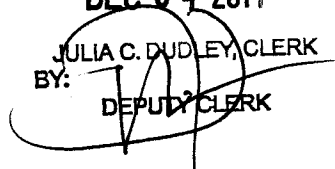


SEALED

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

DEC 04 2014

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 5:14cr00055

MARIA ROSALBA ALVARADO
MCTAGUE and

FELIX ADRIANO CHUJOY, also known
as Felix Chujoy Alvarado.

In violation of:
Title 8 U.S.C. § 1324(a)(1)(A)(v)(I)
Title 8 U.S.C. § 1324(a)(1)(A)(iii), (B)
Title 8 U.S.C. § 1324(a)(1)(A)(iv), (B)
Title 18 U.S.C. § 1546(a)

INDICTMENT

The Grand Jury charges that at all times relevant to this Indictment:

INTRODUCTION

The Defendants

1. From a date not known to the grand jury, but beginning in or around 2007 and continuing until the fall of 2014, the defendants, MARIA ROSALBA ALVARADO MCTAGUE ("ALVARADO") and FELIX ADRIANO CHUJOY ("CHUJOY") (collectively, "Defendants"), were the owners and/or employees of a Virginia limited liability company called Inca's Secret LLC, which is a restaurant located in Harrisonburg, Virginia.

2. At various times, defendant CHUJOY served as a manager of Inca's Secret. At all times, defendant ALVARADO oversaw the restaurant and served as the individual responsible for the day-to-day operations of the company.

The Plan

3. ALVARADO and CHUJOY were born in Peru and have since become naturalized United States citizens. Even though ALVARADO and CHUJOY reside at their home in Harrisonburg, Virginia, ALVARADO frequently travels to Peru. On her visits to Peru, ALVARADO has recruited and attempted to recruit various victims to work illegally at Inca's Secret. To recruit these victims, ALVARADO would propose to help smuggle the victims into the United States illegally across the border with Mexico; agree to pay the victims approximately \$450 per month in wages; arrange for the victims to reside with her, where she could control them; and promise to obtain United States citizenship for the victims if the victims would work at Inca's Secret for six months. ALVARADO explained that the six-month period was necessary so that the victims could work off the "debt" owed to ALVARADO for her expenses in smuggling and housing the victims.

Visa Fraud

4. When one victim, known to the grand jury as Victim A, refused to immigrate illegally into the United States, ALVARADO arranged to have a VISA application submitted to the U.S. Embassy in Lima, Peru on behalf of Victim A. ALVARADO then provided forged documents and a fake employment contract to Victim A to give to the U.S. Embassy as part of Victim A's VISA application. One document stated that Victim A had nursing training, although this was not correct. A fake employment contract, signed by ALVARADO, stated that Victim A would work for ALVARADO as a nurse to her mother when she visited the United States. Although the VISA was approved, Victim A never served as a nurse in the United States, but instead was ordered to work at Inca's Secret the day after arriving in the United States by ALVARADO.

Working and Living Conditions

5. Once arriving in the United States, the victims worked long hours and were subject to illegal working conditions at Inca's Secret. Victims worked twelve hour shifts, seven days per week. In addition, these victims performed other services for ALVARADO outside of Inca's Secret. These victims were paid approximately \$450 per month for all of this work, effectively resulting in an hourly wage the equivalent of less than \$1.50 per hour. This significantly increased the profits and proceeds for ALVARADO and CHUJOY, who did not have to pay overtime or provide other legally-required benefits to the employees of Inca's Secret.

6. To further increase their profits, ALVARADO and CHUJOY did not report this illegal labor to the appropriate authorities and agencies, as required by law. Instead, the defendants retained these monies for their own financial benefit.

7. ALVARADO and CHUJOY housed the victims in their home. The victims did not feel free to leave the home, and ALVARADO and CHUJOY monitored the victims' whereabouts, including retaining the passport of at least one victim.

COUNT ONE **(Conspiracy to Violate Immigration Statutes)**

1. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference.

2. From a date not known to the grand jury, but beginning in or around 2007 and continuing until the fall of 2014, in the Western District of Virginia and elsewhere, the defendants, MARIA ROSALBA ALVARADO MCTAGUE and FELIX ADRIANO CHUJOY, conspired with each other and with other persons, and aided and abetted others, to knowingly bring, transport, harbor, or induce aliens, known to the grand jury as Victim A and Victim B, to enter or work in the United States knowing that Victim A and Victim B were aliens.

