## COMMONWEALTH OF PENNSYLVANIA COUNTY OF DELAWARE

Magisterial District Number: 32-1-24

MDJ Hon. ROBERT M. D'AGOSTINO



## POLICE CRIMINAL COMPLAINT COMMONWEALTH OF PENNSYLVANIA

DEFENDANT;

**V5.** (NAME and ADDRESS)

	ARMANDO		GARCIA- RAMIREZ
1	First Name	Middle Name	Last Name

Address:	796 PARK BROOMAL			(D	First Name	2189 (	WAREN UEEN		Last Name			Gen.
Telephone:	·BEE(018)	•				YORK,						
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with	violating ti	ne penal	laws o	f the Co	ommonwe	alth of Pe	ınnşylv			ELAWAR		<b>D</b>
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Docket Numb	er		lled 3/2020	OTN/Live	Scan Number		Cor	nplaint/Incl	dent Number 5 <b>429/20190919M8</b> 644	4
Defendant	Name	First	RMAND	0	Middle			Last	GARCIA- RAMIREZ	
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Docket Num	ber	Date F	led 0	TN/LIveS	Scan Numbe	L.		Corr		ient Number 429/201909	19M8644	
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# DISTRICT COURT 32-2-46 POLICE CRIMINAL COMPLAINT

Docket Number		ed OT	N/LiveSca			· · · · ·		ent Number 429/2019091	L9M8644	,
Defendant Nam	e First	RMANDO	MI	iddle	•	L	95): 	GARCIA- RAM	IIREZ	
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Docket Nur	ber	Date	Filed 13/2020	OTN/Lives	Scan Numbe	L Angles	Con	nplaint/Incide	ent Number 429/2019091	9M8644
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Statute L	eacripil	on (In			r elatule o DECEPT		;e);		,				,
SECUR	EEXE	:CU	tion i	Docs e	Offense: Y DECE	PTION	The	Actor,Armando G	arcia Ra	amir	ez, on or al	out,September 2	2019, in the
County	of Dale	awai	e, con	nmile a :	misdem	eanor of	the	second degree if	by dece	ptior	n he causes	another to exec	ute any
nstrum	ent aff	ectin	g or p	urportin	to affe	ct or like	ly to	affect the pecuni	ary inter-	180	of any perso	on., that is to say	TNO 1000000011111
antar Ar	mando	o GA	\r0  <b>8</b> ^ ₹	lamirez.	in Violat	ion of Si	3C(IO.	n 4314 of the Pe	nnsyivar	nac	nmes Code	o, as amended, 1	0 Fa.U.S. 41   4



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Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number
	11/13/2020		00125429/20190919M8644
	Firet	Middle	Last
Defendant Nan	<sup>18</sup> ARMANI		GARCIA- RAMIREZ

- 2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have mede.
- 3... I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the panalties of section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding page(s) numbered 1 through
- 5. I certify that this filing compiles with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

11-14-20 I certify that the complaint has been properly completed AND NOW, on this date

An affidavit of probable cause must be completed before a warrant can be issued.

(Magisterial District Court Number)

(Issuing Authoria

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#### POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number
	11/13/2020		00125429/2 <u>019091</u> 9M8644
Defendant Name	First	Middle	Last
Defendant Name.	ARMANI	00	GARCIA- RAMIREZ

#### **AFFIDAVIT of PROBABLE CAUSE**

On September 16, 2019, Your Affiant was advised of a possible Workplace Misclessification Act violation at 2170 West Chester Pike, Broomall, Pennsylvania, 19008. The Pennsylvania Construction Workplace Misclessification Act, 43 9.8. Sec. 933.1, has attict requirements that must be met for an individual to be considered an independent contractor. This law prohibits misclessification of employees as independent contractors in all commercial and residential construction in the Commonwealth of Pennsylvania.

