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U.S. DISTRICT COURT  
SAN JUAN, PR

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

2018 JUN 18 AM 10:56

**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**IRVING RIQUEL TORRES RODRIGUEZ,**  
Defendant.

**INFORMATION**

CRIMINAL NO. 18- 401 (PAD)

CRIMINAL VIOLATIONS:  
18 U.S.C. §§ 641, 1349, 1957

**FOUR COUNTS &  
FORFEITURE ALLEGATIONS**

**INFORMATION**

**THE UNITED STATES ATTORNEY CHARGES:**

**INTRODUCTION**

At all times material to this Information:

**PUERTO RICO DEPARTMENT OF EDUCATION**

1. The Departamento de Educación de Puerto Rico (“Puerto Rico Department of Education”) (hereinafter “PR DOE”) was organized under Article V, section 6 of the Constitution of the Commonwealth of Puerto Rico. The PR DOE is responsible for the planning and administration of all public elementary, secondary and some post-secondary education throughout Puerto Rico.
2. The PR DOE administers various federal financial assistance programs funded by the United States Department of Education (hereinafter “US ED”) intended for students in public and private schools. The PR DOE receives funds under the Title I, Part A (commonly known as “Title I funds”) of the Elementary and Secondary Education Act of

1965, as amended (ESEA) to provide financial assistance to local education agencies and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.

3. The PR DOE was permitted to use the Title I funds allocated to them to pay for, among other things, educational projects to carry out its mission following federal and state policies and regulations.
4. Within the PR DOE, the Unidad de Adjudicacion de Fondos y Planes de Trabajo (“Adjudication of Funds and Work Plans Unit”) operated a web-based platform known as the “UPT System,” which was utilized to submit, evaluate, and approve work plans to be funded by the US ED.
5. In order to submit a work plan through the UPT System, an applicant was required to register a user name and password. The user profile information includes the name of the requestor, name of the PR DOE unit or government entity, and a valid email account.
6. The UPT System generated an email with a confirmation code sent to the email account provided by the requestor. The requestor finalized the registration process by entering the confirmation information in the UPT System.
7. Once registered, the requestor submitted a work plan and uploaded supporting documents for review by the PR DOE.
8. The servers operating the PR DOE’s UPT System were located in Puerto Rico.

ADMINISTRATIVE, ENVIRONMENTAL AND SPORTS CONSULTANTS CORP.

9. Administrative, Environmental and Sports Consultants Corp. (“AESC”) was a domestic for-profit corporation organized under the laws of Puerto Rico on or about January 28, 2009.
10. Defendant **IRVING RIQUEL TORRES RODRIGUEZ** was the president and treasurer of AESC in or about 2010-2012 and in or about 2015.
11. Defendant **IRVING RIQUEL TORRES RODRIGUEZ** controlled and operated AESC as well as the following bank account:
  - a. Account XXXXX5329 under AESC at Banco Popular de Puerto Rico (“BPPR”);

ADDITIONAL ENTITIES

12. The Municipality of Sabana Grande is a local governmental entity responsible for administering municipal finances and governmental services within the city and area recognized as Sabana Grande, Puerto Rico.
13. The Puerto Rico Departamento de Hacienda (“Department of Treasury” hereinafter “Hacienda”) is a governmental agency responsible for administering the finances for the Commonwealth of Puerto Rico and executing monetary transactions on behalf of government agencies, including but not limited to, PR DOE.
14. Google was a for-profit corporation with headquarters in Mountain View, California that operated electronic mail services, known as Gmail, via servers located outside of Puerto Rico.

**COUNT ONE**  
**(Theft of Government Money and Property)**  
**18 U.S.C. §§ 641**

15. Paragraphs 1-14 are hereby re-alleged as if set forth herein.

16. From in or about February 2013, up to and including in or about December 2014, in the District of Puerto Rico and within the jurisdiction of this Court,

**IRVING RIQUEL TORRES RODRIGUEZ,**

the defendant herein, willfully and knowingly did steal, purloin, and convert to the use of another a thing of value of the United States in an amount over \$1,000, that is approximately two million nine hundred four thousand nine hundred twenty dollars (\$2,904,920.00) in federal funding from the United States Department of Education. All in violation of 18 U.S.C. § 641.

**COUNT TWO**  
**(Conspiracy to Commit Wire and Mail Fraud)**  
**18 U.S.C. § 1349**

17. Paragraphs 1-14 are hereby re-alleged as if set forth herein.

18. From in or about February 2013, up to and including in or about December 2014, in the District of Puerto Rico and within the jurisdiction of this Court,

**IRVING RIQUEL TORRES RODRIGUEZ,**

the defendant herein, did knowingly and willfully combine, conspire, confederate, and agree with others to commit an offense contained in Chapter 63, of Title 18, of the United States Code, that is mail fraud in violation 18 U.S.C. § 1341 and wire fraud in violation of 18 U.S.C. § 1343.

