

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

United States of America

v.

Carlos Jose Portes-Ortiz, aka Juan Carlos Mendieta Vega, aka Anthony Clauseill, aka Willian Acevedo Gil, aka Allison Gabriel, aka Jose Jimenez Agosto

Case No.

1:18MJ207 LDA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of \_\_\_\_\_ in the county of \_\_\_\_\_ in the \_\_\_\_\_ District of \_\_\_\_\_ Rhode Island, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. § 1028A(a)(1); 8 U.S.C. § 1326(a); 7 U.S.C. § 2024(b); 42 U.S.C. § 408(a)(7)(B); and 18 U.S.C. § 1347. Offense descriptions include Aggravated Identity Theft, Illegal Reentry after Deportation, Supplemental Nutrition Assistance Program ("SNAP" i.e. food stamps) Fraud, Misuse of a Social Security Number, and Health Care Fraud.

This criminal complaint is based on these facts:

See the Attached Affidavit of Special Agent Peter Cote of the Department of Health and Human Services (DHHS).

[X] Continued on the attached sheet.

Handwritten signature of Peter Cote

Complainant's signature

Special Agent Peter Cote, DHHS

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/26/2018

Handwritten signature of Lincoln D. Almond

Judge's signature

City and state: Providence, Rhode Island

Lincoln D. Almond, U.S. Magistrate Judge

Printed name and title

## AFFIDAVIT

I, Peter Cote, being duly sworn, hereby depose and state as follows:

### INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent for the United States Department of Health and Human Services, Office of Inspector General, Office of Investigations (HHS-OIG-OI), located in the Providence Field Office of the Boston Regional Office. I have been employed as a Special Agent for HHS-OIG-OI since 2007.
2. As a Special Agent with HHS-OIG-OI, I have investigated numerous allegations of fraud involving programs administered by the United States Department of Health and Human Services (USDHHS). I have also participated in search and arrest warrants related to allegations of health care fraud, identity theft, and child support enforcement. Prior to my employment with HHS-OIG-OI, I was a Special Agent with the United States Secret Service. Based upon my training and experience, I am familiar with the Medicaid Program and its reimbursement policies and regulations.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. The facts set forth in this affidavit were gathered in the course of an investigation conducted by the HHS-OIG-OI, Homeland Security Investigations, Immigration and Customs Enforcement (HSI-ICE) ICE, Social Security Administration, Office of Inspector General (SSA-OIG), and United States Department of Agriculture, Office of Inspector General (USDA-OIG). I or other investigators have also consulted with investigators from the Rhode Island Office of Internal Audits (ROIA) and other persons

familiar with Medicaid and SNAP, regarding applicable regulations. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. This affidavit is submitted in support of an arrest warrant and criminal complaint against Carlos José PORTES-ORTIZ, born 1980, a.k.a. Juan Carlos MENDIETA VEGA, a.k.a. Anthony CLAUSELL, a.k.a. Jose JIMENEZ AGOSTO, a.k.a. Willian Acevedo GIL, a.k.a. Allison GABRIEL, for violations of 18 U.S.C. § 1028A(a)(1) (Aggravated Identity Theft), 8 U.S.C. § 1326(a) (Illegal Reentry after Deportation), 7 U.S.C. § 2024(b) (Supplemental Nutrition Assistance Program (SNAP i.e. food stamps) Fraud), 42 U.S.C. § 408(a)(7)(B) (Misuse of a Social Security Number), and 18 U.S.C. § 1347 (Health Care Fraud). It is my belief based on the facts described below that violations of the above referenced statutes have been committed, are being committed, and will be committed by Carlos José PORTES-ORTIZ, a.k.a. Juan Carlos MENDIETA, a.k.a. Anthony CLAUSELL, a.k.a. Jose JIMENEZ AGOSTO, a.k.a. Willian Acevedo GIL, a.k.a. Allison GABRIEL. This affidavit is also submitted in support of search warrants on the premises described below (Attachment A) and on the vehicle described below.

5. Based on the facts set forth in this affidavit, there is probable cause to arrest PORTES-ORTIZ and search the following:

a. The premises identified in Attachment A and located at 155 Webster St., Apt. 2, Pawtucket, RI 02861 (SUBJECT PREMISES). 155 Webster Ave., Pawtucket, RI is a multifamily brick apartment building with white shutters. The center of the building has gray siding with a sign marked "155 Webster" above the black front

