(iii),  
1324(a)(1)(A)(iv), 1324(a)(1)(B)(i),  
and 1324(b); T. 18, U.S.C., §§ 371,  
981(a)(1)(C), 982(a)(6), 982(b)(1),  
1351(a), 1546(a), 1589(a), 1589(d),  
1594(b), 1594(d), 2 and 3551 et seq.;  
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,  
§ 2461(c))

HURLEY, J.

TOMLINSON, M.J.

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The Defendants and Related Entities

1. The defendant ROBERTO VILLANUEVA, also known as "Bobby," resided in Glen Head, New York. The defendant RALPH COLAMUSSI resided in East Northport, New York ("the Colamussi Residence").

2. Joe's Friendly Service & Son, Inc., which did business as the Historical Thatched Cottage ("Thatched Cottage"), was a restaurant and catering facility located in Centerport, New York, and was owned and operated by the defendant RALPH COLAMUSSI. The defendant ROBERTO VILLANUEVA, also known as "Bobby,"

supervised and managed the workers in terms of the workers' housing, transportation and visas.

3. Jellyfish Grill LLC, which did business as the Jellyfish Restaurant ("Jellyfish"), was a restaurant and bar located in Centerport, New York, and was owned and operated by the defendant RALPH COLAMUSSI.

## II. The Visa System

4. Under the United States immigration laws, a foreign-born national could obtain an H-2B visa to work on a temporary basis in the United States, provided that the individual had a contract of employment and there was a need for such a worker. To obtain an H-2-B visa, a petitioning employer had to show that there was not a qualified American worker available for the position that had been advertised. The availability of an H-2-B visa was dependent on a certification by the Secretary of Labor that there was not a qualified American worker available for the position.

5. Under the United States immigration laws, a foreign-born national could obtain an F-1 visa to attend school in the United States, provided the individual had been admitted to an approved school in the United States and had the means to support himself during the academic term. To obtain an F-1 visa, an applicant had to show resources that could provide a means of support for the academic term ("academic term resources") and a certification from an approved school. Employment was not permitted off campus for the first year for a student on an F-1 visa and thereafter only for employment related to a student's area of study.

6. The United States Citizenship and Immigration Services ("USCIS") was an agency of the United States that oversaw lawful immigration to the United States.

Its duties and responsibilities included adjudicating applications for H2-B visa petitions and F-1 visa applications submitted on behalf of foreign-born nationals.

7. A United States citizen who was petitioning for a foreign-born national to be permitted to lawfully enter the United States on the basis of an H-2B visa was required to complete and submit to USCIS a Form I-129 Petition (“Form I-129”) on behalf of the foreign-born national.

8. A foreign-born national who was not involved in deportation/removal proceedings and was seeking to obtain an F-1 visa was required to complete and submit to USCIS a Form I-20 Certificate of Eligibility for Nonimmigrant Student Status Application for an F-1 visa (“Form I-20”). The foreign-born national was required to sign the completed application and certify under penalty of perjury that the information provided by the foreign-born national was true and correct and that the foreign-born national was entitled to an F-1 visa pursuant to Section 212(a) of the Immigration and Nationality Act.

9. In the normal course, upon receipt of a Form I-129 or Form I-20, USCIS commenced an official proceeding (“the Official Proceeding”) to determine whether to grant the petition or application.

### III. The Scheme To Illegally Bring Workers To The United States

10. In or about and between approximately August 2008 and March 2013, both dates being approximate and inclusive, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, engaged in a scheme, using deception, intimidation and manipulation, to induce workers to pay the defendants in order to emigrate from the Republic of the Philippines (“Philippines”) to the United States so that the defendants could use their labor purportedly at the Thatched Cottage.

11. It was a further part of this scheme that the defendants ROBERTO VILLANUEVA, also known as "Bobby," and RALPH COLAMUSSI, together with others, contacted individuals throughout the Philippines and convinced these prospective workers to emigrate from the Philippines to the United States purportedly to work for them at the Thatched Cottage as waiters/servers, cooks, chefs, food preparation workers and a banquet manager.

