

J.S.
1/25/16

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SOUTHERN DISTRICT OF TEXAS
FILED

JAN 25 2016

David J. Bradley, Clerk of Court

United States of America)

v.)

Alfredo Sosa LIRA)
Lydia BOTELLO-LIRA)
Lydia LIRA)
Roberto GUERRA)

Case No.

H16-119 M

Defendant(s)

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 October 2011 to August 4, 2015 in the county of Harris in the Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8 U.S.C. 1324	Conspiracy to harbor and encourage or induce an alien to reside in the United States, knowing or in reckless disregard of the fact that such residence is or will be in violation of law.
Title 8 U.S.C. 1324a	Knowingly hired and continued to employ unauthorized aliens.

This criminal complaint is based on these facts:

See Attached Affidavit (Attachment "A") of U.S. Homeland Security Investigations Special Agent Deanna J. McCarthy.

Continued on the attached sheet.


Complainant's signature
Deanna J. McCarthy, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: January 25, 2016
City and state: Houston, Texas


Judge's signature
Frances H. Stacy, United States Magistrate Judge
Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STATE OF TEXAS

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AFFIDAVIT

COUNTY OF HARRIS

ATTACHMENT "A"

I, Deanna McCarthy, being duly sworn, depose and state:

I. INTRODUCTION:

1. I am a Special Agent (SA) with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) Houston, Texas, and have been so employed for more than seventeen (17) years. I am assigned to the Worksite Enforcement Group, responsible for conducting investigations involving the employment of aliens not authorized to work in the United States. I have received training and have participated in the investigation and execution of search warrants relating to document fraud, worksite enforcement, and alien smuggling. I am familiar with federal procedures and guidelines involved in the application, the issuance, and execution of federal arrest warrants.

2. I am familiar with this case and facts set forth in this affidavit through my own personal knowledge and participation in the investigation of the target company and their hiring practices since approximately January 2011. The information contained in this affidavit is derived through

investigative efforts, information provided to your Affiant by other HSI Special Agents familiar with this investigation, and consensually recorded conversations between two (2) different Confidential Informants (CIs) and employees of the target company. Information was also received from various databases, to include, but not limited to, the DHS2ICE tipline, the Texas Workforce Commission (TWC) Quarterly Wage Reports, Texas Comptroller of Public Accounts, Texas Department of Public Safety (TXDPS), Choicepoint CLEAR (a public records search engine to aid in law enforcement investigations) and the DHS Central Index System computer database, a database that holds records on aliens and citizens for whom DHS files have been created in administrative and criminal proceedings, including, but not limited to, lawful admissions for permanent residence, naturalization, criminal investigations, arrest/detention of aliens, and deportation proceedings. As this affidavit is submitted for a limited purpose, I have not included details concerning every aspect of this investigation. Where actions, conversations and statements of others are related herein, they are related only in substance and in part.

II. THE COMPANY AND MANAGEMENT:

3. LA ESPIGA DE ORO, Inc. is a tortilla factory located at 1202 W. 15th Street, Houston, Texas 77008. LA ESPIGA DE ORO manufactures tortillas and distributes them to restaurants and businesses throughout Texas, Louisiana, and Colorado. According to TWC Quarterly Wage Reports, LA ESPIGA DE ORO employs approximately one hundred (100) workers, with business operating hours every day of the week, twenty-four (24) hours per day.

4. As part of this investigation, two (2) different CIs (CI1 and CI2), both posing as unauthorized aliens, were employed by LA ESPIGA DE ORO. CI1 worked in the administrative office of LA ESPIGA DE ORO and CI2 worked in the manufacturing warehouse area.

5. LA ESPIGA DE ORO business and property are owned and operated by Alfredo Sosa LIRA and his wife, Lydia BOTELLO-LIRA aka "Mrs. Lily". Their daughter, Lydia LIRA aka "Ms. Lily", is the Office Manager and is currently in charge of hiring employees. Roberto GUERRA is the night manager and is in charge of interviewing and hiring employees to work on the night shift. Based on record and indices checks conducted, Alfredo Sosa LIRA and Lydia BOTELLO-LIRA are both naturalized United States citizens. Lydia LIRA is a United States citizen and Roberto GUERRA is a Lawful Permanent Resident of the United States, Alien Registration number Axxx xxx 834. During the course of this investigation, both CI1 and CI2 interacted independently with these individuals in diverse capacities.