door. The apartment building has six black mailboxes next to the front door three on the right and three on the left. The #2 mailbox is on the right which coincides with the fact that apartment two is in the right basement. In the front of the apartment building is a parking lot with a chain link fence. On June 22, 2018, HSI-ICE Special Agent Risk spoke to a representative of Penny Lane Management, the owner/property manager of 155 Webster St., who stated that unit #2 is in the basement on the right hand side and is rented by Jose JIMENEZ AGOSTO. As detailed below, PORTES-ORTIZ previously possessed an identification in the name of Jose JIMENEZ as well as other false identifications when he was arrested on March 18, 2017, by the Dedham Police in Massachusetts. Based on surveillance conducted in this investigation and National Grid information for the SUBJECT PREMISES, the SUBJECT PREMISES is believed to be PORTES-ORTIZ's current residence. Special Agent Risk observed PORTES-ORTIZ going to the SUBJECT PREMISES on June 14, 2018, and I observed PORTES-ORTIZ departing the area of the SUBJECT PREMISES on June 22, 2018, at approximately 5:20 a.m. The National Grid electric customer for the SUBJECT PREMISES is listed as Jose JIMENEZ, with a telephone number of (401) 442-2229, the number that PORTES-ORTIZ used for an October 2017 SNAP renewal application under the name MENDIETA.

- b. Gray 2010 Ford Escape, 4 Door Wagon Sport Utility,

VIN: 1FMCU9C74AKC73622, RI Tag # UD 540 (SUBJECT VEHICLE). This vehicle is registered to Cecilia A. Paula<sup>1</sup>, 91 McCabe Ave, Apt. #2, Pawtucket, RI. Store video footage from Price Rite captures PORTES-ORTIZ unloading groceries into a vehicle matching the description of the SUBJECT VEHICLE after using the SNAP card in the MENDIETA name on May 28, 2018. PORTES-ORTIZ was also observed by agents driving the SUBJECT VEHICLE on June 14, 19, and 22, 2018.

**PROBABLE CAUSE**

**ILLEGAL REENTRY, MISUSE OF SOCIAL SECURITY NUMBER, AND  
AGGRAVATED IDENTITY THEFT**

6. PORTES-ORTIZ is a citizen of the Dominican Republic. According to vital statistic records, PORTES-ORTIZ married Mildred DIAZ, a United States Citizen, on November 25, 2000, in Santo Domingo, Dominican Republic. PORTES-ORTIZ was granted admission into the United States as a legal permanent resident based on a spousal petition, signed and dated June 27, 2003. On August 23, 2003, PORTES-ORTIZ entered the United States via New York, New York.

7. On June 26, 2005, PORTES-ORTIZ (a lawful permanent resident at the time) traveled from the Dominican Republic to the United States and was arrested at the Newark Liberty International Airport for conspiracy and for importation of 100 grams or more of heroin and 500 grams or more of cocaine in violation of 21 U.S.C. § 963, and 21 U.S.C. §§ 960(b)(2)(A) and (b)(2)(B). PORTES-ORTIZ subsequently pled

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<sup>1</sup> RI DMV records show that in November 2016, Cecilia Paula purchased a 2013 Ford Taurus that she sold that same month to a Juan MENDIETA for \$600 who registered it in the MENDIETA name. In May 2017, the Ford Taurus was sold back to Cecilia Paula.

guilty in the United States District Court for the District of New Jersey to a one count information for conspiracy to import 100 grams or more of heroin and 500 grams or more of cocaine and was sentenced to 37 months in prison on June 15, 2007. United States v. Portes, Cr. No. 1:07-99.

8. On February 18, 2009, PORTES-ORTIZ was deported from the United States from Alexandria, Louisiana Airport (AEX), on a charter ICE Flight, as witnessed by an ICE Immigration Enforcement Officer.

9. In Special Agent Risk's training and experience, records of the Attorney General of the United States or any authorized designee granting an alien permission to re-apply for admission to the United States are kept in that individual's Alien file (A-file). Special Agent Risk has reviewed the A-file for PORTES-ORTIZ. The A-file does not contain any documents showing that PORTES-ORTIZ has been granted permission by the Attorney General of the United States or any authorized designee to reapply for admission into the United States; nor has the Attorney General authorized any application by PORTES-ORTIZ for the admission from any foreign contiguous territory.

10. On November 8, 2015, the Providence Police Department responded to a report of a traffic accident. At the scene, they encountered PORTES-ORTIZ, representing himself as Willian Acevedo GIL, year of birth 1976. PORTES-ORTIZ, under the guise of GIL, was arrested for Driving Under the Influence of Liquor or Drugs and Driving after Denial, Suspension, or Revocation of License. PORTES-ORTIZ presented arresting officers with a Dominican Driver's License in the name Willian Acevedo GIL, stated that he lived at 102 Chaplin Street in Pawtucket, and owned a

business. PORTES-ORTIZ claimed that the vehicle that he was driving, a 2004 Ford Taurus, Rhode Island Registration number 396859, was owned by Juan MENDIETA who resided with him at 102 Chaplin Street in Pawtucket, RI.

