

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR HARBORING ILLEGAL ALIENS, MONEY LAUNDERING,
AND ILLEGAL STRUCTURING

UNITED STATES OF AMERICA

* CRIMINAL DOCKET NO.

v.

* SECTION:

LOUISIANA HOME ELEVATIONS, L.L.C.
CHRISTOPHER BENSON
ADOLFO HERNANDEZ

* VIOLATIONS: 8 U.S.C. § 1324
18 U.S.C. § 1956(h)
* 18 U.S.C. § 1957
18 U.S.C. § 2
* 31 U.S.C. § 5324

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* * *

The Grand Jury charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. **LOUISIANA HOME ELEVATIONS, L.L.C.** (hereinafter **LHE**) is a house raising, shoring, and elevation company located in Ponchatoula, Louisiana and operating in the Eastern District of Louisiana.
2. **CHRISTOPHER BENSON** (hereinafter **BENSON**) is the owner of **LHE**.
3. **ADOLFO HERNANDEZ** is an American citizen who was working for **LHE**.
4. **LHE** maintains a business bank account (Account # 411004921) at Central Progressive Bank, a financial institution with a main office located in Lacombe, Louisiana and with a branch

office in Ponchatoula, Louisiana.

5. **CHRISTOPHER BENSON** and his spouse, Rebecca Benson, are the only persons who had signatory authority on the Central Progressive Bank account (Account # 411004921) maintained by **LHE**.

B. CONSPIRACY TO HARBOR ALIENS

Beginning at a time unknown, but from on or about December 2009 and continuing to on or about August 29, 2011, in the Eastern District of Louisiana, the defendants, **LHE, BENSON,** and **ADOLFO HERNANDEZ,** and with others known and unknown to the Grand Jury, knowing and in reckless disregard of the fact that aliens had come to, entered, and remained in the United States in violation of law, did knowingly and intentionally combine conspire, confederate and agree with each other to conceal, harbor and shield from detection and attempt to conceal, harbor, and shield said aliens from detection by providing said aliens with a means of financial support through employment at **LHE** work sites in the Eastern District of Louisiana, said violation having been committed for the purpose of commercial advantage or private financial gain. All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) and (v)(I), and Title 8, United States Code, Section 1324(a)(1)(B)(i).

COUNT 2

MONEY LAUNDERING CONSPIRACY

A. The allegations contained in Part A of Count 1 are hereby realleged and incorporated herein by reference.

B. Beginning at a time unknown, but from on or about February 2010 and continuing through August 2011, in the Eastern District of Louisiana, the defendant, **LHE, BENSON,** and

ADOLFO HERNANDEZ, did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury, to conduct financial transactions affecting interstate and foreign commerce in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and (a)(1)(B)(i) , to wit: to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which involved proceeds of a specified unlawful activity, that is, the harboring of illegal aliens within the United States as defined by Title 18, United States Code, Section 1961(1)(F), knowing that the that the transactions were designed in whole and in part to conceal and disguise the nature and source of the proceeds of said specified unlawful activity, and with the intent to promote the carrying on of said specified unlawful activity, and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity.

C. MANNER AND MEANS OF THE CONSPIRACY:

1. During the course and in furtherance of the conspiracy, in addition to other acts, the defendants, **LHE**, **BENSON**, and **ADOLFO HERNANDEZ**, with other persons known and unknown to the Grand Jury, for the purpose to conceal and and disguise the nature and source of the proceeds of said specified unlawful activity, and with the intent to promote the carrying on of said specified unlawful activity:

- a. utilized a Central Progressive Bank account maintained by **LHE** to deposit, negotiate and issue checks, at least a portion of which involved the proceeds of **LHE**'s employment of illegal aliens;
- b. checks issued from the Central Progressive Bank account maintained by

LHE were signed by **BENSON** and other persons known and unknown to the Grand Jury and issued to **ADOLFO HERNANDEZ**;

c. the checks issued to **ADOLFO HERNANDEZ** were cashed by **ADOLFO HERNANDEZ** and **ADOLFO HERNANDEZ** was responsible for paying himself and the illegal workers with those funds;

d. from on or about February 22, 2010 until on or about April 25, 2011, checks issued from **LHE**'s Central Progressive Bank account to **ADOLFO HERNANDEZ** by **BENSON** and other persons known and unknown to the Grand Jury were issued in a structured manner, amounting to approximately \$1,048,954.50.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS 3 and 4

ENGAGING IN MONETARY TRANSACTIONS IN PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY

A. The allegations contained in Part A of Count 1 are hereby realleged and incorporated herein by reference.

B. On or about the dates set forth below, in the Eastern District of Louisiana, and elsewhere, the defendants, **LHE** and **BENSON**, aiding and abetting each other, did knowingly engage in the following monetary transactions, by, through, and to, a financial institution affecting interstate and foreign commerce, in criminally derived property with a value greater than \$10,000.00, knowing that such property and funds had been derived from a specified unlawful activity, that is, the harboring of illegal aliens within the United States as alleged in Count 1 of the Indictment:

Count	Date	Financial Transaction
3	6/23/10	Purchase of 2010 Chevrolet 1500 truck in Baton Rouge, Louisiana in the amount of \$36,361.57 with check # 3313 withdrawn from Central Progressive Bank Account # 411004921 in Ponchatoula, Louisiana.
4	6/26/11	Issued a check (# 3966) payable to Adolfo Hernandez in the amount of \$56, 750.00 withdrawn from Central Progressive Bank Account # 411004921 in Ponchatoula, Louisiana.