**OBJECT OF THE CONSPIRACY**

19. It was the common purpose and object of the unlawful conspiracy for **IRVING RIQUEL TORRES RODRIGUEZ** and others to conspire to engage in deceptive conduct designed to fraudulently obtain federal funds from the United States Department of Education and PR DOE and for those federal funds to be distributed to **IRVING RIQUEL TORRES RODRIGUEZ**, AESC, the Municipality of Sabana Grande, and others.

**MANNER AND MEANS**

20. It was part of the manner and means of the unlawful conspiracy that an email address (munsabgde@gmail.com) was established with Google's Gmail service to authenticate registration in the UPT system.
21. It was part of the manner and means of the unlawful conspiracy that members of the conspiracy caused to be transmitted by means of wire communication in interstate commerce email and electronic communications to register an account with the UPT system and to electronically submit proposals to the PR DOE on behalf of the Municipality of Sabana Grande.
22. It was part of the manner and means of the unlawful conspiracy that the identity of the individuals creating and submitting proposals on behalf of the Municipality of Sabana Grande were concealed and disguised from the PR DOE.
23. It was part of the manner and means of the unlawful conspiracy that materially false representations were submitted via the UPT system to the PR DOE regarding the ability of the Municipality of Sabana Grande to administer the proposed projects utilizing municipal personnel.

24. It was part of the manner and means of the unlawful conspiracy that members of the conspiracy knowingly caused to be delivered by mail at the place at which it was directed to be delivered by the person to whom it was addressed, checks from Hacienda to the Municipality of Sabana Grande totaling approximately two million nine hundred four thousand nine hundred twenty dollars (\$2,904,920.00).
25. It was part of the manner and means of the unlawful conspiracy that net proceeds were retained by the Municipality of Sabana Grande from the difference between the payment made by PR DOE to the Municipality of Sabana Grande and the payment made by the Municipality of Sabana Grande to the unauthorized subcontractor.
26. It was part of the manner and means of the unlawful conspiracy that participants in the conspiracy and scheme divided proceeds of the conspiracy and scheme between the entities they controlled. All in violation of 18 U.S.C. § 1349.

**COUNTS THREE - FOUR**  
**(Engaging in Monetary Transactions in Property**  
**Derived from Specified Unlawful Activity)**  
**18 U.S.C. § 1957**

27. Paragraphs 1-14 are hereby re-alleged as if set forth herein.
28. On or about the dates set forth below, in the District of Puerto Rico and within the jurisdiction of this Court,

**IRVING RIQUEL TORRES RODRIGUEZ,**

the defendant herein, did knowingly engage and attempt to engage in the following monetary transactions by through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is the

deposit, withdrawal, and transfer of U.S. currency, funds, and monetary instruments, such property having been derived from a specified unlawful activity, that is, theft of government funds in violation of 18 U.S.C. 641 and conspiracy to commit mail fraud and wire fraud in violation 18 U.S.C. § 1349.

<b>Count</b>	<b>Description</b>	<b>Date</b>	<b>Amount (USD)</b>
3.	Check #1446 from AESC Account #XXXXXX5329 payable to Mensura LLC with memo: Pago Sabana Grande	12/20/13	\$24,000
4.	Check #1001 from AESC Account #XXXXXX5329 payable to Cash with memo: Pago Serv. Profesionales E.T.	12/26/13	\$24,000

29. All in violation of 18 U.S.C. § 1957.

### **FORFEITURE ALLEGATIONS**

The allegations contained in Count One of this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

Upon conviction of an offense in violation of 18 U.S.C. § 641 set forth in Count One of this Information, the defendant, **IRVING RIQUEL TORRES RODRIGUEZ**, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, including, but not limited to:

- a. a money judgment in the amount of \$2,904,920.00;
- b. funds held in Banco Popular de Puerto Rico account XXXXXX5329 in the name of Administrative, Environmental, and Sports Consultants Corp.

If any of the property described above, 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 party; (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 divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

**MONEY LAUNDERING FORFEITURE ALLEGATIONS**

The allegations contained in Counts Three and Four of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 982(a)(1).

Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of an offense in violation of 18 U.S.C. § 1957, the defendant, **IRVING RIQUEL TORRES RODRIGUEZ** shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

- a. a money judgment in the amount of \$2,904,920.00;
- b. funds held in Banco Popular de Puerto Rico account XXXXX5329 in the name of Administrative, Environmental, and Sports Consultants Corp

If any of the property described above, 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 party; (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 divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

**ROSA EMILIA RODRÍGUEZ-VÉLEZ**


United States Attorney



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**José Capó Iriarte**

Assistant United States Attorney  
Chief, Criminal Division



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**Myriam Y. Fernandez-Gonzalez**

Assistant United States Attorney  
Deputy Chief, Financial Fraud &  
Corruption Unit



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**Seth A. Erbe**

Assistant United States Attorney