11. On March 18, 2017, Dedham Police in Massachusetts arrested PORTES-ORTIZ who identified himself as Juan Carlos MENDIETA, year of birth 1968, for several charges, to include identity fraud. In PORTES-ORTIZ's Dedham arrest, he was attempting to purchase over \$1,000 worth of iPhone equipment at an AT&T Store utilizing a driver's license in the name of a female, Allison Gabriel, with the name, date of birth, address, and license number of the real Allison Gabriel but with PORTES-ORTIZ's photograph on it and a Capital One credit card in Gabriel's name.<sup>2</sup> At the time of his Dedham arrest, PORTES-ORTIZ also had a Neighborhood Health Plan card and a Rhode Island EBT card for SNAP benefits in the name of Juan MENDIETA VEGA. Also in PORTES-ORTIZ's possession was a Rhode Island Identification Card, number 1297424, in the name of Juan MENDIETA, 102 Chaplin St., Pawtucket, RI, issue date 1/16/15, with PORTES-ORTIZ's photograph and a Chase Visa Debit card in the name of Juan MENDIETA. PORTES-ORTIZ also had Puerto Rican driver's license in the name Jose L. JIMENEZ and bearing the photograph of PORTES-ORTIZ.

12. It was later discovered through fingerprinting that the individual arrested under the name GIL and MENDIETA was in fact PORTES-ORTIZ. HSI sent four (4)

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<sup>2</sup> On April 12, 2018, ICE Forensic Laboratory Document Examiner Hillary Hoover studied the Pennsylvania Driver License in Allison Gabriel's name that was seized by Dedham police from PORTES-ORTIZ and concluded that it was counterfeit.

sets of fingerprints to the HSI Forensic Laboratory (HSI-FL) for comparison. The first set of prints were from Carlos PORTES-ORTIZ's A-File, the second was from an arrest of the individual who identified himself as Willian Acevedo GIL by the Providence Police Department on November 8, 2015, the third set of fingerprints were from an arrest of the individual who identified himself as Juan MENDIETA by the Dedham Police Department on March 18, 2017, and the final set was from the I-205 Warrant of Deportation printed of PORTES-ORTIZ as he was deported on February 18, 2009. Based on the fingerprint comparison provided by the HSI-FL, the individual identifying himself as Willian Acevedo GIL in the 2015 arrest and the individual identifying himself as Juan MENDIETA in the 2017 arrest was actually PORTES-ORTIZ. I have viewed the booking photo for the individual arrested under the name GIL in 2015, the photographs on the identifications of the individual arrested under the name MENDIETA in 2017, and PORTES-ORTIZ's photograph in his A-file, and these photographs depict the same individual.

13. As part of this investigation, I requested RI DMV records for Carlos PORTES-ORTIZ, DOB: XX/XX/1980. In response, RI DMV provided records for Carlos PORTES with that same date of birth. PORTES had a Rhode Island Identification Card, number 251061, issued on 1/19/2005 in the name of Carlos PORTES.

14. Rhode Island Department of Motor Vehicles (RI DMV) records also show that on January 16, 2015, PORTES-ORTIZ, represented himself without lawful authority as MENDIETA, and submitted a renewal application for a Rhode Island State Identification Card, previously issued on 11/20/2009 and expired on 11/20/2014, at the



Rhode Island Department of Motor Vehicles. In the renewal application signed in MENDIETA's name, PORTES-ORTIZ represented that he was Juan C. MENDIETA with MENDIETA's date of birth and social security number and that he lived at 102 Chaplin St. Pawtucket, Rhode Island. In support of his renewal application, PORTES-ORTIZ presented his previously issued Rhode Island State Identification Card, number 1297424, issue date 11/20/2009 bearing his photograph with the name, date of birth, and social security number of Juan C. MENDIETA. Continuing on January 16, 2015, a new Rhode Island State Identification card, number 1297424, was issued to PORTES-ORTIZ bearing his photograph with the name of Juan C. MENDIETA.

15. On May 3, 2018, RI DMV facial recognition software was run on the photograph attached to the 2009 MENDIETA Rhode Island Identification Card. The facial recognition software connected the MENDIETA Rhode Island identification card not only to an identification card issued in the name of Carlos PORTES, year of birth 1980, but also to an identification card and driver's license issued in the name of Anthony Clausell RIVERA, year of birth 1986.

