

**Probable Cause Affidavit
Florida Department of Financial Services
Case Number: 16-1713**

Defendant: Libya RAMIREZ

Race: W **Sex:** F **DOB:** 11/19/1952 **SSN:** [REDACTED]

Height: 5'2" **Weight:** 120 **Hair:** BRN **Eyes:** Brn

Florida Driver License: R562-520-919-0

Address: 3061 Meridan Way N, Palm Beach Gardens, FL 33410

Charge Description: FS 440.105(4)(b)(6)- Workers' Compensation Fraud (Premium Avoidance).
FS 817.034(4)(a)2. Obtain Property with aggregate value of \$20,000-\$50,000 by Fraud.
FS 896.101(5)(b) Money Laundering Over \$20,000.00.

Victim: Ascendant Commercial Insurance Company

Your Affiant, Detective Robert Wolfkill has been a Law Enforcement Officer in the State of Florida for over twenty-seven (27) years. Your Affiant is currently a Detective for the State of Florida, Department of Financial Services (DFS) investigating financial crimes. Your Affiant is assigned the Bureau of Workers' Compensation Fraud and has experience and training in the investigation of construction related schemes to defraud workers' compensation carriers and has previously been assigned to H.I.D.T.A working major narcotic trafficking and money laundering cases. Your Affiant has training and experience regarding the investigation of illicit money service businesses (MSBs).

Investigation was initiated after the West Palm Beach Regional Office of DIFS received information by telephone (TIP 16-1919) from the complainant-Village Maintenance of Old Port Cove that Florida General Services of Palm Beach was not carrying appropriate Workers' Compensation Insurance.

First Name: Roseann
Last Name: Guptill
Email: rguptill@villagemaint.com
Address: 1224 US Highway One, Suite C
City: North Palm Beach
State: FL
Zip Code: 33408
Phone: (561)626-3033
Fax: (561)626-3034

FILED
17 AUG 23 PM 2:29
CLERK
CRIMINAL JUSTICE
FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Your Affiant has training from FIFEC regarding Premium Fraud investigations and has received training from the Department of Financial Services regarding the use of a Confidential State of Florida Database. Your Affiant has been involved in the investigation of numerous Premium Fraud and Money Laundering Schemes involving Workers' Compensation Fraud in Miami-Dade, Broward, Palm Beach, Lee, Indian River and Orange Counties. Your Affiant knows through training and experience that Workers' Compensation Insurance Premiums are based on the following factors: Remuneration (payroll), Class Code (work type) and number of employees. Your Affiant also has learned that Money Service Businesses (MSBs) which are commonly referred to as "check cashing stores" are a preferred method to hide payroll for construction companies committing Workers' Compensation Fraud.

A query of the State of Florida Workers' Compensation database regarding Florida General Services of Palm Beach Inc (hereafter identified as FGSOPB) was conducted. The query revealed an active Workers' Compensation Policy effective August 22, 2016 with Ascendant Commercial Insurance Inc. policy #677451. **The total payroll for FGSOPB listed on the policy was \$46,800.00.**

Your Affiant conducted a query of the State of Florida Division of Corporations (SUNBIZ) regarding FGSOPB. The query revealed the company was incorporated on September 02, 2008. The President and Registered Agent of the company was found to be Libya RAMIREZ of 3061 Meridan Way N Apt#8, Palm Beach Gardens FL 33410. Libya RAMEIRZ will hereafter be identified as RAMIREZ. A Vice President of FGSOPB was identified as Alberto Viveros

Your Affiant conducted a query of the Florida Department of Highway Safety and Motor Vehicles (DHSMV) regarding Libya Ramirez and located DHSMV record R653-520-52-919-0, W/H/F born in Columbia with a date of birth of November 19, 1952. RAMIREZ listed an address of 3061 Meridan Way N Apt#8, Palm Beach Gardens FL 33410

