

United States District Court

Eastern District of Kentucky
FILED

EASTERN DISTRICT OF KENTUCKY
COVINGTON

MAY 08 2006

AT COVINGTON
LESLIE G WHITMER
CLERK U S DISTRICT COURT

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

DOUGLAS WITT, TIMOTHY COPSY,
WILLIAM ALLISON, and WILLIAM RING

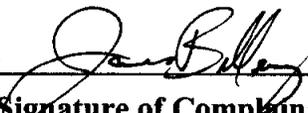
CASE NUMBER: 06- 2058M-1

I, James Bellamy, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about January 24, 2006, in Boone County, in the Eastern District of Kentucky, the defendants did, in knowing and in reckless disregard of the fact that certain aliens, had come to, entered and remained in the United States in violation of law, harbor said aliens for the purpose of commercial advantage and private financial gain in violation of 8 U.S.C. § 1324(a)(1)(B)(i), all in violation of 8 U.S. C. §§ 1324(a)(1)(A)(iii) and (a)(1)(A)(v)(II).

I am a special agent with Immigration and Customs Enforcement, Department of Homeland Security, and that this complaint is based on the following facts:

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



Signature of Complainant

Sworn to before me and subscribed in my presence,

May 8, 2006

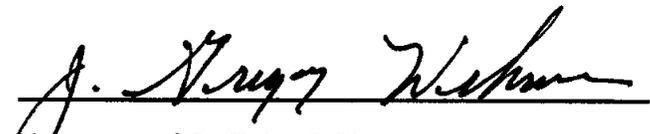
Date

at Covington, Kentucky

City and State

J. Gregory Wehrman,
United States Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

PENALTIES

1.

I, James Bellamy, being first duly sworn, do hereby depose and state:

1. I am a Senior Special Agent (S/SA) with the Department of Homeland Security, Immigration and Customs Enforcement (ICE) office, Fort Mitchell, Kentucky and have been so employed since March 2003. Prior to that, I was employed as a Special Agent with the U.S. Custom Service for approximately 5 years. I am authorized to conduct investigations into federal violations to include violations of 8 U.S. C. §§ 1324 and 1324a relating to the unlawful harboring and employment of illegal aliens.

2. The information stated below is based on personal knowledge, training and experience I have acquired as a Special Agent and information provided to me by other law enforcement officers.

3. This affidavit concerns an investigation into the harboring, transporting, and the unlawful employment of undocumented alien workers and the promotion of this unlawful activity by the payment of wages to undocumented alien workers, to wit, money laundering. During the course of this investigation, I, and others have conducted interviews, physical surveillance, financial analyses, and other forms of inquiry in the United States.

4. The Department of Homeland Security, Immigration and Customs Enforcement (ICE) and other law enforcement agencies are conducting a criminal investigation related to undocumented aliens working as laborers at FISCHER HOMES, INC, (hereinafter referred to as FISCHER) work sites for Robert PRATT and his companies. The investigation of Robert PRATT has revealed that home builder FISCHER and their related companies initially employed Robert PRATT through his companies, PROGRESSIVE BUILDERS and PRATT'S QUALITY CONSTRUCTION, for home construction. Initially, Robert PRATT employed undocumented alien to supervise work crews. These employees were later designated by Robert PRATT as sub-contractors. The subcontractors used undocumented aliens to work on various construction sites, including FISCHER construction sites, but they remained under the control of Robert PRATT. Robert PRATT also provided housing for the illegal aliens at various locations in Northern Kentucky. Surveillance conducted over the past two years has

identified illegal aliens working on FISCHER job sites in Boone County, Kentucky.

5. FISCHER and its subsidiary corporations have construction site superintendents at each of the their construction sites. FISCHER superintendents coordinate all phases of new home construction on FISCHER sites. With regard to workers on site for Robert PRATT, they inspect, supervise and may approve or reject all work performed by workers or subcontractors. FISCHER site superintendents communicate directly with crew chiefs and workers on construction matters. FISCHER superintendents have a telephone number to reach Robert PRATT directly. This indicates that the FISCHER supervisors are aware of Robert PRATT's business structure. This is also an important indicator that FISCHER has knowledge that Robert PRATT and his construction companies are used to provide a layer between FISCHER and the illegal alien sub-contractors and workers. However, this layer does not relieve FISCHER of the responsibility to ensure that their contractors are employing a legal workforce. Also, FISCHER and Robert PRATT's use of sub-contractors and paying them as independent contractors does not relieve him of the responsibility of ensuring that his sub-contractors are hiring a legal workforce and that taxes and benefits are being paid for this workforce. FISCHER and their corporations, Robert PRATT and his construction companies, and other sub-contractors equally bear the responsibility to hire a legal workforce.