16. As to the RIVERA name, on March 5, 2018, an application for a Rhode Island identification card was submitted in the name of Anthony Clausell RIVERA using the date of birth and the social security number of the real RIVERA and the address of 216 Hanover St., Apt. 3, Providence, RI. As part of the application, the following was submitted: (1) a social security card bearing RIVERA's name and RIVERA's true social security number; (2) a New Jersey birth certificate in RIVERA's name; and (3) a National Grid bill addressed to Anthony Clausell RIVERA, 214-216

Hanover St., Apt. 3, Providence, RI, for service period January 8, 2017, to February 7, 2018. Subsequently, a Rhode Island identification card bearing PORTES-ORTIZ's photograph was issued on the same date.

17. In addition, on March 18, 2018, a driver's license application was submitted to the RI DMV in the name of Anthony Clausell RIVERA using the date of birth and social security number of the real RIVERA with an address of 216 Hanover St, Apt. 3, Providence, RI, and telephone number (401) 442-7229. T-Mobile records indicate that (401) 442-7229 has a subscriber name of Juan MENDIENTA (spelled incorrectly) with a billing address of 102 Chaplin St Pawtucket, RI. It appears that this account was opened on June 18, 2017, and is active with an IMSI of 310260082838575. A RI temporary receipt learner's permit was issued on March 19, 2018, and a RI temporary receipt driver's license was issued on April 18, 2018, in the name RIVERA.

18. A National Grid account in the name JuanCarlos MANDIETA, premise address 214-216 Hanover St., Apt. 3, Providence, RI was opened on 5/28/13 and closed on 6/04/14. A National Grid account in the name Anthony Clausell RIVERA, premise address 214-216 Hanover St., Apt. 3, Providence, RI, was opened on 6/14/17.

19. Social Security records show that the real Juan MENDIETA VEGA, social security number of XXX-XX-0395, date of birth of XX/XX/1968, is a deceased individual, date of death November 18, 2015, from Puerto Rico. Social Security records also show that PORTES-ORTIZ's possession of identification documents in the name and date of birth of Juan MENDIETA, Jose JIMENEZ AGOSTO, Allison GABRIEL, Anthony Clausell RIVERA, respectively, belong to real individuals with actual social

security numbers. Further, Social Security records show that PORTES-ORTIZ has an assigned social security number.

**MEDICAID FRAUD, MISUSE OF SOCIAL SECURITY NUMBER, AND  
AGGRAVATED IDENTITY THEFT**

20. The Rhode Island Medicaid Program (RIMAP) is a “health care benefit program” as defined under 18 U.S.C. Section 24(b) – a “public or private plan or contract, affecting commerce, under which any medical benefit, item, or service is provided to any individual.....” Authorized under Title XIX of the Social Security Act, Medicaid is an entitlement program financed by the state and federal governments and administered by the state. Medicaid provided health insurance to Supplemental Security Income (SSI) beneficiaries, pregnant women, children under 19, low-income families, people who are aged/blind/disabled and medically needy adults. Eligibility is determined based on income and other factors. The state of Rhode Island has designated the Executive Office of Health and Human Services (EOHHS) as the single state agency to administer the Medicaid State Plan. EOHHS currently administers the Medicaid Program through five internal offices: Program Integrity, Legal, Budget and Finance, Policy and Innovation, and Healthcare Administration.

21. RIte Care is Rhode Island’s Medicaid managed care program for families with children, pregnant women, and children under 19. Families have a choice of three participating plans: Tufts Health Plan, Neighborhood Health Plan of Rhode Island, and UnitedHealthcare Community Plan. Eligibility is based on income and family size to include: Parents with children under 18 with income up to 133 percent of the Federal

Poverty Level (FPL); Pregnant women with income up to 253 percent of the FPL;  
Children up to age 19 with income up to 261 percent of the FPL.

22. Neighborhood Health Plan of Rhode Island (NHPRI) was founded in December 1993 by the state's thirteen community health centers and the Rhode Island Health Center Association in response to the initiation of Rite Care, the Rhode Island Medicaid managed care program. NHPRI is a 501c3 organization with a seventeen-member board of directors.

23. On October 28, 2012, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, received medical services as a new patient at Providence Community Health Center, located on Prairie Avenue, Providence, RI. However, I was unable to find any corresponding claim under the Medicaid Program for services rendered. A Rhode Island State Identification Card, number 197424, bearing the photograph of PORTES-ORTIZ with the name of MENDIETA, was photocopied and maintained as part of his medical record.

24. At a time unknown to the investigation, but as early as 2014, Medicaid benefits were paid out to an individual identifying himself as MENDIETA. On January 1, 2014, through December 31, 2014, Rhode Island Medicaid paid \$1,940.43 for medical, pharmaceutical, and dental services on behalf of MENDIETA.

25. On January 23, 2015, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, received dental services at Linda Dental, LLC located at 451 Broadway, Suite 1, Pawtucket, RI. A Rhode Island State Identification Card, number 197424, bearing the photograph of PORTES-ORTIZ with the name of

MENDIETA, was photocopied and maintained as part of his medical record.