Your Affiant conducted a query of a Confidential State of Florida Financial Database utilizing the listed FEI # 26-3489211 for FGSOPB. An analysis of the results revealed: From 09/03/2015 (date the database became operational) to 08/22/2016, five hundred (500) separate financial transactions occurred on behalf of FGSOPB at Yasmeen Group Inc at 200 North Dixie Hwy #8, Lake Worth FL totaling \$541,036.07. Each transaction listed the conductor (check casher) as RAMIREZ via her Florida Driver's License number (R653-520-52-919-0). Per State Law, Money Service Businesses are required to request identification prior to conducting financial transactions and maintain a "Know your Customer File" (KYC) containing the account holder's information, photograph and corporate documentation. **The \$541,036.07 in cash received by RAMIREZ on behalf of FGSOPB is more than 11 times the annual payroll reported to Ascendant Commercial Insurance for Workers' Compensation Insurance.**

Your Affiant contacted Ascendant Commercial Insurance Estela Lynch- Director of Underwriting. Pursuant to a (626) request for records, Ms. Lynch provided the following documentation: **An underwriting file which listed the effective period of Workers' Compensation coverage as 08/22/2015 to 08/22/2016- listing class code as "9014" for Janitorial services by contractors with no cleaning above ground level- and an annual premium of \$2,317.00 based on total remuneration (payroll) of \$46,800.00.** A copy of the ACORD application was provided. The ACORD was completed at Eagle Insurance Services Inc- 941 S. Military Trail, West Palm Beach FL. The ACORD was dated 08/19/2015 listing three total janitorial employees and an estimated remuneration of \$32,000.00 for the company. RAMIREZ is listed as 50% owner of FGSOPB along with Jorge Viveros. Copies of monthly invoices were provided. The invoices were mailed to RAMIREZ at her residential address listed on her Florida Drivers' License- 3061 Meridian Way N. Apt #8, West Palm Beach FL. The file also contained two (2) written requests for an audit addressed to RAMIREZ at FGSOPB. Ms. Lynch advised the company renewed their Workers' Compensation policy but had not responded to a request for an audit mailed on September 1, 2016.

On September 1, 2016, your Affiant conducted an interview of insurance agent- witness Luz Marlene Alfonso at Eagle Insurance Services Inc.- 941 S. Military Trail #F-7, West Palm Beach FL. An oath was administered and the witness swore her statement would be truthful. The witness advised RAMIREZ was her client for both Liability and Workers' Compensation Insurance. A physical description of RAMIREZ was provided by the witness. Your Affiant produced a photograph from RAMIREZ's DHSMV record R562-520-52-919-0. The witness identified RAMIREZ as the representative of FGSOPB. She advised that on or about August 19, 2015, RAMIREZ personally appeared in her office and to complete a Florida Workers' Compensation Application. The application listed Florida General Services of Palm Beach with a mailing address of 3061 Meridian Way, Palm Beach FL. The witness advised your affiant RAMIREZ provided her the following information: FGSOPB has three employees with a remuneration of \$32,200 (prior 12 months) providing Janitorial service. Exclusions for the policy included RAMIREZ and Jorge Viveros. The three employees listed in the application were Ligia Acosta, Maria Guevara and Camila Vega. The witness advised RAMIREZ signed the insurance application which was notarized by Marcelo Montesinos. A photocopy of Florida Drivers Licenses for all three FGSOPB employees was provided by RAMIREZ. The policy in question was bound on August 22, 2015 for direct billing through Morstan General Agency of Florida via Ascendant Commercial Insurance Company policy # WC-67745-0. The policy expired on August 22, 2016 but automatically renewed which did not require a second office visit by RAMIREZ. The witness advised that during the

policy period in question, RAMIREZ never contacted her to revise (or increase) the number of employees or payroll for Florida General Services of Palm Beach. Copies of the following documents were provided to your affiant: Workers' Compensation Binder, copies of FGSOPB employee's licenses and Certificates of Insurance issued to Dreamstar Custom Homes, Hobgood Construction and JP Morgan Chase Bank were provided.