6. On January 24, 2006, your affiant and Boone County Sheriff's Department Deputies visited, as part of the investigation, FISCHER subdivisions in Boone County, in the Eastern District of Kentucky, claiming to be looking for a Hispanic male wanted for murder out of Texas. Workers on site were found to be undocumented aliens and FISCHER supervisors revealed their knowledge of the fact that these workers were illegally in the United States. The following FISCHER sites were visited:

A. FISCHER HOMES TREE TOP Subdivision, Hebron, KY

i. Affiant and Boone County Sheriff's Department Deputies spoke with FISCHER superintendent, William ALLISON and his assistant, Brian RACKE at the FISCHER Tree Top Subdivision, Hebron, Kentucky.

We explained to ALLISON and RACKE that we were looking for a Hispanic male on murder warrant, and we requested his assistance in interviewing the work crews on the FISCHER sites. ALLISON was driving a light colored box truck bearing a Kentucky license plate registered to him. RACKE was driving a pickup truck bearing a Kentucky license plate, registered to Brian RACKE or Frank Racke. Both men advised that they had "Mexican crews" working in the subdivision. ALLISON accompanied affiant and Boone County Sheriff's Department Deputies to three (3) residential construction building sites. These locations will be identified as Tree Top Subdivisions TT1, TT2 and TT3.

ii. ALLISON and law enforcement officers arrived at TT1 located on Firethorne Ct. Six (6) workers were interviewed at this site. Gamaliel BECERRA-DIAZ, Victor Manuel ORTIZ-JASSO, Adrian Cristian GONZALEZ-REYES, Raul Israel GONZALES-REYES, Anna Elsy VECERA, and Diego Salvador GONZALEZ-REYES confirmed that they were not lawfully present in the United States in the presence of FISCHER superintendent ALLISON. ALLISON advised that they worked for David TURNER of TURNER CONSTRUCTION. Framing work was observed in the process of being done at this site. Upon arrival on site, these individuals were observed getting out of a white suburban truck bearing a Georgia license plate, registered to Raul GONZALEZ and a Chevrolet van bearing an Illinois temporary license plate, registered to Victor ORTIZ. The registered owners of these vehicles were among those interviewed at this site. A record check through the immigration database revealed that all these individuals were not lawfully present in the United States.

iii. ALLISON and law enforcement officers traveled to site TT2 located on Treetop Lane. Aciano CORTEZ-GUERRERO, Carlos MARTINEZ, Horatio MARISCAL-COTTEZ, Juan Antonio GUERRERO-RUBIO, and Ruben RUBIO-PORRAS were interviewed at this site. Three individuals admitted that they were not lawfully present in the United States in the presence of ALLISON. However, a record check through the immigration database revealed that all five of these individuals were not lawfully present in the United States. The workers at this site were roofing a house. They advised that they worked for H&H ROOFING and their boss' name was Donny HUFF. At this site was a truck bearing an Ohio license plate registered to Melissa MARTINEZ, Cincinnati, Ohio, and a truck

bearing a Kentucky license plate registered to Thomas LEMKER, Ludlow, Kentucky.

iv. Next, ALLISON and law enforcement officers traveled to site TT3 located on Bottomwood Drive. Ignacio CRUZ-GUITERREZ, Jose RAMON CRUZ-HERNANDEZ, Luis Alberto ZUNIGA-RAMIREZ and Javier CRUZ were interviewed at this location. These workers advised that they worked for David TURNER of TURNER CONSTRUCTION and were not lawfully present in the United States. A record check through the immigration database revealed that these individuals were not lawfully present in the United States. At the end of the interviews, FISCHER superintendent ALLISON was informed and ALLISON acknowledged that the workers utilized by contractors in his subdivision were not lawfully present in the United States.

v. At site TT3 on Bottomwood Drive, two trucks were identified. One truck bearing a Kentucky license plate registered to Ignacio CRUZ-GUTIERREZ, aka: Ignacio GUTIERREZ, Ft. Mitchell, Kentucky. He was among those interviewed at this site.