6. This affidavit is submitted in support for the request of the issuance of arrest warrants for Alfredo Sosa LIRA, Lydia BOTELLO-LIRA, Lydia LIRA, and Roberto GUERRA. Your Affiant sets forth specific facts and circumstances of the investigation to establish probable cause that LA ESPIGA DE ORO, through its owners, Alfredo Sosa LIRA and Lydia BOTELLO-LIRA, and other managers, namely, Lydia LIRA and Roberto GUERRA, entered into a conspiracy to conceal, harbor, or shield from detection unauthorized aliens, and to encourage and induce the aliens to reside in the United States, knowing or in reckless disregard of the fact that such residence is or will be in violation of Title 8 U.S.C. Section 1324(a)(1)(A)(iii), (iv) and (v)(I). In addition, the affidavit establishes probable cause that LA ESPIGA DE ORO, through its owners and managers, have knowingly hired, continued to hire, and continued to employ unauthorized aliens in violation of Title 8 USC Sections 1324a(a)(1)(A) and 1324a(a)(2), respectively, and

operate LA ESPIGA DE ORO in a pattern or practice of knowingly hiring and continuing to employ illegal aliens in violation of Title 8 USC Section 1324a(f)(1).

III. LEGAL FRAMEWORK:

7. Section 274A of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, requires employers to hire only United States citizens and aliens who are authorized to work in the United States. Employers must verify employment eligibility of any persons hired after November 6, 1986, using the Employment Eligibility Verification Form (I-9). The employer is required to examine, at the time of hire, the documentation provided by the individual that establishes his identity, employment eligibility and to ensure that the documents presented appear to be genuine and relate to the individual. The employer must retain the Form I-9 for three (3) years after the date of the hire or one (1) year after the date the individual's employment is terminated, whichever is later. In general, it is unlawful for a person or other entity to hire, or recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien with respect to such employment as indicated in the above described employment eligibility verification process. Further, Section 274A of the INA stipulates it is unlawful for a person or entity, after hiring an alien for employment, to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

8. Based on my training and experience and the experience of other HSI Special Agents who have extensive worksite investigative experience and who conduct employer investigations, it is very common for unauthorized aliens to procure false identification documents such as Alien

Registration Receipt Cards and Social Security cards and/or numbers (SSN) in order to obtain employment. Alien Registration Receipt Cards are issued to foreign nationals who have applied for and received permission from DHS to permanently reside and work in the United States as a Lawful Permanent Resident. In addition, it is also common that unscrupulous employers and managers with authority to employ or terminate individuals, encourage the use of false identities, false Social Security cards and false work authorization documents, to knowingly employ unauthorized workers while appearing to comply with the requirements of Form I-9. The facts of the investigation of LA ESPIGA DE ORO, as outlined below, revealed that the owners and managers of the business were aware that unauthorized aliens obtained employment at the business utilizing fraudulent identity and work authorization documents.

IV. FEDERAL CRIMINAL INVESTIGATION:

9. The HSI Houston Worksite Enforcement Group received three (3) reports on January 21, 2008, August 26, 2009, and December 15, 2010, from the DHS2ICE Tip Line claiming LA ESPIGA DE ORO was knowingly employing unauthorized aliens. The complainants all claimed to be employees of LA ESPIGA DE ORO. One (1) complainant identified Alfredo Sosa LIRA as being aware of the unlawful hiring practices of the company. Following the receipt of these three tips, HSI began its investigation and checked various databases to gather information regarding the number of employees reported by the company, the employees' social security numbers, vehicle registration numbers, and driver's license numbers. HSI also conducted surveillance of LA ESPIGA DE ORO between January 2011 and July 2011. Based upon the totality of the evidence, a case was opened in July 2011 into the hiring practices of LA ESPIGA DE ORO.

10. On October 13, 2011, CI1, posing as an unauthorized alien, was interviewed for employment at LA ESPIGA DE ORO by Lydia BOTELLO-LIRA. During this consensually recorded conversation, CI1 informed Lydia BOTELLO-LIRA that he/she did not have any type of identification or any legal documents to reside/work in the United States. Lydia BOTELLO-LIRA stated she would discuss with her husband, Alfredo Sosa LIRA, and decide if they could hire CI1 at LA ESPIGA DE ORO. Lydia BOTELLO-LIRA momentarily left the room and returned, telling CI1 there were several individuals employed at LA ESPIGA DE ORO who did not possess any legitimate employment documents. Lydia BOTELLO-LIRA then encouraged CI1 to obtain and present counterfeit identification documents for employment to avoid possible penalties and fines that might be incurred against the company for hiring individuals without proper employment documents. Later, that same day, CI1 received a telephone call from an employee at LA ESPIGA DE ORO who instructed CI1 to report for work the following day.

