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News Releases

DECEMBER 14, 2010 MIAMI, FL

3 sub-contractors sentenced for employing illegal aliens in Miami-Dade school construction project

MIAMI - Three defendants were sentenced Wednesday on charges of harboring undocumented aliens who were working on a Miami-Dade school construction project, following an investigation led by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI).

Luis Daniel, 59, the president of Daniel Builders, Inc. based in Hialeah, Fla.; his wife Marta Duque, 57; and his son, Ariel Daniel, 26, were sentenced by U.S. District Court Judge Ursula Ungaro following their Oct. 15 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.

Luis Daniel was sentenced to 21 months in prison followed by three years of supervised release. Duque was sentenced to two years of supervised release, including eight months of home confinement. Ariel Daniel was sentenced to five years' probation. All three defendants were ordered to pay restitution in the amount of \$76,317.

In addition, the defendants must pay a civil fine to ICE in the amount of \$121,086 for violations of the Immigration and Nationality Act (INA) for their failure to verify the employment eligibility of its workers. The fine is the result of an October Form I-9 inspection of Daniel Builders conducted by ICE HSI.

In February 2009, ICE HSI special agents and the Miami-Dade County Public Schools Office of Inspector General initiated an investigation after receiving allegations that undocumented aliens, as well as lawful residents and citizens of the United States, were paid substandard wages at a construction project at Southside Elementary School in Miami. Daniel Builders was the sub-contractor awarded a \$2.7 million contract at Southside Elementary School. The investigation confirmed that the construction workers at the project did not receive overtime wages and that no social security and income taxes were deducted from their paychecks.

ICE HSI 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."

U.S. Attorney Wifredo Ferrer said, "All employers must follow the law. This not only ensures fair competition among businesses in a level playing field, but also protects laborers from unfair labor practices."

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. This practice 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. Among the nominee companies were Miami Metro Services, Inc., and Miami Dade Builders, Inc.

In March 2009, ICE HSI 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 HSI in Miami and the Miami-Dade County Public Schools Office of Inspector General.

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

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U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security.