B. FISCHER HOMES TARA Subdivision, Florence, Kentucky.

i. At the FISCHER'S Tara Subdivision located in Plantation Pointe, Florence, Kentucky affiant and Boone County Sheriff's Department Deputies met with identified FISCHER superintendent, Doug WITT, his boss, Timothy COPSY, and WITT's assistant, Bill RING. COPSY advised that the "Mexican workers" they had working for FISCHER were drywall hangers or finishers, framers and some brick layers. He advised that there were only framers on the job site this day. WITT said that Robert PRATT provided framers for FISCHER at this location.

ii At approximately 1:37 p.m., WITT placed a phone call to Robert PRATT on his cellular phone. WITT gave the phone to his boss, Timothy COPSY and he spoke to PRATT. After COPSY finished his telephone conversation, COPSY stated that he had just spoken with the owner of the framing company, Robert PRATT, through whom the framers onsite worked. In a conversation with Boone County Deputies, in the presence of affiant, FISCHER HOMES supervisor, COPSY acknowledged

that the workers were not lawfully present in the United States. In the presence of WITT and RING, COPS Y stated that approximately 50 percent of the workers on this FISCHER site were illegally in the United States.

iii. WITT had the lead framer of the framing crew onsite come to our location. Prior to his arrival, COPS Y advised that the lead framer did not speak a lot of English. The lead framer was identified as Alfredo MEDINA-MEJIA, aka: Alfredo MEDINA who spoke no English during the interview. When asked for identification, MEDINA-MEJIA provided a Mexican Identification Card. After the interview with MEDINA-MEJIA, law enforcement officers proceeded to interview the other workers. WITT advised that by having MEDINA-MEJIA accompany officers to talk with the other workers, the workers would be more at ease and would not think officers were looking for something else. MEDINA-MEJIA accompanied WITT and law enforcement officers to the work site where his framing crew was located.

iv. In addition to the interview with lead framer, Juan ACOSTA-MARTINEZ, Jesus TRELLO-REYES, Cesar ELIAS, Alfredo GOMEZ, Elmer CHUN, and Fidel GOMEZ were interviewed in Spanish in the presence of WITT. Four workers stated that they were from Guatemala and were not lawfully present in the United States. They also stated that they worked for Alfredo MEDINA-MEJIA, aka: Alfredo MEDINA. WITT in the presence of RING was advised that the workers were from Guatemala. A record check through the immigration database revealed that with the exception of Juan ACOSTA-MARTINEZ, all these individuals were not lawfully present in the United States.

v. Two vehicles were identified at the FISCHER HOMES Tara work site. There was a Toyota pickup truck with a Kentucky license plate, registered to Timothy S. COPS Y of Independence, Kentucky, and a van with a Kentucky license plate, registered to Alfredo MEDINA, aka: Alfredo MEDINA-MEJIA, Erlanger, Kentucky.

7. On January 27, 2006, your affiant drove through the FISCHER Tree Top Subdivision in Hebron, Kentucky, and Tara Subdivision in Florence, Kentucky, the same sites previously visited on January 24, 2006. Affiant

sought to determine if FISCHER superintendents continued to use the same work crews on FISCHER job sites.

a. At the FISCHER HOMES Tree Top subdivision, Hebron, Kentucky, your affiant observed a white suburban and white van located on Firethorne Ct. These vehicles were present on January 24, 2006. The suburban was registered to Raul GONZALEZ of Norcross, Georgia, and the Chevrolet van was registered to Victor ORTIZ of Berwyn, Illinois. These vehicle owners were among those interviewed also on January 24, 2006, and determined to be illegally in the United States.

b. At the FISCHER HOMES Tree Top subdivision, Hebron, Kentucky, affiant observed male workers framing at the same location on Bottomwood Drive where individuals were interviewed on January 24, 2006. At this location, affiant observed a truck bearing a Kentucky license and a van bearing a Kentucky license plate, registered to Ignacio GUTIERREZ, Ft. Mitchell, Kentucky, an illegal alien. The van was present on January 24, 2006.

c. At the FISCHER HOMES Tara subdivision located within Plantation Pointe, Florence, Kentucky, affiant observed six male workers sitting at a construction site located on Scarlett Way. A van bearing a Kentucky license plate, registered to Alfredo MEDINA, Erlanger, Kentucky, an illegal alien, was also observed. This van and its owner were present on January 24, 2006.

8. Based upon the information contained herein, there is probable cause to believe that FISCHER employees, Doug WITT, Timothy COPSY, William ALLISON, and Bill RING, knowingly and in reckless disregard, aided and abetted in the harboring of illegal aliens and encouraging and inducing illegal aliens to remain in the United States for the purpose of commercial advantage or private financial gain in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii), (iv) and (v)(II) and (a)(1)(B)(i).


JAMES BELLAMY