12. The defendants ROBERTO VILLANUEVA, also known as "Bobby," and RALPH COLAMUSSI instructed the prospective workers to attend interviews as part of the qualification process that would enable them to receive the H2-B visas. The prospective workers' interviews were for H2-B visas to allow them to work inside the United States temporarily, and it was a further part of the scheme that VILLANUEVA instructed the workers to falsely tell immigration workers that they were not paying VILLANUEVA and COLAMUSSI any funds in exchange for H2-B visas.

13. It was a further part of the scheme that the defendant RALPH COLAMUSSI signed H2-B visa petitions for prospective workers for positions at Thatched Cottage that falsely stated that no fees would be paid by the prospective workers. COLAMUSSI also falsely certified on Form I-129 petitions for H2-B visas that the workers would be employed at the location listed in the petition, in the positions listed in the petitions and at the wages listed in the petitions.

14. It was a further part of the scheme that, after the H2-B visas expired, the defendants ROBERTO VILLANUEVA, also known as "Bobby," and RALPH COLAMUSSI assisted some of the workers in filing Forms I-20, to obtain F-1 visas by falsely claiming the workers had sufficient financial resources required for the issuance of

F-1 visas. In order to create the false appearance on the F-1 visa applications that the workers had \$10,000 in resources, VILLANUEVA and COLAMUSSI, together with others, placed money into the workers' accounts after the F-1 visa applications were submitted and then withdrew the funds after the applications were approved.

15. It was a further part of the scheme that defendants ROBERTO VILLANUEVA, also known as "Bobby," and RALPH COLAMUSSI both advised workers to apply for the F-1 visas on the Forms I-20 even though they intended to keep the workers fully employed in violation of the F-1 visa requirements.

16. It was a further part of the scheme that when workers complained that they were not doing the work for which they signed up, refused to follow defendants' instructions and expressed interest in leaving the employment of the defendants, the defendants ROBERTO VILLANUEVA, also known as "Bobby," and RALPH COLAMUSSI repeatedly threatened such workers with physical violence and deportation, knowing that the workers were working without proper immigration authorization, including:

(a) VILLANUEVA and COLAMUSSI told a worker that if he continued to complain, his immigration paperwork would be withdrawn and immigration authorities would be contacted.

(b) COLAMUSSI told a worker that, if she left his employ, the other workers from the Philippines would get harassed and suffer.

(c) VILLANUEVA told workers that they had to be "good workers" or he would call the police.

(d) VILLANUEVA told workers that if the workers left his employ, the police and ICE would come after them.

(e) VILLANUEVA told workers that he was friends with police officers and immigration officers. He threatened that if the workers left his employ or left their residence, he would contact his police and immigration officer friends.

(f) VILLANUEVA threatened that if the workers left their residence or spoke with anyone, the police would catch them. VILLANUEVA told the workers they could only go directly to work. He also said that following work, they could only go directly back to the residence.

(g) COLAMUSSI threatened to call the police on the workers. COLAMUSSI also told a worker that if she left, he would make life more difficult for the remaining workers.

(h) VILLANUEVA and COLAMUSSI told a worker that if the worker continued to complain about not receiving wages, they would cancel his immigration sponsorship and report him to immigration authorities. They further told the worker that he would then lose his immigration status and would get deported.

(i) COLAMUSSI would hit and throw things at workers if he felt they were not working hard enough or were misbehaving. COLAMUSSI asked one worker to assist him in flooding and then burning down the Thatched Cottage. The worker refused to help and COLAMUSSI subsequently threatened the worker with a knife. The worker then fled. COLAMUSSI discovered that the worker fled and subsequently called the worker and threatened: "I'm going to find you and kill you."