Additionally, a Rhode Island Medical Assistance Identification Card in the name of Juan C. MEDIETA-VEGA was photocopied and maintained as part of the medical record as well. Rhode Island Medicaid paid \$72.00 for services rendered on behalf of PORTES-ORTIZ unlawfully representing himself as MENDIETA.

26. On April 1, 2015, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, received medical services at Armistice Urgent Care & Occupational Health located at 209 Armistice Boulevard, Pawtucket, RI. 02860. A Rhode Island State Identification Card, number 197424, bearing the photograph of PORTES-ORTIZ with the name of MENDIETA, was photocopied and maintained as part of his medical record. Rhode Island Medicaid paid \$58.82 for services rendered on behalf of Ortiz unlawfully representing himself as MENDIETA.

27. On May 4, 2015 and May 13, 2015, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, received dental services at A G Dental located at 115 Newport Avenue, Pawtucket, RI, 02861. A Rhode Island State Identification Card, number 197424, bearing the photograph of PORTES-ORTIZ with the name of MENDIETA, was photocopied and maintained as part of his medical record. Additionally, a Rhode Island Medical Assistance Identification Card in the name of Juan C. MENDIETA-VEGA was photocopied and maintained as part of the medical record. Rhode Island Medicaid paid \$10.00 and \$59.00 respectively for services rendered on behalf of PORTES-ORTIZ unlawfully representing himself as MENDIETA.

28. On August 20, 2015, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, received dental services at Linda Dental, LLC located at 451 Broadway, Suite 1, Pawtucket, RI. 02860. A Rhode Island State Identification Card, number 197424, bearing the photograph of Ortiz with the name of MENDIETA, was photocopied and maintained as part of his medical record. Additionally, a Rhode Island Medical Assistance Identification Card in the name of Juan C. MENDIETA-VEGA was photocopied and maintained as part of the medical record as well. Rhode Island Medicaid paid \$40.00 for services rendered on behalf of PORTES-ORTIZ unlawfully representing himself as MENDEITA.

29. On October 16, 2015, PORTES-ORTIZ, representing himself without authority as MENDIETA, received dental services at Linda Dental, LLC located at 451 Broadway, Suite 1, Pawtucket, RI, 02860. A Rhode Island State Identification Card, number 197424, bearing the photograph of PORTES-ORTIZ with the name of MENDIETA, was photocopied and maintained as part of his medical record. Additionally, a Rhode Island Medical Assistance Identification Card in the name of Juan C. MENDIETA-VEGA was photocopied and maintained as part of the medical record as well. Rhode Island Medicaid paid \$454.00 for services rendered on behalf of PORTES-ORTIZ unlawfully representing himself as MENDIETA.

30. On January 1, 2015 through December 31, 2015, Rhode Island Medicaid paid \$2,711.84 to include encounters as listed above for medical, pharmaceutical, and dental services on behalf of PORTES-ORTIZ unlawfully representing himself as MENDIETA.

31. On June 13, 2016, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, applied for a renewal to continue receiving Rhode Island Medicaid coverage. PORTES-ORTIZ, utilizing the social security number and date of birth of the real MENDIETA, listed himself as living alone at 102 Chaplin Street. Continuing on June 13, 2016, the application for medical assistance coverage submitted by PORTES-ORTIZ using MENDIETA's name, date of birth, and social security number was approved. PORTES-ORTIZ thus became enrolled with NHPRI, a Rhode Island Managed Care Plan under MENDIETA's identity.

32. On January 1, 2016, through December 31, 2016, NHPRI paid \$3,128.92 for medical, pharmaceutical, and dental services on behalf of PORTES-ORTIZ who unlawfully representing himself as MENDIETA.

**SNAP FRAUD, MISUSE OF SOCIAL SECURITY NUMBER, AND AGGRAVATED IDENTITY THEFT**

33. The Rhode Island Department of Human Services (DHS) Supplemental Nutrition Assistance Program (SNAP) helps single adults, couples, children and families, who may be working but are still struggling financially, to buy food and provide nutritional meals for themselves. The program, the largest food and nutrition support program in the state, is a partnership between the Federal Government and the state. The Federal Government pays the full cost of an individual's SNAP benefits and approximately half of the state's cost to administer the program. Like several other DHS programs, adults qualify to receive SNAP benefits based on their income, the resources they have and the number of individuals do not need to be participating in

other DHS programs, including the Family Independence Program, to receive SNAP benefits. They can be unemployed, working, preparing for work, or receiving a pension to qualify for SNAP benefits. Homeless individuals can also qualify to receive SNAP benefits.

