

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

: SEALED INDICTMENT

- v. -

: 19 Cr.

ALEX BARRERA FORERO,
a/k/a "Valentino,"
a/k/a "Ducati,"
DAVID ORTIZ VILLAMIZAR,

: **19 CRIM 840**

Defendants.

- - - - - X

COUNT ONE

(Conspiracy to Operate an Unlicensed Money Transmission Business)

The Grand Jury charges:

Relevant Background

1. From at least in or about June 2018 through in or about 2019, ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," and DAVID ORTIZ VILLAMIZAR, the defendants, participated in a scheme to launder funds from locations throughout the United States to recipients in, among other places, Colombia. Among other things, the purpose of the scheme was to enable clients with cash located in the United States to transfer the value of that cash to other countries, principally in Colombia, without the need for physically transporting United States currency across an international border or directly depositing large amounts of cash into the legitimate financial

system.

2. To effectuate the scheme, "clients," i.e., the owners of funds located in the United States, utilized the services of money brokers operating primarily in Colombia (the "Money Brokers"). The Money Brokers offered contracts typically requiring (a) the pick-up of United States currency from couriers throughout the United States and the receipt of international wires in the United States, and (b) the delivery of a corresponding amount of pesos in Colombia to the Money Brokers. In exchange for successfully delivering on a contract, the Money Brokers earned a commission, taken from the pesos received by him or her in Colombia. The person(s) with whom the Money Brokers contracted to arrange for the pick-up and receipt of United States currency also received a commission taken from the pesos received by the Money Brokers in Colombia. Although the payment of commissions from the funds collected pursuant to a contract meant that the clients did not receive the full value of the funds the clients owned in the United States, this scheme enabled the clients to avoid the risks of having large quantities of cash detected at international borders and to avoid triggering financial reporting requirements.

3. ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a

"Ducati," and DAVID ORTIZ VILLAMIZAR, the defendants, engaged in the scheme as Money Brokers. As Money Brokers, working at times independently and at times together, they offered and executed upon multiple contracts requiring the pick-up of funds throughout the United States, and the delivery of a corresponding value of pesos to him in Colombia. In exchange for their work as Money Brokers, they received a commission taken from the pesos delivered to them in Colombia, as did the individuals with whom they contracted.

4. Typically, as part of the scheme, the funds collected in the United States pursuant to contracts offered by ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," and DAVID ORTIZ VILLAMIZAR, the defendants, were deposited in a bank account located in the United States, and then transferred to a separate bank account associated with a consumer electronics products business based in East Hanover, New Jersey (the "Consumer Electronics Business"). The bank account of the Consumer Electronics Business was also located in the United States (the "Consumer Electronics Business Bank Account"). Upon receiving confirmation that funds collected pursuant to a Money Broker contracts issued by BARRERA and ORTIZ were available for deposit into the Consumer Electronics Business Bank Account, the owner

of the Consumer Electronics Business arranged for the export of a roughly equivalent value of consumer electronics products to certain consumer electronic product suppliers located in Colombia (the "Colombian Electronics Suppliers"). The Colombian Electronics Suppliers, in turn, arranged to pay for the products by delivering pesos to an individual in Colombia, who then delivered them to BARRERA. In this way, funds collected in the United States were able to be remitted in Colombia, without requiring that they be reported, declared, or smuggled over international borders.

Statutory Allegations

5. From at least in or about June 2018, through in or about 2019, in the Southern District of New York and elsewhere, ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," and DAVID ORTIZ VILLAMIZAR, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, operation of an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 1960.

6. It was part and object of the conspiracy that ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," and

DAVID ORTIZ VILLAMIZAR, the defendants, and others known and unknown, would and did knowingly conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business affecting interstate and foreign commerce, which business was operated without an appropriate money transmitting license in a State, to wit, Florida, where such operation is punishable as a felony under State law, and without meeting the Federal registration requirements set forth for money transmitting businesses, in violation of Title 18, United States Code, Section 1960.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed and caused to be committed in the Southern District of New York and elsewhere:

- a. On or about September 19, 2018, ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," the defendant, caused the pick-up and transmission of funds from New York, New York.
- b. On or about September 22, 2018, DAVID ORTIZ VILLAMIZAR, the defendant, sent electronic messages concerning the execution of the September 19, 2018, contract described in paragraph 7.a. of this Indictment.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Operation of an Unlicensed Money Transmission Business)

The Grand Jury further charges:

8. The allegations contained in paragraphs 1 through 4 and 7 of this Indictment are hereby repeated, realleged and incorporated by reference, as fully set forth herein.

9. From at least in or about June 2018, through in or about 2019, in the Southern District of New York and elsewhere, ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," and DAVID ORTIZ VILLAMIZAR, the defendants, did knowingly conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business affecting interstate and foreign commerce, to wit, BARRERA and ORTIZ transmitted money through and out of the United States, including from the Southern District of New York, without an appropriate state license, which conduct was punishable as a felony under Florida law, and without meeting the Federal registration requirements set forth for money transmitting businesses.

(Title 18, United States Code, Sections 1960 and 2.)

FORFEITURE ALLEGATION

10. As a result of committing the offenses alleged in Counts One and Two of this Indictment, ALEX BARRERA FORERO, a/k/a "Valentino," a/k/a "Ducati," and DAVID ORTIZ VILLAMIZAR, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

Substitute Assets Provision

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

[REDACTED]
FOREPERSON
[REDACTED]

Geoffrey S. Berman

GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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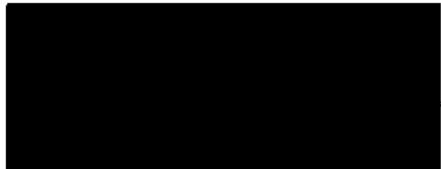
INDICTMENT

19 Cr.

(18 U.S.C. §§ 371, 1960, & 2)

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL

 Foreperson.