COUNT ONE  
(Forced Labor)

17. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

18. In or about and between August 2008 and March 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, did knowingly and intentionally obtain the labor and services of one or more persons by means of, and by a combination of means of, (a) force and threats of force to a person, (b) serious harm and threats of serious harm to a person, (c) the abuse and threatened abuse of law and legal process, and (d) a scheme, plan and pattern intended to cause the person to believe that if that person did not perform such labor and services, that person and another person would suffer serious harm.

(Title 18, United States Code, Sections 1589(a), 1589(d), 2 and 3551 et seq.)

COUNT TWO  
(Conspiracy to Commit Forced Labor)

19. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

20. In or about and between August 2008 and March 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, did knowingly and intentionally conspire to obtain the labor and services of one or more persons by means of, and by a combination of means of, (a) force and threats of force to a person, (b) serious harm and threats of serious harm to a

person, (c) the abuse and threatened abuse of law and legal process, and (d) a scheme, plan and pattern intended to cause such person to believe that if that person did not perform such labor and services, a person would suffer serious harm, contrary to Title 18, United States Code, Section 1589(a).

(Title 18, United States Code, Sections 1594(b), 1589(d) and 3551 et seq.)

COUNT THREE

(Fraud in Foreign Labor Contracting)

21. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

22. In or about and between August 2008 and March 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, did knowingly and with intent to defraud recruit, solicit and hire one or more persons outside the United States for purposes of employment in the United States by means of materially false and fraudulent pretenses, representations and promises regarding that employment.

(Title 18, United States Code, Sections 1351(a), 2 and 3551 et seq.)

COUNT FOUR

(Inducement of an Alien to Illegally  
Enter and Reside in the United States)

23. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

24. In or about and between August 2008 and March 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the



defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, knowing and in reckless disregard of the fact that one or more aliens had come to, entered and remained in the United States in violation of law, (a) did knowingly conceal, harbor and shield from detection, and attempt to conceal, harbor and shield from detection, such aliens in one or more places, including buildings and means of transportation and (b) did knowingly and intentionally encourage and induce one or more aliens to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence was and would be in violation of law, and was for the purpose of commercial advantage and private financial gain.

(Title 8, United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(iv) and 1324(a)(1)(B)(i); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE  
(Visa Fraud Conspiracy)

25. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

26. In or about and between August 2008 and March 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, did knowingly and intentionally conspire to defraud USCIS through false statements and misrepresentations in the visa application process, contrary to Title 18, United States Code, Section 1546, (a) to bring individuals from the Philippines by means of H2-B visas for the purpose of evading a provision of the immigration laws of the United States and (b) to have individuals apply for F-1 visas for the

purpose of evading a provision of the immigration laws of the United States, contrary to Title 18, United States Code, Section 1546.

27. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants VILLANUEVA and COLAMUSSI, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

(a) On or about August 8, 2008, the defendant ROBERTO VILLANUEVA, also known as “Bobby,” instructed prospective workers to lie at their H2-B interviews with the United States Department of State and conceal and misrepresent certain facts including by denying that money had been paid to VILLANUEVA as part of the H2-B process.

(b) On or about May 9, 2011, the defendant RALPH COLAMUSSI signed a Form I-129 petition for an H2-B visa for prospective workers at Thatched Cottage and filed it with USCIS, which petition was false in that he knew that the workers would not be employed at the location, position and wage level listed in the petition.

(c) On or about January 2, 2013, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI assisted some of the workers in filing Forms I-20 for F-1 visas with USCIS, which applications falsely represented that the workers had the requisite financial resources for the school academic term and would not be working during the school academic term, when the defendants VILLANUEVA and COLAMUSSI knew that the workers had no such financial resources

and would be working at the Thatched Cottage or elsewhere for VILLANUEVA and COLAMUSSI, contrary to the F-1 visa requirements.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT SIX  
(Fraud and Misuse of Application)

28. The allegations contained in paragraphs one through 16 are realleged and incorporated as if fully set forth in this paragraph.