Through investigation it was uncovered that the company working on the job site in question was GER Drywall and Framing, LLC. The business is located at 311 Donna Lane, York, Pennsylvania, 17403 according to the Pennsylvania Department of State website. The new residence for Martha Guzman and Armando Garcia-Remirez, who will now be referred to as the defendant is now located at 2189 S. Queen Street, York, Pennsylvania, 17402. Further investigation uncovered that the business is run out of the residence of their daughter, Stephania Garcia-Rivera, at 2200 S. Queen Street, York, Pennsylvania, 17402,

Your Affiant and Lt. William Wright went to 2208 S. Queen Street, York, Pennsylvania, 17402 on Friday November, 1, 2019 and met with Stephanie Garcia-Rivera in a detached rear office on the property. The rear of the residence had additional parking with a fully functional office for GER Drywall and Framing, LLC. Miss Garcia-Rivera advised that her father owned the company, but he does not work much anymora because of health issues. Miss Garcia-Rivera confirmed that the company has recently been working in Delaware County in Marple Township. Specifically, Miss Garcia-Rivera stated that they are working at 2170 West Chester Pike, Broomall, Pennsylvania, 19008. Miss Garcia-Rivera was asked who was working and she provided paperwork for the individuals who were working at that job site.

Miss Garcia-Rivers stated that all employees who were working on the site were SIndependent Contractors's and signed paperwork to that effect. Miss Garcia-Rivera

I, <u>DETECTIVE STEVEN CORTESE (5189)</u>, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS.

Docket Number	Date Filed	OTN/LiveScan Number ·	Complaint/Incident Number
	11/13/2020		00125429/20190919M8644
	First	Middle	Last
Defendant Name	ARMAND	00	GARCIA- RAMIREZ

#### AFFIDAVIT of PROBABLE CAUSE CONTINUATION

then volunteered to give Affiant and Lt. Wright the paperwork. Your Affiant and Lt. Wright then accepted documents for GSR Drywall and Framing, LLCEs workers for the following individuals: Angelita Paulin-Santos, Efrain Avila, David Fuentes, Custavo Garcia-Jinez, Violeta Garcia, Ramon Hendrickson-Santos and Hector E. Garcia Molina.

Your Affiant reviewed the paperwork from Miss Garcia-Rivera. A social security number was associated with GGR Drywall and Framing, LLCEs aforementioned employees. Additionally, your Affiant also reviewed a document styled as an Sindependent contractor agreemento for GGR Drywall and Framing, LLCMs employees. That document states that "the contractor is solely responsible for filing required returns and framing all obligations incurred under the Federal Insurance Contribution or any other insurance required by law to cover any claims arising out of the performance of their service for contractor GER Drywall and Framing, LLC and will provide GER Drywall and Framing, LLC with such documentation". The contract also states that "as an Independent contractor they are not entitled to any Workman's Compensation, stock bonus, profit sharing, or health benefits. It is expressly understood by the Contractor that the Independent Contractor is responsible for complying with any federal, state and local laws, rules and regulations and ordinances including but limited to specifically set forth in this document." The Independent Contractor states that "they shall further indemnify, save, harmless, and defend GER Drywall and Framing, LLC, from any claims arising from any act or omission of myself or my agents or employees. All contracts are by the job and not on a time and material basis. All work contracted must be completed 100% the satisfaction of GER Drywall and Framing, LLC. If the independent contractor leaves the job incomplete and the work unsatisfactory, the independent contractor will become null void, and no payment of any kind is due to the Independent Contractor and GER Drywall and Framing LLC."

Witness #1 was interviewed and your Affiant confirmed Witness #1 is an individual that aigned the document purporting to be an independent contractor agreement. It was determined by your Affiant that the GER Drywall and Framing LLC documents were prepared by the company and not its workers/employees. Moreover, it was determined by your Affiant that Witness #1 obtained money from GER Drywall and Framing LLC and disbursed it to the other GER Drywall and Framing LLC employees. A search warrant was executed for Witness #1's Wells Fargo Bank Account. The bank records showed Witness #1's got paid \$439,769.50 in the year 2019 from GER Drywall and Framing, LLC.

Through further investigation, your Affiant determined that the social security number provided for Witness #1 was fraudulent. Moreover, your Affiant determine that several of the social security numbers provided for GSR Drywall and Framing, LLCEs employees were fraudulent. According to interviews with Witness #1 and Witness #2, who was another employees of GSR Drywall & Framing, LLC, it has been determined that the defendant, Armando Garcia-Ramirez knew that some of the GSR Drywall and Framing, LLC employees were undocumented immigrants.