11. On October 14, 2011, CI1 began working at LA ESPIGA DE ORO without providing any identity or work authorization documents. On this same date, CI1 participated in a consensually recorded conversation with Lydia BOTELLO-LIRA. Lydia BOTELLO-LIRA told CI1 he/she needed to purchase counterfeit identification and employment authorization documents at a flea market to continue employment at the company.

12. On October 18, 2011, CI1 participated in consensually recorded conversations with Alfredo Sosa LIRA, Lydia BOTELLO-LIRA and Elvira Romo (the Office Manager in 2011). CI1 informed Lydia BOTELLO-LIRA he/she had purchased a counterfeit Social Security card, as directed. BOTELLO-LIRA instructed CI1 to give the document to Elvira Romo. CI1 presented

the counterfeit Social Security card to Elvira Romo who made a photocopy of the counterfeit Social Security card (XXX-XX-2455) and instructed CI1 to obtain, and later present, an employment authorization document. CI1 also had a conversation with Alfredo Sosa LIRA and told him he/she was born in Mexico.

13. CI1 was employed at LA ESPIGA DE ORO from October 14, 2011, through October 21, 2011, and then voluntarily terminated employment after successfully obtaining consensually recorded conversations with Lydia BOTELLO-LIRA and other managers of the company. During this employment period, CI1 signed a Form I-9 that had been completed by Elvira Romo using the information from the only identification CI1 presented (the counterfeit Social Security card).

14. On June 29, 2012, CI1 re-applied for employment and was re-hired to work in the administrative office at LA ESPIGA DE ORO. During a consensually recorded conversation, CI1 told Lydia BOTELLO-LIRA and Elvira Romo he/she had purchased a counterfeit Alien Registration Receipt Card and a counterfeit Social Security card at a local flea market. CI1 explained that the Social Security card had a different number than he/she had previously presented during his/her employment in 2011. CI1 presented the following three (3) counterfeit documents to Lydia BOTELLO-LIRA and Elvira Romo: 1) the counterfeit Alien Registration Receipt Card, 2) the counterfeit Social Security card he/she had previously presented while working for the company in October 2011 (XXX-XX-2455), and 3) the recently purchased counterfeit Social Security card (XXX-XX-2281). Lydia BOTELLO-LIRA pointed at the newer counterfeit Social Security card and instructed CI1 to use that card because it was better quality.

15. During the course of CI1's employment at LA ESPIGA DE ORO, CI1 attended weekly management meetings along with Alfredo Sosa LIRA, Lydia BOTELLO-LIRA, Lydia LIRA, and other personnel. During the meetings, Alfredo Sosa LIRA and Lydia BOTELLO-LIRA discussed their concerns regarding the illegal immigration status of Morena Del Carmen Martinez (aka Rosa Cartajena), who was injured on the job, severing three (3) of her fingers and the course of action LA ESPIGA DE ORO would take regarding a settlement.

16. On August 17, 2012, CI1 participated in a consensually recorded meeting at LA ESPIGA DE ORO in which Morena Del Carmen Martinez (aka Rosa Cartajena) received a settlement payment from Alfredo Sosa LIRA and signed a nondisclosure agreement, as part of the monetary settlement. At the meeting, Martinez (aka Cartajena) and her spouse verbally expressed their concern of being able to cash the payment check using only a passport. Alfredo Sosa LIRA asked Martinez (aka Cartajena) if she had any other identification, and in the presence of Alfredo Sosa LIRA and the other employees at the meeting, CI1 stated that Martinez' (aka Cartajena) identification was counterfeit. Alfredo Sosa LIRA verbally acknowledged the fact that the identification was counterfeit. After the accident, Martinez (aka Cartajena) was allowed to continue her unlawful employment at LA ESPIGA DE ORO until she was later encountered by HSI.