29. In or about and between August 2008 and March 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ROBERTO VILLANUEVA, also known as “Bobby,” and RALPH COLAMUSSI, together with others, did knowingly and intentionally subscribe as true under penalty of perjury under Section 1746 of Title 28, United States Code, one or more false statements with respect to one or more material facts in an application and other documents required by the immigration laws and regulations prescribed thereunder, to wit: United States Department of Homeland Security Form I-129, Petition for a Non-Immigrant Worker and Form I-20 Application for a F-1 visa and the exhibits attached thereto, in that, on the Form I-129 defendants falsely attested to the nature, location and pay of employment as well as payment of fees and did knowingly and intentionally present said application and documents which contained such false statements and which failed to contain any reasonable basis in law and fact and that, in the I-20 Application, defendants instructed individuals how to prepare the false application which falsely attested to assets of the individual and falsely stated that the individual would not be working.

(Title 18, United States Code, Sections 1546(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS ONE AND TWO

30. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Count One and Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1594(d), of (a) any property, real or personal, that was used, or intended to be used to commit or to facilitate the commission of such offenses, and any property traceable to such property; and (b) any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses, or any property traceable to such property, including but not limited to any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments and easements known as 332 Elwood Road, East Northport, New York.

31. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 1594(d); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNT THREE

32. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count Three, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting or derived from, any proceeds obtained directly or indirectly as a result of such offense, including but not limited to any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments and easements known as 332 Elwood Road, East Northport, New York.

33. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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 divided without difficulty;  
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNT FOUR

34. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Counts Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(6), Title 8, United States Code, Section 1324(b) and Title 28, United States Code, Section 2461(c), which require the forfeiture of: (a) any conveyance, including any vessel, vehicle, or aircraft used in the commission of such offense; (b) any property real or personal, that is used to facilitate, or is intended to be used to facilitate, the commission of such offense; and (c) the gross proceeds of such offense, including but not limited to: any and all right, title and interest in the real property and appurtenances, improvements, fixtures, attachments and easements known as 332 Elwood Road, East Northport, New York.

35. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(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

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 8, United States Code, Section 1324(b); Title 18, United States Code, Sections 982(a)(6) and 982(b)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS FIVE AND SIX

36. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Counts Five and Six, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(6), which requires the forfeiture of: (a) any conveyance, including any vessel, vehicle, or aircraft used in the commission of such offenses; (b) any property real or personal, that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of such offenses; and (c) any property real or personal, that is used to facilitate, or is intended to be used to facilitate the commission of such offenses, including but not limited to any and all

right, title and interest in the real property and appurtenances, improvements, fixtures, attachments and easements known as 332 Elwood Road, East Northport, New York.

37. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(6) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

~~FOREPERSON~~

\_\_\_\_\_  
BRIDGET M. ROHDE  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK



No. \_\_\_\_\_

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UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

---

THE UNITED STATES OF AMERICA

vs.

*ROBERTO VILLANUEVA, also known as "Bobby,"  
and RALPH COLAMUSSI,*

Defendants.

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INDICTMENT

(T. 8, U.S.C., §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(iv), 1324(a)(1)(B)(i), and  
1324(b); T. 18, U.S.C., §§ 371, 981(a)(1)(C), 982(a)(6), 982(b)(1), 1351(a),  
1546(a), 1589(a), 1589(d), 1594(b), 1594(d), 2 and 3551 et seq.; T. 21, U.S.C., §  
853(p); T. 28, U.S.C., § 2461(c).)

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*A true bill.*

\_\_\_\_\_  
*Foreperson*

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*Filed in open court this* \_\_\_\_\_ *day,*

*of* \_\_\_\_\_ *A.D. 20* \_\_\_\_\_

\_\_\_\_\_  
*Clerk*

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*Bail, \$* \_\_\_\_\_

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*Charles P. Kelly, Assistant U.S. Attorney (631) 715-7866*