Through investigation and the interviews conducted of GFR Drywall and Framing LLCEs employees, your Affiant determined that the individuals identified in GFR Drywall and Framing, LLCEs paperwork were misclassified employees and not independent subcontractors. Specifically, your Affiant interviewed the individuals identified in the paperwork obtained from GFR Drywall and Framing, LLC. The interviewed employees indicated that they worked for GFR Drywall and Framing, LLC. Witnesses #1 and #2 advised that they were non-citizens and they did not have working permits in the United States of America. The GFR Drywall and Framing LLC documents endorsed by Witness #1 and #2 were prepared by GFR Drywall and Framing LLC. According to Witness #1 and #2, GFR Drywall and Framing LLCEs employees were paid an hourly rate and not a flat rate. According to payroll records obtained by search warrant, your Affiant confirmed that these employees were on a weekly payroll distribution as confirmed by paystubs. Witness #1 and #2 never owned a business separate from GFR Drywall and Framing LLC. The drywall work on the construction site that GFR Drywall and Framing

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number
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Defendant Name	First	Middle	Lest
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#### AFFIDAVIT of PROBABLE CAUSE CONTINUATION

ILC was contracted to perform 2170 West Chester Pike, Broomall, Pennsylvania, 19008 was performed by its employees. Moreover, your Affiant learned through the course of the investigation that in furtherance of the misclassification of workers, GER Drywall and Framing ILC gave employees money to obtain liability insurance with an Exic Insurance agent in their own names.

Two search warrants were served on November 5, 2020 at 2169 S. Queen Street, York, Pennsylvania, 17402 and 2208 S. Queen Street, York, Pennsylvania, 17402. Numerous documents and electronics were selved from these residences. The documents included a copy of the contract between the contractor Zook Interiors and the defendants GGR Drywall and Framing, LLC for GGR Drywall and Framing LLC to perform work on the construction of an ôL.A. Fitness at 2170 West Chester Pike, Broomall, Pennsylvania, 19006. Other documents were seized, including GGR Drywall & Framing, LLCEs banking, payroll and employee information.

Your Affiant determined that the signature cards obtained for the Wells Fargo Bank Account of GER Drywall and Framing LLC allowed all three defendants access to the account.

During the course of this investigation your Affiant discovered, through executed search warrants, that the defendants conducted financial transactions by routinely transferring monetary instruments from the business owners, employees and business address of G&R Drywall and Framing, LLC, in large quantities to Hidalgotitlan, Mexico, Through the employment of misclassified workers, including undocumented workers, and the use of the Wells Fargo bank account, the defendants avoided transaction reporting requirements under State and Federal law.

The monetary instruments obtained by the business, that being vehicles, homes and US currency, have been obtained illegally, rising to violations of PA Title 10; Theft, Receiving Stolen Property, Theft by Deception and PA Title 77; Workers Compensation Violations, all of which are unlawful activities graded a misdemeanor of the First Degree or higher.

Based on the Aforementioned information, which your Affiant believes to be true and correct. Your Affiant is respectfully requesting a warrant be issued for Armando Gardia-Ramirez.

(Signature of Afflant)

City, State & ZIP Code)

(Telephone #)

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Docket Number	Date Filed 11/13/2020		can Number		ľ	Incident Number 125428/20190919N	18644
Defendant Name	First MARTH		Middle		Last	GUZMAN	
Compleint/Incident Nu 20190919M6				,		Co-Defendant#_	1
ARMANDO GARC	IA- RAMIREZ	· ·	p				
(Name)			,			1	
2189 QUEEN ST	R .			,			
(Home Street Address)			•		•		
YORK, PA 1740					, ,	•	
City, State & ZIP Code						(Telephone #)	
Complaint/Incident Nun 20190919M8					-	Co-Defendant # _	2
STEPHANIE GAR	CIA RIVERA						· · · ·
(Name)	<del>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</del>					, , ,	
2208 S QUEEN \$7	r R			,			, .
(Home Street Address)	<u> </u>	,	<u> </u>				
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