34. In order to qualify for this benefit program, a person must be a resident of the state of Rhode Island and fall into one of two groups: (1) those with a current bank balance (savings and checking combined) under \$2,001, or (2) those with a current bank balance (savings and checking combined) under \$3,001, who share their household with a person or persons age 60 and over, or with a person with a disability (a child, your spouse, a parent, or yourself).

35. On or about April 15, 2013, a SNAP benefits application was received by RI DHS in the name Juan MENDIETA VEGA and an EBT card was subsequently printed. RI DHS case log records show that on May 1, 2013, an intake was done with the following information provided: "client livn alone, unemployed, collect UI-req docs, pays rent- req rr, provided pic id, and provided EBT card." On the same day, SNAP benefits were approved for MENDIETA VEGA. In May 2013, an individual utilized Rhode Island EBT account number 5076 8200 0045 4554 under the MENDIETA VEGA name and spent \$82.00 from the SNAP Program.

36. Continuing from June 1, 2013 through September 30, 2013, an individual utilized Rhode Island EBT account number 5076 8200 0045 4554 under the MENDIETA VEGA name and spent \$64.00 from the SNAP Program.



37. On October 5, 2015, an individual representing himself as MENDIETA, applied with RI DHS for a renewal of SNAP benefits. In the application, the individual used the date of birth and social security number of the real MENDIETA, listed his address as 102 Chaplin St., Pawtucket, RI, and that Alexandra Reyes also lived in the same residence. A law enforcement database query for Alexandra Reyes was run on June 25, 2018, and lists Alexandra Reyes as the primary resident for 102 Chaplin St. 1, Pawtucket, RI, from June 2008 through June 2018. A law enforcement database check was also run on 102 Chaplin St., Pawtucket, RI, and it shows that 102 Chaplin is a duplex owned by Alexandra Reyes since 2011.

38. Records from RI DHS revealed that the individual applying for SNAP renewal benefits under the MENDIETA name provided the following:

- a. Letter from the Social Security Administration addressed to Juan C MENDIETA VEGA, P.O. Box 8524, San Juan, Puerto Rico, with the real MENDIETA's last four digits of his social security number;
- b. Rental receipt dated 1/10/15, from Juan MENDIETA for \$500.00, 102 Chaplin St., Pawtucket, by Alexandra Reyes from 10/1/15 to 11/1/15;
- c. RI Identification Card in the name of Juan C. MENDIETA, number 1297424, issued on 1/15/2015 and expiring on 1/16/2020, with an address of 102 Chaplin St., Pawtucket, RI; and
- d. RI Identification Card in the name of Juan C. MENDIETA, number 1297424, issued on 11/20/2009 and expiring on 11/20/2014, with an address of 130 Chester Ave, Providence, RI.

39. The RI Identification Cards in the MENDIETA name used for the SNAP renewal of benefits match identification cards that were issued by the RI DMV. The photograph on the 2015 RI Identification card used in the SNAP renewal of benefits

shows that the individual representing himself as MENDIETA is really PORTES-ORTIZ.

40. The SNAP renewal application submitted by PORTES-ORTIZ was subsequently accepted by RI DHS. From October 5, 2015 through December 31, 2015, PORTES-ORTIZ representing himself without lawful authority as MENDIETA, utilizing Rhode Island EBT account number 5076 8200 0045 4554, spent \$576.01 from the SNAP Program in the District of Rhode Island.

41. On, January 1, 2016 through December 31, 2016, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, and utilizing Rhode Island EBT account number 5076 8200 0045 4554, spent \$2,328.00 from the SNAP Program.

42. On August 1, 2017, RI DHS sent a notice of expiration/renewal form to Juan C. MENDIETA VEGA, 102 Chaplin St., Pawtucket, RI.

43. On September 18, 2017, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, made a purchase utilizing RI SNAP card number 5076 8200 0932 6199 in the name of MENDIETA at Price Rite, 465 Lonsdale Avenue, Pawtucket, RI. Store video footage obtained by this investigation has positively identified PORTES-ORTIZ as the individual utilizing this RI SNAP benefit card both at the transaction terminal and exit point of the store. In the video, PORTES-ORTIZ is wearing a green camouflage cap and orange work vest.

44. On or about October 4, 2017, RI DHS received an application for a renewal of SNAP benefits from an individual representing himself as Juan C. MENDIETA, 102

Chaplin St., Pawtucket, RI, phone number (401) 442-7229. Subsequently, SNAP benefits were renewed under the MENDIETA name.

45. On, January 1, 2017, through December 31, 2017, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, and utilizing Rhode Island EBT account number 5076 8200 0932 6199, spent \$2322.01 from the SNAP Program in the District of Rhode Island.

