



Department of Justice
U.S. Attorney's Office
Southern District of Texas

Donald J. DeGabrielle, Jr. • United States Attorney

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ANGELA DODGE

PUBLIC AFFAIRS OFFICER

(713) 567-9388

**USDA EMPLOYEES AND PEST CONTROL SERVICE OWNER INDICTED
FOR PERMITTING INFESTED AGRICULTURAL PRODUCTS TO ENTER US**

(LAREDO, Texas) - A federal indictment charging two U.S. Department of Agriculture (USDA) employees and the owner of a pest control service for illegally permitting infested agricultural products to enter the United States from Mexico has been unsealed, United States Attorney Don DeGabrielle announced today. Jose Homero Reyes, 48, and Rafael Edmundo Melo Jr., 40, both of Laredo, are USDA plant protection and quarantine officers, and Arturo Ramirez, 46, of Laredo, is the owner of Ambush Exterminators, a pest control service located in Laredo.

“These allegations pertain to threats against our public health and safety,” DeGabrielle said. “Accordingly, they are taken very seriously.”

The defendants are charged in a 29-count indictment, which was returned under seal on Tuesday, April 15, and unsealed today, alleging that from 2005 until April 2008 they conspired to permit infested agricultural products to enter the United States from Mexico. The indictment also alleges they conspired to commit mail fraud by fraudulently seeking payment for fumigations that Ambush never properly performed in addition to conspiring to permit Reyes and Melo to falsely claim overtime for hours they never worked. Reyes and Melo are further charged with submitting false written reports to the USDA, falsely documenting the fumigation results.

“The FBI will address any and all threats to our nation's security to include those affecting the safety and well being of the America consumer,” special agent in charge Ralph G. Diaz said.

Reyes and Melo were arrested yesterday while working at the USDA, and Ramirez was arrested at Ambush's business office. The defendants appeared today before United States Magistrate Judge Adriana Arce-Flores. The Magistrate Court set a bond for Arturo Ramirez in amount of \$200,000, and a bond for Jose Homero Reyes in the amount of \$150,000. The Court will have a detention hearing tomorrow at 11:00 a.m. for Rafael Melo.

U.S. Customs and Border Protection (CBP) agricultural inspectors are responsible for initially inspecting trucks carrying agricultural products into the United States via Laredo from Mexico. At or near the initial inspection, CBP agricultural inspectors send a sample of any agricultural product suspected of being infested with a plant pest to plant protection and quarantine for a final determination. If a determination is made that a truck entering the U.S. is carrying an agricultural product infested with a plant pest, the infested product must be fumigated before the truck is permitted to leave Laredo.

A plant protection and quarantine officer is required to be present during the fumigation, because the officer must make initial calculations regarding the level of gas needed to spray the agricultural product infested with a plant pest and subsequently advise the fumigation technician of the same prior to beginning the fumigation. Following this, the officer is required to submit a written report to the USDA documenting the fumigation results. The truck carrying the agricultural products is not permitted to leave Laredo until the plant protection and quarantine officer provides consent.

The fumigations normally occur after-hours, and the plant protection and quarantine officers are paid overtime for their work related to the fumigations. The overtime paid to the plant protection and quarantine officers as well as the cost for the company performing the fumigations are ultimately passed onto the Mexican exporter of the agricultural goods.

All three defendants are charged with conspiracy to permit agricultural products infested with a plant pest to enter the United States carries a maximum penalty of five years imprisonment and a \$250,000 fine upon conviction. Each of the six substantive counts of permitting an infested agricultural product from entering the U.S. carries a maximum penalty of five years imprisonment and a \$250,000 fine. Reyes and Melo are accused of various counts of submitting a written report falsely documenting fumigation results and face a maximum punishment of five years imprisonment and a \$250,000 fine, upon conviction. Reyes, Melo and Ramirez are also accused of conspiring to defraud the U.S. by making false overtime claims. That charge carries a maximum punishment, upon conviction, of 10 years imprisonment and a \$ 250,000 fine. Additionally the indictment charges Ramirez and Melo of filing false overtime claims which carries a maximum punishment of five years imprisonment and a \$250,000 upon conviction. The mail fraud conspiracy charge, in which all three defendants stand accused, carries a maximum sentence of 20 years imprisonment and a fine of up to \$250,000.

The investigation leading to this indictment was a joint investigation by the FBI's Public Corruption Task Force and the USDA - Office of Inspector General. The Task Force includes the Laredo Police Department, Department of Homeland Security - Office of the Inspector General and CBP - Office of Internal Affairs. Special agents from Immigration and Customs Enforcement also assisted in the operation. The case is being prosecuted by Assistant United States Attorney Sam Sheldon.

An indictment is a formal accusation of criminal conduct, not evidence. A defendant is presumed innocent unless and until convicted through due process of law.