On December 19, 2016, your Affiant took a sworn taped statement from witness Roseann Guptill W/F 12/07/1948-Office Coordinator and witness Kennon Hunter W/M 09/20/1983-General Manager of Village Maintenance at 1224 US Highway One, Suite C, North Palm Beach FL. The identity of both witnesses was later verified via DHSMV records. Village Maintenance is contracted for various services to homeowners of Lost Tree Village and other Palm Beach Communities. Ms. Guptill advised she contacted the Division of Insurance Fraud in July or August of 2016 after suspecting the owner of FGSOPB did not have adequate Workers' Compensation Insurance. The witness provided a copy of the Certificate of Insurance she had on file for FGSOPB. She advised the owner is Libya RAMIREZ. Your Affiant produced a photograph of RAMIREZ taken from DHSMV record # R562-520-52-919-0. Both witnesses identified RAMIREZ, who is personally known to them, as the owner of FGSOPB. Ms. Guptill advised RAMIREZ would frequent her office to pick up keys to homes in Lost Tree Village to gain access for cleaning services. Ms. Guptill stated that on numerous occasions, RAMIREZ bragged about having as many as thirty-four (34) employees working for her. She advised Lost Tree Village security would have records as to the access to the neighborhood by FGSOPB employees. The witnesses advised FGSOPB provides the following services: cleaning, pressure cleaning, dog walking, babysitting, grocery shopping and transportation services. Mr. Hunter advised there are times when FGSOPB employees are working at multiple addresses (5-10) at the same time in Lost Tree Village. An oath was administered to both witnesses who swore their statement was the truth.

On December 19, 2016, your Affiant travelled to Lost Tree Village at 11237 Lost Tree Way, North Palm Beach FL and met with the Director of Safety and Security Lenny L. Neff. Chief Neff confirmed that FGSOPB is a company which frequents the development. The Chief Neff advised all FGSOPB employees are required to be processed by the security office and issued identification cards to enter the manned security gate of Lost Tree Village. Chief Neff provided your Affiant a list of FGS employees who were issued ID cards from his office. The employee listing contains thirty-three (33) suspected FGSOPB employees. A Business Records Certification form was later provided by the custodian of records- Emma B. Perez.

On December 20, 2016, your Affiant conducted research utilizing the CONFIDENTIAL STATE OF FLORIDA DATABASE and identified three of the largest payors to FGSOPB during policy period in question: Keating Moore Construction - \$79,403.92, Hobgood Construction, Inc. \$37,455.23 and Dreamstar Custom Homes Inc.-\$29,501.00

On December 20, 2016, your Affiant met with Office Manager Mary Keating W/F 07/12/1963 (identity later verify via DHSMV record) of Keating/Moore Construction at 10276 Riverside Dr. Palm Beach Gardens FL. Ms. Keating confirmed using FGSOPB as a subcontractor for their Maintenance Division. She advised FGSOPB provides cleaning services at \$17.50 per hour. Ms. Keating provided your Affiant copies of Invoices from FGSOPB from 08/22/2015 through 08/22/2016 (policy period in question). The grand total listed is \$80,444.42. She advised each payment from Keating Moore Construction to FGSOPB was based on a separate invoice generated by RAMIREZ. The witness advised FGSOPB provides labor and no other services to their company. On January 13, 2017, your Affiant received the following documentation from Keating Moore Construction Office Manager Mary Keating relating to FGSOPB: Copies of checks written to FGSOPB for services totaling \$81,626.42. (The checks are endorsed by RAMIREZ and were cashed at Yasmeen Group). Invoices submitted by RAMIREZ on behalf of FGSOPB from September 02, 2015 through August 1, 2016 for "cleaning services", "moving furniture", "shutters", "window cleaning", "home sitting", and "power washing" billed at \$17.50 per hour for work done at numerous residences throughout the county. A very small portion (\$976.00) of the amount billed was for non-labor items to include groceries and supplies. A notarized Business Records Certification was later provided by Ms. Keating.

On December 21, 2016, pursuant to an official request, your Affiant received business records from Yasmeen Group President Mohamad Falah. Included in the records are copies of the following: Customer Profile of RAMIREZ including an in-store photograph, fingerprint, signature and copy of her Florida Drivers' License, SUNBIZ record for FGSOPB listing RAMIREZ as President, Articles of Incorporation, query of the State of Florida Workers' Compensation database for