17. On August 22, 2014, to show the continuance of on-going criminal activity and illicit hiring practices of LA ESPIGA DE ORO, another CI (CI2), posing as an unauthorized alien, applied for employment. CI2 was hired to work the night shift at LA ESPIGA DE ORO by

Roberto GUERRA. CI2, who identified him/herself as an unauthorized alien from Mexico, did not complete any work authorization related paperwork (e.g. W-4, job application, Form I-9) and did not show any identification to any LA ESPIGA DE ORO employee or manager. CI2 stated he/she told a night shift secretary, Meliza Martinez Orozco, and shift supervisor, Rosa Martinez, that he/she did not have any type of employment authorization documents. Orozco explained that it was no problem for him/her not to have employment authorization documents to work at LA ESPIGA DE ORO. Rosa Martinez told CI2 to purchase employment authorization documents at a flea market. CI2 told your Affiant that Rosa Martinez is missing three (3) fingers on her right hand and that Rosa Martinez told CI2 that she is from El Salvador. CI2 worked another week without ever presenting any identification or work authorization documents.

18. On Friday September 5, 2014, CI2 was given paycheck #37850, issued from the LA ESPIGA DE ORO payroll account in the amount of \$166.63 with a notation of 21.5 hours and "cost of goods sold" typed on the check stub. The check was signed by Lydia BOTELLO-LIRA. Meliza Martinez Orozco told CI2 he/she could no longer work until he/she presented some type of employment authorization documents.

19. On October 2, 2014, CI2 re-applied for employment at LA ESPIGA DE ORO and participated in consensually recorded conversations with Roberto GUERRA. CI2 met with Roberto GUERRA and told him that previously he/she did not have employment authorization documents but that he/she had recently purchased fraudulent documents. Roberto GUERRA told CI2 he is not the person who accepts the documents and instructed CI2 to say the documents are real if anyone asks.

20. On or about October 9, 2014, Roberto GUERRA left a message for CI2 instructing CI2 to report to day shift supervisor Karina Antunez. Later, that same day, CI2 reported to work and told Karina Antunez that he/she is illegally in the United States. Karina Antunez replied that it is no problem because everybody at LA ESPIGA DE ORO is unauthorized. CI2 provided his/her counterfeit Social Security card and counterfeit Alien Registration Receipt card to Lydia LIRA in the office. Lydia LIRA made copies of the two (2) counterfeit documents, but after looking at the Social Security card, Lydia LIRA instructed CI2 to get another SSN that does not start with the numbers 933, because the 900 number series represents a taxpayer ID number. Lydia LIRA allowed CI2 to continue working until CI2 could get another fraudulent Social Security card.

21. On October 10, 2014, CI2 participated in a consensually recorded conversation with Lydia LIRA. As instructed by Lydia LIRA, CI2 gave day shift secretary another counterfeit Social Security card (XXX-XX-2455) displaying a SSN not starting with a 900 number series. Lydia LIRA, who was present in the office, took the Social Security card and made a copy of it before returning the card to CI2.

22. On October 17, 2014, Lydia LIRA told CI2 the SSN on the card CI2 recently presented (XXX-XX-2455) was already assigned to a former employee according to the LA ESPIGA DE ORO computer database. Lydia LIRA instructed CI2 to purchase a different counterfeit Social Security card, with another number, at a flea market. Lydia LIRA then gave CI2 paycheck #38462 issued from the LA ESPIGA DE ORO payroll account in the amount of \$262.18 but

instead of the normal payroll tax deductions the check had the notation “33.83 hrs” and “cost of goods sold.”

23. On October 21, 2014, CI2 participated in a consensually recorded conversation with Lydia LIRA. CI2 gave Lydia LIRA a third (3rd) counterfeit Social Security card/number (XXX-XX-1138) and reiterated to Lydia LIRA that she had told CI2 the previous SSN (XXX-XX-2455) had already been used by a former employee and assigned to another name in their computer database. Lydia LIRA accepted the Social Security card and affirmed that CI2 could continue working.

24. On October 24, 2014, Lydia LIRA gave CI2 paycheck #38491 issued from the LA ESPIGA DE ORO payroll account in the amount of \$229.62 for thirty-two (32) hours worked. The paystub shows CI2’s name, address, last four digits of the third (3rd) counterfeit SSN (XXX-XX-1138) CI2 provided, and all the normal payroll deductions and taxes withheld.