46. On May 28, 2018, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, made a purchase utilizing RI SNAP card number 5076 8200 0932 6199 in the name of MENDIETA at Price Rite, 465 Lonsdale Avenue, Pawtucket, RI. Price Rite video footage obtained by this investigation has positively identified PORTES-ORTIZ as the individual utilizing this RI SNAP benefit card both at the transaction terminal and exit point of the store. In the video, PORTES-ORTIZ is also seen unloading groceries into a vehicle matching the description of the SUBJECT VEHICLE.

47. On, January 1, 2018, through June 24, 2018, PORTES-ORTIZ, representing himself without lawful authority as MENDIETA, and utilizing Rhode Island EBT account number 5076 8200 0932 6199, spent \$1,114.82 from the SNAP Program.

#### **SUBJECT PREMISES AND SUBJECT VEHICLE**

48. On May 22, 2018, a federal search warrant was signed by United States Magistrate Judge Patricia A. Sullivan for location data for (401) 442-7229, the number that was used for the October 2017 SNAP renewal application under the name

MENDIETA and that was also used for the April 2018 DMV driver's license application under the name RIVERA.

49. On June 14, 2018, HSI Special Agent Risk and Special Agent Michael Agostinho set up surveillance in separate vehicles at the B.J.'s Distribution parking lot at 869 Quaker Highway, Uxbridge, MA. A prior location alert for (401) 442-7229 had put that cell phone in the area. At approximately 9:14 a.m., Special Agent Risk observed the SUBJECT VEHICLE in the parking lot. The SUBJECT VEHICLE is registered to Cecilia A. Paula, 91 McCabe Ave, Apt. #2, Pawtucket, RI. At approximately 2:32 p.m., PORTES-ORTIZ was observed entering the SUBJECT VEHICLE and leaving the parking lot. PORTES-ORTIZ was followed to a Stop and Shop at 368 Cottage Ave., Pawtucket, RI. PORTES-ORTIZ next went to 155 Webster St., Pawtucket, RI, parked his car, and then went inside 155 Webster St. Special Agent Risk was able to identify PORTES-ORTIZ using the photograph of PORTES-ORTIZ from the 2015 RI DMV Identification Card that PORTES-ORTIZ obtained under the MENDIETA name.

50. The National Grid electric customer for the SUBJECT PREMISES is listed as Jose JIMENEZ, with a telephone number of (401) 442-2229, the number that was used for the October 2017 SNAP renewal application under the name MENDIETA and that was also used for the April 2018 DMV driver's license application under the name RIVERA. Notably, PORTES-ORTIZ had Puerto Rican Driver's License in the name Jose JIMENEZ with his photograph on it when he was arrested on March 18, 2017, in Dedham Massachusetts.

51. On June 19, 2018, I went to the area of the SUBJECT PREMISES. The front of the building of the SUBJECT PREMISES contained six mailboxes. I observed and took photographs of the location, including a mailbox with "ASIFERS 2" written on it. A law enforcement database check on Amy Sifers lists her at the SUBJECT PREMISES from September 2014 until April 2018. However, based on information provided on June 22, 2018, by an individual at Penny Lane Management, the owner/property manager of 155 Webster St., it is believed that an individual using the name Jose JIMENEZ resides there. Penny Lane Management provided information that unit #2 is in the basement on the right hand side and is leased to Jose JIMENEZ.

52. Later that day, I set up surveillance at the B.J.'s Distribution parking lot at 869 Quaker Highway, Uxbridge, MA. At 1:45 p.m. I observed the SUBJECT VEHICLE in the parking lot. At approximately 2:35 p.m. I observed and took photographs of PORTES-ORTIZ walking towards and entering the SUBJECT VEHICLE. Ten minutes later, I observed PORTES-ORTIZ leave the parking lot in the SUBJECT VEHICLE. PORTES-ORTIZ was wearing the same green camouflage cap and orange vest that I had seen him wear in the September 18, 2017, Price Rite video at 465 Lonsdale Ave, Pawtucket, RI.

53. On June 22, 2018, I set up surveillance in the area of the SUBJECT PREMISES. At approximately 5:20 a.m., I observed the SUBJECT VEHICLE leave the area. The driver of the vehicle was wearing a green camouflage cap similar to the one that I had observed in the Price Rite video of September 18, 2017, after having used the SNAP card under the MENDIETA name and that I had observed him wearing in the

B.J.'s parking lot on June 19, 2018. Based on surveillance done at the SUBJECT PREMISES and at the B.J.'s Distribution parking lot at 869 Quaker Highway, Uxbridge, MA, I believe that PORTES-ORTIZ works at the B.J.'s store and the orange vest is a part of his work uniform.

