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Sacramento immigration consultant who masterminded marriage fraud scheme pleads guilty

SACRAMENTO, Calif. – A Sacramento immigration consultant pleaded guilty Thursday to federal charges admitting he oversaw an elaborate scheme involving foreign nationals from Eastern Europe and Russia who paid up to five-figure fees to enter into sham marriages with locally recruited U.S. citizens.

Sergey Potepalov, 57, of Citrus Heights, was among 14 defendants who were charged in July 2011 with conspiring to commit marriage fraud, making false statements, and inducing aliens to enter and remain in the United States. The charges were the result of a long-term probe by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) and the U.S. Department of State's Diplomatic Security Service. Potepalov, who is scheduled to be sentenced Aug. 15, faces a maximum statutory penalty of 10 years in prison.

"Mr. Potepalov's business of selling phony marriages is over, but our office remains committed to prosecuting aliens or U.S. citizens who would try to circumvent our immigration laws through fraud and deceit," said U.S. Attorney Benjamin B Wagner.

According to affidavits filed in the case, in 2002, Potepalov arranged for Keith O'Neil to enter into a sham marriage with an alien from Russia who had been denied naturalization in 2009. Between 2003 and 2005, O'Neil accompanied Potepalov on three trips to Moscow and filed petitions for fiancé visas for four other aliens. The women were from Russia, Uzbekistan, and Armenia. All of the petitions were ultimately denied. In 2007, O'Neil entered into a second sham marriage with an alien from Romania.

"Schemes like this undermine the integrity of America's legal immigration system and rob deserving immigrants of benefits they rightfully deserve," said Daniel Lane, assistant special agent in charge for HSI Sacramento. "HSI will continue to aggressively pursue those who perpetrate immigration fraud for their own enrichment, with no regard for the harm they cause."

For foreign nationals, marriage to an American citizen is one means of obtaining lawful permanent residency in the United States. To initiate that process, aliens who are outside the country must apply for a fiancé visa that enables them to travel to the United States to marry the citizen spouse. Alternatively, foreign nationals who are already in the United States and entered the country legally may wed here and apply for lawful permanent residence based upon the marriage. Upon entry to the United States, they might also apply for political asylum.

The other defendants charged in the indictment include six foreign nationals who attempted to obtain fiancé visas and "green cards" through the scheme and six local U.S. citizens who agreed to "marry" the aliens in return for promised payments of up to \$5,000.

In June 2009, ICE HSI agents executed federal search warrants at Potepalov's home and business, seizing numerous boxes of documents relating to immigration applications as well as computer files. Documents filed in the case reveal that participants in the scheme went to significant lengths to make the sham marriages appear legitimate: posing for wedding pictures together, establishing apartments in both spouses' names, and rehearsing false answers for interviews with immigration officials.

According to documents filed in the case, ICE HSI first began investigating Potepalov's activities in 2006 after receiving information from the U.S. Department of State's Diplomatic Security Service indicating Potepalov was filing fraudulent visa petitions on behalf of Russian and Ukrainian nationals. As the investigation progressed, HSI agents worked closely with personnel from U.S. Citizenship and Immigration Service's (USCIS) Fraud Detection and National Security Unit (FDNS) in Sacramento to identify aliens who may have sought to benefit from the scheme. Assistant United States Attorney Daniel S. McConkie is prosecuting the case.

The status of the remaining 13 defendants is as follows:

- Keith O'Neil, 46, of Sacramento, pleaded guilty and was sentenced to 18 months prison;
- Marla Brennan, 32, of Sacramento, pleaded guilty and was sentenced to six months prison and six months of home confinement;
- Richard Vargas, 40, of Sacramento, pleaded guilty and was sentenced to 12 months prison;
- Olga Nekrasova, 27, of San Francisco, pleaded guilty and was deported after serving four months in prison;
- Brian Barnes, 33, of Sacramento, pleaded guilty and was sentenced to 10 months prison;
- Marlina Colvin, 29, of Sacramento, pleaded guilty and was sentenced to 10 months of home confinement;
- Anthony Rivera, 37, of Sacramento, pleaded guilty and is awaiting sentencing;
- Veranika Koushal, 34, of West Palm Beach, Fla., pleaded guilty to making false statements and is awaiting sentencing;
- Pavel Berezenko, 55, of Sacramento, has a status conference March 28;
- Aleksandr Krivokhizhin, 40, of Southampton, Mass. is a fugitive;
- Yuriy Korzhov, 49, of Roseville, is a fugitive;
- Alina Turcan, 27, of Jacksonville, Fla., is a fugitive; and

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- Dumitru Sisianu, 27, of Jacksonville, Fla., is a fugitive.

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