25. On November 3, 2014, CI2 participated in a consensually recorded conversation with Lydia LIRA. CI2 explained to Lydia LIRA that he/she had not signed the last Social Security card that he/she had provided. Lydia LIRA had CI2 sign the photocopy of the card the company had on file. CI2 asked Lydia LIRA if the last SSN was okay to use even though the number was fraudulent. Lydia LIRA told CI2 that she did not need to know anything else about the document as long as the number is not rejected in the computer database the company uses. Between November 2014 and July 2014, HSI continued to monitor the Texas Workforce Commission reports to see who LA ESPIGA DE ORO was reporting as employees, continued to work with confidential informants to obtain the transcripts and translations from the previous recorded

conversations, and continued to conduct surveillance over the company to ascertain whether there was a continuation of illegal hiring practices by the company.

26. On August 4, 2015, HSI agents executed a search warrant, issued in the Southern District of Texas, Houston Division, at the administrative offices and warehouse areas of LA ESPIGA DE ORO located at 1202 W. 15th Street, Houston, Texas 77008. HSI agents arrested 10 employees who are unauthorized aliens from El Salvador, Honduras and Mexico. Additionally, employment related documents and computer forensic information was seized. Subsequent to the execution of the search warrant, the unauthorized aliens were interviewed concerning their employment at LA ESPIGA DE ORO.

27. On August 4, 2015, Yajahira Sarahy Rosales-Moreno, an unauthorized alien from Honduras, was arrested while working at LA ESPIGA DE ORO. Yajahira Sarahy Rosales-Moreno told HSI agents she had been employed by LA ESPIGA DE ORO since on or about July 14, 2015, using the assumed name Evelyn Moreno. Yajahira Sarahy Rosales-Moreno stated she informed Lydia BOTELLO-LIRA she is illegally in the United States. Lydia BOTELLO-LIRA told Yajahira Sarahy Rosales-Moreno she could work and informed her that there were places where she could obtain counterfeit documents. Yajahira Sarahy Rosales-Moreno stated that when she was hired, she did not fill out any paperwork and she did not present any work authorization documents.

28. On August 4, 2015, Petrona Sarahi Garcia-Lopez, an unauthorized alien from Honduras, was arrested while working at LA ESPIGA DE ORO. Petrona Sarahi Garcia-Lopez told HSI

agents that Lydia LIRA hired her on or about July 14, 2015. Petrona Sarahi Garcia-Lopez stated she told Lydia LIRA she did not have any work authorization documents or a Social Security card and that Lydia LIRA told her it was okay that she did not have legal status. Petrona Sarahi Garcia-Lopez never provided any documents to Lydia LIRA or to anyone else at LA ESPIGA DE ORO.

29. On August 4, 2015, Lizet Maricela Bohero-Salazar, an unauthorized alien from Mexico, was arrested while working at LA ESPIGA DE ORO. Lizet Maricela Bohero-Salazar told HSI agents that Roberto GUERRA hired her on or about July 14, 2015. Lizet Maricela Bohero-Salazar stated she did not have any type of employment documents at the time of hire and Roberto GUERRA told her to get work authorization documents. After working for 3 to 4 days, Lizet Maricela Bohero-Salazar provided Roberto GUERRA with a counterfeit resident alien card and Social Security card she had purchased from a flea market for \$100.

30. On August 4, 2015, Karina Antunez-Coria, an unauthorized alien from Mexico, was arrested while working at LA ESPIGA DE ORO. Karina Antunez-Coria told HSI agents that she had been employed by LA ESPIGA DE ORO for ten years and six months and she is the day shift production supervisor. Karina Antunez-Coria stated she has discussed her illegal immigration status with the night supervisor Roberto GUERRA, and with the owners Alfredo Sosa LIRA and Lydia BOTELLO-LIRA. Based on conversations she has had with employees and supervisors, Karina Antunez-Coria believes everybody at the company knows who is working legally and who is an illegal alien.

31. On August 4, 2015, Alfredo Sosa LIRA, owner of LA ESPIGA DE ORO, voluntarily spoke with HSI agents regarding the unauthorized aliens employed at LA ESPIGA DE ORO. Alfredo Sosa LIRA stated he knew some of the LA ESPIGA DE ORO employees are aliens illegally in the United States and not employment authorized. Alfredo Sosa LIRA told HSI agents he believes that approximately 50% of his workforce at LA ESPIGA DE ORO is unauthorized. Alfredo Sosa LIRA expressed the company's difficulty with obtaining and retaining authorized employees to work at LA ESPIGA DE ORO. Alfredo Sosa LIRA stated his wife, his daughter, and night manager, Roberto GUERRA, also are aware that employees are aliens illegally in the United States and not employment authorized. Alfredo Sosa LIRA stated Roberto GUERRA does most of the hiring for the night shift and his daughter Lydia LIRA hires the employees for the day shift. Alfredo Sosa LIRA named Morena Del Carmen Martinez (aka Rosa Cartajena) as one unauthorized alien working at LA ESPIGA DE ORO. Alfredo Sosa LIRA stated he paid Morena Del Carmen Martinez (aka Rosa Cartajena) \$30,000 in compensation for an injury she sustained during work which amputated the tips of three fingers.