54. Based on the above, the SUBJECT PREMISES is believed to be the current residence of PORTES-ORTIZ. Based on my training and experience, and the training and experience of other agents involved in this investigation, I know that people's residences often contain documents and other evidence of their identity and perpetrators of identity theft will also contain documents and other evidence of other people's identifying information. In their homes, people often maintain for long periods -- sometimes years -- such items as driver's licenses, Social Security cards, passports, utility bills, health insurance or prescription cards, medical records, marriage licenses, scrapbooks, photographs (physical or digital), diplomas and other school records, birth certificates, immunization records, bank records, credit card statements, correspondence, and books or mementos on which they have inscribed their names and/or names of identities that they are using.

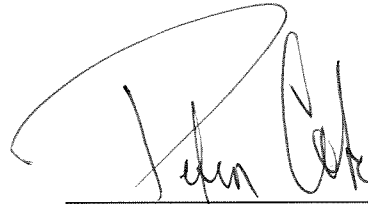
55. Based on my training and experience, and the training and experience of other agents involved in this investigation, I know that people's residences often contain evidence of their financial resources including currency, financial statements, wire transfers, checking account information, saving account information, employment records, rental records, deposit information to include safety deposit box records, business financial records, currency, state and federal tax records, bills, receipts, credit

card receipts, bank records, banks statements, checks ledger's account statements, daily expenses and revenue ledgers invoices.

56. Based on my training and experience, and the training and experience of other agents involved in this investigation, I know that people often keep registration documents, insurance documents, and other identification documents in their vehicle (often in their glove box or other internal compartments).

**CONCLUSION**

57. I submit that this affidavit supports probable cause for a warrant to search the SUBJECT PREMISES described in Attachment A, search the SUBJECT VEHICLE, seize the items described in Attachment B, and to issue a criminal complaint and arrest warrant for PORTES-ORTIZ.



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Peter Cote  
Special Agent  
United States Department of Health and  
Human Services, Office of Inspector  
General, Office of Investigations

Sworn and subscribed in my presence on  
this 26 day of June 2018.



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LINCOLN D. ALMOND  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

The premises to be searched is 155 Webster St., Apt. 2, Pawtucket, RI 02861 (SUBJECT PREMISES). 155 Webster Ave., Pawtucket, RI is a multifamily brick apartment building with white shutters. The center of the building has gray siding with a sign marked "155 Webster" above the black front door. The apartment building has six black mailboxes next to the front door three on the right and three on the left. The #2 mailbox is on the right which coincides with the fact that apartment two is in the right basement. The front of the apartment building is a parking lot with a chain link fence.



**ATTACHMENT B**

**Property to be seized**

1. All records, in whatever form, and tangible objects, that constitute evidence, fruits, or instrumentalities of violations of 18 U.S.C. § 1028A(a)(1) (Aggravated Identity Theft), 8 U.S.C. § 1326(a) (Illegal Reentry after Deportation), 7 U.S.C. § 2024(b) (Supplemental Nutrition Assistance Program ("SNAP" i.e. food stamps) Fraud), and 42 U.S.C. § 408(a)(7)(B) (Misuse of a Social Security Number), and 18 U.S.C. § 1347 (Health Care Fraud) including:
  - a. Identification documents including driver's licenses, Social Security cards, passports, utility bills, health insurance or prescription cards, medical records, marriage licenses, scrapbooks, photographs (physical or digital), diplomas and other school records, birth certificates, immunization records, bank records, credit card statements, correspondence, and books or mementos with inscribed their names.
  - b. Documents or cards pertaining to Medicaid or SNAP benefits.
  - c. Records, photographs, or tangible objects showing the relationship or any communications involving Juan MENDIETA VEGA, Jose JIMENEZ AGOSTO, Anthony Clausell RIVERA, Willian Acevedo GIL, Allison GABRIEL, and/or Carlos Jose PORTES-ORTIZ.
  - d. The mobile phone associated with (401) 442-7229.
  - e. Identifying clothing that was observed in this investigation to include the green camouflage cap and orange work vest.
  - f. Documents containing the date of birth, security number, or any other identifying information belonging to the real Juan MENDIETA VEGA, Jose JIMENEZ AGOSTO, Anthony Clausell RIVERA, Willian Acevedo GIL, Allison GABRIEL, and/or Carlos Jose PORTES-ORTIZ.
  - g. Any documents including mail and correspondence listing the address of (1) 102 Chaplin St., Pawtucket, RI; (2) 155 Webster St., Pawtucket, RI; (3) 216 Hanover St., Providence, RI; and/or (4) 91 McCabe Ave, Pawtucket, RI.
  - h. Currency, financial statements, wire transfers, checking account information, saving account information, employment records, rental

records, deposit information to include safety deposit box records, business financial records, currency, state and federal tax records, bills, receipts, credit card receipts, bank records, banks statements, checks ledger's account statements, daily expenses and revenue ledgers invoices