



News Releases

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Boulder, Colo., man sentenced to 12 months in prison for exploiting alien workers, harboring illegal aliens, and tax evasion

DENVER - A Boulder, Colo., man was sentenced on Thursday by Chief U.S. District Judge Wiley Y. Daniel to serve 12 months and a day in federal prison for exploiting alien workers, harboring illegal aliens and for failing to pay taxes. U.S. Attorney John Walsh, District of Colorado; U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations in Denver Special Agent in Charge David M. Marwell; and Internal Revenue Service's Criminal Investigation Denver Field Office Special Agent in Charge Sean Sowards announced.

Following his incarceration, Opas Sinprasong, 52, a Thai national, agreed as part of his plea agreement to be removed from the United States. His convictions constitute aggravated felonies. Sinprasong was also ordered to pay a \$4,000 fine, and \$754,975 in restitution (\$509,618 to his Thai employees and \$245,357 to the IRS), as well as the forfeiture of \$766,000 and two residential properties in Boulder. The defendant, who is free on a \$1 million secured bond, was ordered to report to a Bureau of Prisons facility within 15 days of designation.

Sinprasong was indicted by a federal grand jury in Denver on Feb. 10, 2010. He pleaded guilty before Chief Judge Daniel on Oct. 26. Sinprasong was sentenced on Feb. 10, 2011.

According to the stipulated facts contained in the plea agreement, as well as the indictment, Opas Sinprasong was a citizen of Thailand who was in the United States on an E2 Non-Immigrant Principal Investor status Visa. While in the United States, he ran Thai and Japanese restaurants in Boulder, Louisville, and Broomfield, doing business as Siamese Plate and Sumidas, and Siamese Plate on the go.

From 2001 through 2008, Sinprasong sponsored Thai nationals' admission to the United States as specialty workers for his restaurants. He claimed in immigration applications that these workers possessed specialized skills that were essential to the efficient operation of his businesses. The Thai employees were admitted to the U.S. for a two-year term, which could be extended for an indefinite number of two-year terms.

Sinprasong required all Thai employees enter into a two-year employment contract. The terms of employment per the contract included:

- Employees were to pay the defendant a "bond" of 50,000 Thai baht (approximately \$1,500 U.S. dollars). The "bond" was a substantial amount of money to the Thai employees.
- Employees were liable to the defendant for a penalty of 600,000 Thai baht (about \$18,000 U.S.) if the employee violated a term of the contract or caused damage to Sinprasong. The employee was required to obtain a personal guarantor in Thailand, who entered into a contract with the defendant

making the guarantor liable for the penalty if the employee violated a term of the contract or caused damages.

- Employees were to pay the defendant a \$3,000 "visa preparation fee" which employees were required to pay after arriving in the United States, in addition to other fees.

Sinprasong directed the employees to start work at his restaurants upon arrival to the U.S. and he paid them "under the table" while deducting portions of the \$3,000 "visa preparation fee" and other fees from their paychecks. Once these fees had been fully paid through such deductions, which typically took between three and four months, the defendant helped the Thai employees obtain Social Security numbers; and then he started to report a portion of their wages, and placed them on the official payroll of the restaurants.

Furthermore, Sinprasong defrauded the Internal Revenue Service and the Thai employees. As part of the scheme, Sinprasong used a dual payroll system whereby he concealed from his payroll records the substantial overtime hours he directed the Thai employees to work, which was typically between 26 and 32 hours of overtime each week. As a result, Sinprasong failed to report all of the wages paid to the Thai employees and failed to pay the Thai employees the overtime wages required by federal law. The defendant filed employer's quarterly federal tax returns with the IRS as required, but the returns were materially false in that they failed to report the total wages paid to the Thai employees. By failing to report all of the wages paid to the Thai employees, the defendant evaded paying the employer's portion of the Social Security and Medicare taxes due and owing on the unreported wages.

Sinprasong also filed false immigration applications and harbored illegal aliens.

"The excellent work of special agents with ICE and IRS Criminal Investigation brought to justice a man who broke our immigration laws, exploited alien workers and cheated our tax system," said U.S. Attorney John Walsh.

"Opas Sinprasong tried to enjoy the benefits of U.S. culture, while at the same time defrauding his employees and the U.S. government," said David Marwell, special agent in charge of ICE's Homeland Security Investigations (HSI) in Denver. "Perhaps this sentence will help deter other like-minded employers who take advantage of innocent victims for their own selfish monetary gains." Marwell oversees a four-state area which includes Colorado, Montana, Utah and Wyoming.

"We are pleased with the successful resolution of this investigation due to the cooperative efforts of the United States Attorney's Office, and ICE," said IRS Criminal Investigation, Denver Field Office Special Agent in Charge Sean Sowards. "Crimes like this have very real consequences; not only loss of tax revenue to the government, but the harm done to the Thai employees."

This case was investigated by ICE HSI, and IRS Criminal Investigation.

Sinprasong was prosecuted by Assistant U.S. Attorney James Hearty, who is Deputy Chief of the Criminal Division for the District of Colorado, and Assistant U.S. Attorneys Tonya Andrews and Marty Paluch.

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

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