3. All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

COUNT TWO
(Harboring an Alien, Victim A)

1. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference.

2. From a date not known to the grand jury, but beginning in or around 2007 and continuing until the fall of 2014, in the Western District of Virginia and elsewhere, the defendants, MARIA ROSALBA ALVARADO MCTAGUE and FELIX ADRIANO CHUJOY, knowing and in reckless disregard of the fact that an alien, namely, a person known to the grand jury as Victim A, had come to, entered and remained in the United States in violation of law, did and attempted to conceal, harbor, and shield from detection such alien in buildings and other places for the purpose of commercial advantage and private financial gain.

3. All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (B).

COUNT THREE
(Harboring an Alien, Victim B)

1. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference.

2. From a date not known to the grand jury, but beginning in or around 2007 and continuing until the fall of 2014, in the Western District of Virginia and elsewhere, the defendants, MARIA ROSALBA ALVARADO MCTAGUE and FELIX ADRIANO CHUJOY, knowing and in reckless disregard of the fact that an alien, namely, a person known to the grand jury as Victim B, had come to, entered and remained in the United States in violation of law, did

and attempted to conceal, harbor, and shield from detection such alien in buildings and other places for the purpose of commercial advantage and private financial gain.

3. All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (B).

COUNT FOUR
(Inducing an Alien, Victim A)

1. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference.

2. From a date not known to the grand jury, but beginning in or around 2007 and continuing until the fall of 2014, in the Western District of Virginia and elsewhere, the defendants, MARIA ROSALBA ALVARADO MCTAGUE and FELIX ADRIANO CHUJOY, did encourage and induce an alien, namely, a person known to the grand jury as Victim A, 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 in the United States was and would have been in violation of law, for the purpose of financial gain.

3. All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (B).

COUNT FIVE
(Inducing an Alien, Victim B)

1. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference.

2. From a date not known to the grand jury, but beginning in or around 2007 and continuing until the fall of 2014, in the Western District of Virginia and elsewhere, the defendants, MARIA ROSALBA ALVARADO MCTAGUE and FELIX ADRIANO CHUJOY, did encourage and induce an alien, namely, a person known to the grand jury as Victim B, 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 in the United States was and would have been in violation of law, for the purpose of financial gain.

3. All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (B).

COUNT SIX
(Visa Fraud)

1. The allegations set forth in the Introduction to this Indictment are incorporated herein by reference.

2. From a date not known to the grand jury, but beginning in or around 2011 and continuing until the June 2012, in the Western District of Virginia and elsewhere, the defendant, MARIA ROSALBA ALVARADO MCTAGUE, aided and abetted others to knowingly obtain, receive, and use an immigrant visa prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, that is a B-1 visa, in the name of a person known to the grand jury as Victim A, which the defendant knew to be procured by means of a false claim and statement and otherwise procured by fraud.

3. All in violation of Title 18, United States Code, Section 1546(a).

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendant(s) shall forfeit to the United States:

- a. Violation(s) of 18 U.S.C. § 1546(a); 8 U.S.C. §§ 1324(a)(1)(A) (iii), (iv), (v)(1); and 8 U.S.C. § 1324a(a)(1)(A).

Forfeiture is pursuant to 18 U.S.C. § 982(a)(6)

(i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and

(ii) any property real or personal

(I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or

(II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

2. The property to be forfeited to the United States includes but is not limited to the following property:

a. **Money Judgment**

An unknown sum of United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of said offenses or is traceable to such property.

b. **Real Property**

(1) 452 Cardinal Drive, Harrisonburg, Virginia 22801

(2) 469 Eastover Drive Harrisonburg, Virginia 22801

c. **Financial Accounts**

(1) Bank of America Account No. 435001751143, all funds held in the name of Maria R. Alvarado-McTague

(2) Bank of America Account No. 435004811475, all funds held in the name of Felix A. Chujoy

(3) Bank of America Account No. 435004806969, all funds held in the name of Felix A. Chujoy

(4) Bank of America Account No. 237014582727, all funds held in the name of Francynelle Garcia

(5) Bank of America Account No. 237005495111, all funds held in the name of Francynelle Garcia

(6) Bank of America Account No. 237005497834, all funds held in the name of Francynelle Garcia

3. 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 to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 4th day of December 2014.

S/Foreperson
FOREPERSON

Timothy J. Heaphy
TIMOTHY J. HEAPHY
UNITED STATES ATTORNEY