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News Releases

October 15, 2010 

3 sub-contractors plead guilty to employing illegal aliens in Miami -Dade school construction project

MIAMI - Three Miami-Dade residents pleaded guilty on Oct. 15 to harboring undocumented aliens who were working on a Miami-Dade school construction project, following an investigation by U.S. Immigration and Customs Enforcement (ICE) Office of Homeland Security Investigations (HSI) and the Miami-Dade County Public Schools, Office of Inspector General (MD-OIG).

Luis Daniel, 59, the president of Hialeah-based Daniel Builders, Inc.; his wife Marta Duque, 57; and Luis' son, Ariel Daniel, 26, entered guilty pleas to conspiracy to commit mail fraud and conspiracy to induce aliens to remain in the United States for commercial advantage and private financial gain. The pleas were accepted this morning by U.S. District Court Judge Ursula Ungaro. They each face a maximum statutory penalty of 10 years in prison at their sentencing on Dec. 10 at 10 a.m. All three had been released on bond since June 9.

In February 2009, ICE special agents initiated an investigation after learning that undocumented aliens, as well as lawful residents and citizens of the United States, were paid substandard wages at a construction project of an addition to Southside Elementary School, located at 45 S.W. 13th Street in Miami. Daniel Builders, Inc. was the sub-contractor awarded a \$2.714 million contract at Southside Elementary School in September 2008. The construction workers hired for the project did not receive overtime wages. In addition, social security and income taxes were not deducted from their paychecks.

ICE Homeland Security Investigations Special Agent in Charge in Miami Anthony V. Mangione said, "This case should serve as notice to those individuals and businesses that traffic and exploit undocumented immigrants. We will continue working with our law enforcement partners to root out this criminal activity. The message is clear: All employers must play by the rules."

The indictment charged that between October 2008, and March 13, 2009, the three defendants used their corporation, Daniel Builders, to hire and underpay illegal aliens to increase their profit margin. Thereafter, the defendants created an elaborate scheme to conceal the fact that the work

force at Daniel Builders was comprised primarily of undocumented aliens. This scheme included using nominee corporations that acted as labor providers and payroll administrators, in order to insulate Daniel Builders from the responsibility and tax consequences of hiring illegal workers. Among the nominee companies were Miami Metro Services, Inc., and Miami Dade Builders, Inc. This allowed Daniel Builders to enhance its profit margin primarily by paying substandard wages, not paying overtime wages, and not withholding social security or employment taxes.

In March 2009, ICE special agents administratively arrested the 20 individuals who had been observed working at the Southside Elementary construction site. Among those arrested were 14 Mexican nationals, one Salvadoran national, and five Guatemalan nationals. To date, all but one have been removed from the United States. One worker was arrested on criminal charges for illegally re-entering the United States after deportation as an aggravated felon and has been sentenced to 46 months in prison.

The investigation was conducted by ICE's Office of Homeland Security Investigations in Miami and the Miami-Dade County Public Schools Office of Inspector General.

The case is being prosecuted by Special Assistant U.S. Attorney Lorraine Tashman and Assistant U.S. Attorney Benjamin Daniel.

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