32. On August 4, 2015, Lydia BOTELLO-LIRA, owner of LA ESPIGA DE ORO, voluntarily spoke with HSI agents regarding the unauthorized aliens employed at LA ESPIGA DE ORO. Lydia BOTELLO-LIRA stated she knew that some of the LA ESPIGA DE ORO employees are illegal workers who are not authorized to work in the United States. Lydia BOTELLO-LIRA estimated that over 50% of the workforce at LA ESPIGA DE ORO is unauthorized. Lydia BOTELLO-LIRA stated everybody at the company knows of the unauthorized workers including Roberto GUERRA, the night shift supervisor. Lydia BOTELLO-LIRA named three of her employees who are unauthorized aliens: Morena Del Carmen Martinez (aka Rosa Cartajena)

(“she lost her 3 fingers”), Karina Antunez (day shift supervisor), and Marisol LNU (works with Karina Antunez).

33. On August 4, 2015, Lydia LIRA, Office Manager at LA ESPIGA DE ORO, voluntarily spoke with HSI agents regarding the unauthorized aliens employed at LA ESPIGA DE ORO. Lydia LIRA stated she knew that some of the LA ESPIGA DE ORO employees are illegal workers who are not authorized to work in the United States. Lydia LIRA estimated that 50% to 75% of the workforce at LA ESPIGA DE ORO is unauthorized. Lydia LIRA named three employees who are unauthorized aliens: Morena Del Carmen Martinez (aka Rosa Cartajena), Karina Antunez, and Senaida Catalan. Lydia LIRA stated these three named unauthorized employees were hired by Roberto GUERRA and that he knows they are unauthorized to work in the United States.

34. On August 18, 2015, Roberto GUERRA voluntarily spoke with HSI agents regarding the unauthorized aliens employed at LA ESPIGA DE ORO. Roberto GUERRA stated he has been an employee at LA ESPIGA DE ORO for approximately twenty-three (23) years and the night manager for approximately nine years. Roberto GUERRA stated he knew that some of the LA ESPIGA DE ORO employees are illegal workers who are not authorized to work in the United States. Roberto GUERRA estimated that over 50% of the workforce at LA ESPIGA DE ORO is unauthorized. Roberto GUERRA named four employees who are unauthorized aliens: Morena Del Carmen Martinez (aka Rosa Cartajena), Maria Bernal, Senaida Catalan and Jose Garcia. Roberto GUERRA stated he hired Jose Garcia as well as other unauthorized aliens who he could

not name due to the high employee turnover rate at LA ESPIGA DE ORO. Roberto GUERRA stated the owners also know of the unauthorized employees at LA ESPIGA DE ORO.

35. On August 18 and 19, 2015, Morena Del Carmen Martinez (aka Rosa Cartajena) voluntarily spoke with HSI agents regarding her employment at LA ESPIGA DE ORO. Morena Del Carmen Martinez (aka Rosa Cartajena), an unauthorized alien from El Salvador, started working at LA ESPIGA DE ORO approximately 10 years ago using the alias name Rosa Cartajena. In 2011, while working at LA ESPIGA DE ORO, she sustained an injury, severing parts of three fingers. She was treated at Memorial Hermann hospital under the name Rosa Cartajena. As part of her settlement for her injury, Alfredo Sosa LIRA paid Morena Del Carmen Martinez (aka Rosa Cartajena) \$30,000 and the settlement payment checks were issued in her true name, Morena Del Carmen MARTINEZ. Since the injury and settlement, Morena Del Carmen Martinez (aka Rosa Cartajena) has been utilizing her true name on employment documents and has continued her unlawful employment at LA ESPIGA DE ORO. Morena Del Carmen Martinez (aka Rosa Cartajena) stated Alfredo Sosa LIRA knows she is illegally in the United States and not authorized to work because she told him at the time of her injury.

