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News Releases

August 18, 2009

Houston immigration attorney sentenced for visa fraud and money laundering

HOUSTON - An immigration attorney was convicted and sentenced Tuesday for money laundering and conspiring to engage in visa fraud. The sentencing was announced by U.S. Attorney Tim Johnson, Southern District of Texas, and is the result of an investigation by U.S. Immigration and Customs Enforcement (ICE).

Kenneth L. Rothery, 70, of Houston, pleaded guilty Tuesday and was sentenced to 14 months in prison by U.S. District Judge Keith Ellison.

Rothery was a fugitive living in China from 2005 until July 2008. The ICE investigation, initiated in May 2001, led to the indictment and subsequent extradition of Rothery from China to the United States.

According to evidence presented in court, Rothery and others created an illusory business relationship with Chinese and U.S. companies by entering into contracts of sale in exchange for a fee. On paper, each of the eight U.S. companies was shown as a Chinese subsidiary. Rothery and members of his firm prepared and presented fraudulent petitions and supporting documents on behalf of their clients to the former Immigration and Naturalization Service (INS). Ten Chinese clients were willing to pay hundreds of thousands of dollars to obtain permanent resident status through employment-based visas.

Rothery admitted that in 2000, he, Ricardo Aguirre and Horacio Golfarini met with the owners of a U.S. company to sell controlling interest to a Chinese company for \$1.2 million. The company received \$20,000 but no further payment. The owners of the company did not sign any immigration documents. However, on Aug. 29, 2001, the defendants filed a Form I-129, Petition for a Nonimmigrant Worker, with the INS on behalf of the company seeking to obtain an intra-company transferee classification for a Chinese national.

In 2001, an Immigrant Petition for an Alien Worker was filed with the INS for a second Chinese national to obtain lawful permanent resident status in the United States for the Chinese national as a multi-national executive or manager for the company. In support of this fraudulent activity, Rothery made out a check

for \$30,000 to Golfarini. The memo line of the check said it was for "Deposit to [the company] stock for Yangking." The money used in these transactions was proceeds received as part of the visa fraud. Golfarini, of Houston, who was charged along with Rothery, pleaded guilty June 2005.

He admitted his participation in the money laundering scheme between January 1999 and December 2002. Golfarini owned and operated Capitol Services Group, a brokerage firm used to conceal money earned from the Chinese clients willing to pay as much as \$100,000 each for immigrant visas and work authorization. Golfarini also used Capitol Services Group to promote the visa fraud scheme by paying recruiters who located Houston-based businesses willing to enter into contracts of sale with Chinese-based businesses and to pay representatives of the Houston-based businesses down payments between \$20,000 and \$30,000 toward the purported sale. Golfarini was sentenced to 18 months in prison in June 2007.

A third defendant charged along with Rothery and Golfarini, Norman Chapa, also of Houston, pleaded guilty in June 2005 to conspiring to commit visa fraud and encourage unlawful immigration. He admitted he and the others created two shell companies that also had an illusory relationship with a Chinese company so that Chinese nationals could obtain immigration benefits. Paperwork filed by the Rothery law firm with the government falsely represented that various Chinese clients were seeking positions with the U.S. companies as multi-national executives or managers. In June 2007 he was sentenced to 12 months in prison.

A fourth defendant, Ricardo Aguirre, of Houston, was charged separately with conspiring to encourage unlawful immigration and to commit visa fraud for his involvement in the scheme. Aguirre was sentenced to five years probation in February 2007. Aguirre worked for Rothery and admitted he paid U.S. business owners approximately \$20,000 each for creating fraudulent subsidiary relationships with Chinese companies in order to sponsor employment-based visas for Chinese clients. The payments were made as a down payment by a Chinese company to purchase a controlling interest in the U.S. company, but the deals were never consummated. Aguirre was paid a commission by Rothery and Golfarini for each U.S. company successfully recruited into the scheme.

The investigation was initiated after ICE received complaints about Rothery. A search warrant was subsequently executed at Rothery's law office and Golfarini's business in July 2004. This case was investigated by ICE and Internal Revenue Service - Criminal Investigation.

The case was prosecuted by Assistant U.S. Attorneys Doug Davis and Gregg Costa.

-- ICE --

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

Last Modified: Wednesday, August 19, 2009