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNTS 5, 6 and 7

**STRUCTURING FINANCIAL TRANSACTIONS
TO EVADE REPORTING REQUIREMENTS**

- A.** The allegations contained in Part A of Count 1 are hereby realleged and incorporated herein by reference.
- B.** On or about the dates set forth below, in the Eastern District of Louisiana, the defendants, **LHE, BENSON, and ADOLFO HERNANDEZ**, as named below in Counts 5 through 7, aiding and abetting each other, did knowingly and for the purpose of evading the reporting requirements of section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, structure and assist in structuring the following transactions with a domestic financial institution:

<u>COUNT</u>	<u>DATES</u>	<u>DESCRIPTION</u>
5	2/22/10	\$9,000.00 check (# 1812) made payable to ADOLFO HERNANDEZ from Central Progressive Bank Account # XXXXX4921
	2/23/10	\$3,170.00 check (# 1813) made payable to ADOLFO HERNANDEZ from Central Progressive Bank Account # XXXXX4921

- | | | |
|---|---------|--|
| 6 | 4/20/10 | \$9,000.00 check (# 3038) made payable to ADOLFO HERNANDEZ from Central Progressive Bank Account # XXXXX4921 |
| | 4/20/10 | \$7,170.00 check (# 3039) made payable to ADOLFO HERNANDEZ from Central Progressive Bank Account # XXXXX4921 |
| 7 | 1/21/11 | \$9,500.00 check (# 3660) made payable to ADOLFO HERNANDEZ issued from Central Progressive Bank Account # XXXXX4921 |
| | 1/21/11 | \$9,637.50 check (# 3661) made payable to ADOLFO HERNANDEZ issued from Central Progressive Bank Account # XXXXX4921 |

All in violation of Title 31, United States Code, Sections 5324(a)(3) and 5324(d) and 2 and Title 31, Code of Federal Regulations, Chapter X.

NOTICE OF HARBORING ILLEGAL ALIENS FORFEITURE

1. The allegations of Count 1 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982(a)(6).

2. As a result of the offenses, alleged in Count 1, defendants, **LOUISIANA HOME ELEVATIONS, L.L.C., CHRISTOPHER BENSON and ADOLFO HERNANDEZ**, shall forfeit to the United States, all conveyances used in the commission of the violation, all property, real and/or personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offenses, and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate the commission of the offenses, including, but not limited to the following property:

- a. Central Progressive Bank Account Number:
411004921, in the name of Louisiana Home
Elevations, LLC, in the amount of \$627,751.91.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of said defendants.

All in violation of Title 18, United States Code, Section 982(a)(6).

NOTICE OF MONEY LAUNDERING FORFEITURE

1. The allegations of Counts 2 though 4 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982.

2. As a result of the offenses, alleged in Counts 2 through 4, defendants,
LOUISIANA HOME ELEVATIONS, L.L.C., CHRISTOPHER BENSON and ADOLFO

HERNANDEZ, shall forfeit to the United States all property real or personal, involved in the aforesaid offenses and all property traceable to such property which was involved in the said violations of Title 18, United States Code, Sections 1956(h), 1957 and 982, including but not limited to the following property:

- a. Central Progressive Bank Account Number:
411004921, in the name of Louisiana Home
Elevations, LLC, in the amount of \$627,751.91.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 982.

NOTICE OF STRUCTURING FORFEITURE

1. The allegations of Counts 5 through 7 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 31, United States Code, Sections 5324 and 5317(c)(1).

2. As a result of the offenses alleged in Counts 5 through 7, defendants, **LOUISIANA HOME ELEVATIONS, L.L.C., CHRISTOPHER BENSON and ADOLFO HERNANDEZ**, , shall forfeit to the United States all property, real or personal, involved in the offenses, and any property traceable thereto, including but not limited to the following property:

- a. Central Progressive Bank Account Number:
411004921, in the name of Louisiana Home Elevations, LLC, in the amount of \$627,751.91.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

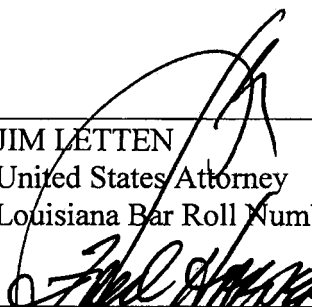
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 31, United States Code, Section 5317(c)(1)(B), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.


All in violation of Title 31, United States Code, Sections 5324 and 5317(c)(1).

A TRUE BILL:

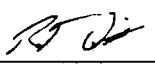
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New Orleans, Louisiana
October 27, 2011