36. A review of the items seized during the search warrant included but not inclusive were:

- A. Memorial Hermann Hospital documentation for the traumatic amputation of three fingers of a LA ESPIGA DE ORO employee named Rosa Cartajena.
- B. LA ESPIGA DE ORO personnel file for Morena Del Carmen MARTINEZ, containing photocopies of her El Salvadorian passport, a counterfeit Social Security card containing

#653-39-2788, and a counterfeit Texas identification card #1289181 (according to TXDPS records this number belongs to a different male individual).

C. A settlement agreement between Alfredo Sosa LIRA, LA ESPIGA DE ORO, and “Morena Del Carmen Martinez also known as Rosa Cartajena”. Photocopies of three cashier’s checks issued to Morena Del Carmen MARTINEZ on August 16, 2012, from Alfredo Sosa LIRA notated as Personal Injury Settlement.

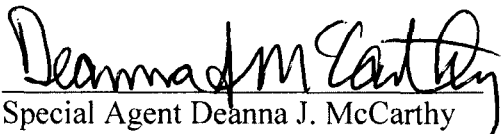
D. CI2’s personnel file containing a 900 series SSN number crossed out and then replaced with SSN XXX-XX-1138 on the employment application. Photocopies of two counterfeit Social Security cards, XXX-XX-1138 and XXX-XX-2455, both bearing CI2’s name.

37. On October 19, 2015, HSI agents served a Notice of Suspect Document letter to Alfredo Sosa LIRA and Lydia LIRA at LA ESPIGA DE ORO. The Notice of Suspect Document letter is based on the review of approximately one hundred five (105) Form I-9s and/or other personnel documents seized during the execution of the search warrant at LA ESPIGA DE ORO on August 4, 2015. The Notice of Suspect Document letter listed sixty-five (65) current employees as having suspect work authorization documents or no identification documents at all. These sixty-five (65) employees were later determined to be unauthorized aliens who were working at LA ESPIGA DE ORO.

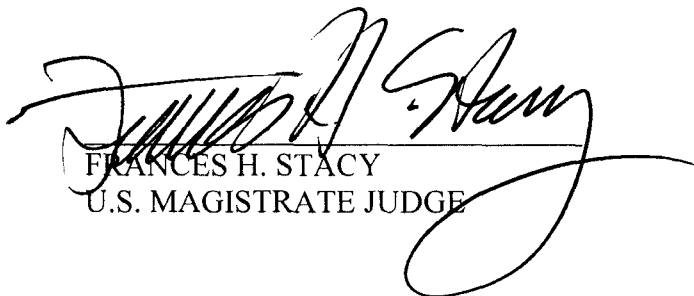
V. CONCLUSION:

38. Based on my training and experience as a Special Agent, what I have learned in conducting this investigation, and from the foregoing description of continuous criminal activity occurring over a lengthy period of time, I believe probable cause exists that LA ESPIGA DE

ORO through its owners, Alfredo Sosa LIRA and Lydia BOTELLO-LIRA, and other managers, namely, Lydia LIRA and Roberto GUERRA, have knowingly conspired to conceal, harbor, or shield from detection unauthorized aliens, and to encourage and induce aliens to reside in the United States, knowing or in reckless disregard of the fact that such residence is or will be in violation of law, as described in Title 8 U.S.C. Section 1324(a)(1)(A)(iii), (iv), and (v)(I). In addition, the affidavit establishes probable cause that LA ESPIGA DE ORO, through its owners and managers, have knowingly hired, continue to hire, and continue to employ unauthorized aliens in violation of Title 8 USC Sections 1324a(a)(1)(A) and 1324a(a)(2), respectively, and operate LA ESPIGA DE ORO in a pattern or practice of knowingly hiring and continuing to employ illegal aliens in violation of Title 8 USC Section 1324a(f)(1). It is requested that arrest warrants be issued for Alfredo Sosa LIRA, Lydia BOTELLO-LIRA, Lydia LIRA, and Roberto GUERRA and that this criminal complaint, affidavit, and the arrest warrants be sealed. Disclosure of these documents would jeopardize an ongoing criminal investigation.


Special Agent Deanna J. McCarthy
Homeland Security Investigations

Subscribed and sworn before me the 25 of January, 2016 and I find probable cause.


FRANCES H. STACY
U.S. MAGISTRATE JUDGE