FGSOPB, Business Tax record, photocopy of Jorge Viveros' Columbian Passport, Sole Owner Affidavit signed by RAMIREZ and Viveros notarized the 27th day of May 2011, numerous endorsed checks cashed by RAMIREZ on behalf of FGSOPB for the policy period in question. A Business Records Certification was later received from Mr. Falah. On December 22, 2016, your Affiant met with Wilbur Hobgood W/M 12/04/1954 (President of Wilbur Hobgood Construction Inc.) and Evelyn Hobgood W/F 10/01/1957 (Office Manager of Wilbur Hobgood Construction Inc.) at 113901 US Hwy 1, Juno Beach FL. The identity of both witnesses was later verified via DHSMV records. The witnesses stated they use FGSOPB for cleaning services on newly constructed homes. On January 17, 2017, your Affiant received the following documentation from Hobgood Construction owner Wilbur Hobgood relating to FGSOPB: Invoices submitted by RAMIREZ to Hobgood Construction from September 3, 2015 through August 01, 2016 for "cleaning service" and "window cleaning". The invoices total \$28,250.00. A very small portion (\$320.00) of the amount billed was for a non-labor item listed on a separate receipt by an uninvolved dry cleaning vendor. A Business Records Certification was later provided by Mr. Hobgood.

On December 23, 2016, your Affiant requested a query of the Florida Department of Revenue for FGSOPB. An analysis of the wages reported to the State of Florida during the policy period in question revealed the following: 4th Quarter 2015- wages for four(4) employees and RAMIREZ were reported with gross wages of \$9,050.00, 1st Quarter 2016- wages for five (5) employees and RAMIREZ were reported with gross wages of \$18,950.00, 2nd Quarter of 2016- wages for five (5) employees and RAMIREZ were reported with gross wages of \$11,900.00, 3rd Quarter of 2016- wages for six (6) employees and RAMIREZ were reported with gross wages of \$16,200.00.

On January 03, 2017, your Affiant met with Brett Handler-MGR and Registered Agent of Dreamstar Custom Homes at 420 US Highway 1, North Palm Beach FL. Mr. Handler advised RAMIREZ is the owner of FGSOPB who has been contracted by his company for cleaning services on newly constructed homes. His office maintained a file on the company to include invoices and proof of insurance. He advised all payment to FGSOPB was prompted by the invoices provided by RAMIREZ. On January 04, 2017, your Affiant received copies of twenty-one (21) invoices for services provided by RAMIREZ on behalf of FGSOPB to Dreamstar Custom Homes during the policy period in question. A review of the invoices revealed billing for \$22,518.00 for "Office Cleaning", "Cleaning Services" and "Window Cleaning". The records were provided by Rachel Ameneiro-Executive Assistant. A Business Records Certification was later received from Mr. Handler.

On January 27, 2017, an Affidavit of Loss was received from Estella Lynch- Director of Underwriting for Ascendant Commercial Insurance. The company attested that if FGSOPB actual (payroll) remuneration calculated by Law Enforcement of \$541,036.07 was reported, FGSOPB Workers' Compensation premium would have been \$24,199.00. This resulted in a loss to Ascendant Commercial Insurance of \$21,721.00.


On January 18, 2017, you Affiant contacted RAMIREZ via 561-329-8521 and requested to schedule an interview. She advised she would re-contact me. On January 19, 2017, your Affiant was contacted by Attorney Thomas Gano who advised RAMIREZ would not be willing to give a statement. Attorney Gano transmitted a letter of representation.

On April 26, 2017, your Affiant conducted queries of the company via the CONFIDENTIAL STATE OF FLORIDA DATABASE and found that RAMIREZ was continuing to cash checks at YASMEEN GROUP INC 2000 NORTH DIXIE HWY # 8, LAKE WORTH. A query of the coverage and compliance database and found that the WC policy appears active until August 2017. You affiant contacted Ascendant Commercial Insurance who advised the policy would remain active until expiration. They issued non-renewal as insured failed to provide required documents to complete the audit for the previous term.

CONCLUSION

Based upon the above information, your Affiant believes Libya RAMIREZ perpetuated an Organized scheme to defraud Ascendant Commercial Insurance company of Workers' Compensation Insurance Premiums totaling \$21,721.00. and Laundered said proceeds through Yasmeen Group Inc- a check cashing store located at 200 North Dixie Hwy #8, Lake Worth FL to avoid detection.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 15 DAY OF August, 2017, A.D.



NOTARY PUBLIC OR LAW ENFORCEMENT
OFFICER CONDUCTING OFFICIAL POLICE
INVESTIGATION. (Ref. Sec. 117.10 F.S.)



AFFIANT SIGNATURE

ROBERT WILKIN #272

AFFIANT NAME

08/15/2017

DATE