

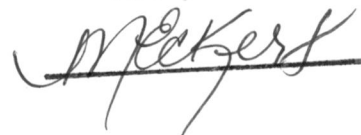
CASH BOND
RECOMMENDED:
DEF#1 \$250,000
DEF#2 \$250,000

AGENCY#: DAR2019-016-002A/RDA

DSR

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

NOV 03 2020



NOV 04 2020
R

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

THE PEOPLE OF THE STATE OF CALIFORNIA,

D.A.# 389590

Plaintiff,

CASE NO. **RIF 2003835**
FELONY COMPLAINT

v.

OSWALDO DIMAS FORERO
DOB: 9/10/1955

OTHER-SPS

MELBE ZEPEDA
DOB: 9/10/1979

Defendant(s).

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendant(s), OSWALDO DIMAS FORERO AND MELBE ZEPEDA, committed a violation of Penal Code section 182, subdivision (a)(1), a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did willfully and unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of CONCEALING OR KNOWINGLY FAILING TO DISCLOSE THE OCCURRENCE OF AN EVENT THAT AFFECTS ANY PERSON'S INITIAL OR CONTINUED RIGHT OR ENTITLEMENT TO ANY INSURANCE BENEFIT OR PAYMENT, OR THE AMOUNT OF ANY BENEFIT OR PAYMENT TO WHICH THE PERSON IS ENTITLED, in violation of Penal Code section 550, subdivision (b), subsection (3), a felony, and that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants and/or defendant and other uncharged co-conspirators thereafter committed the following overt act and acts at and in the County of Riverside: [16/2/3 or variable prison]

///

///

///

///

CELESTINE

RECEIVED
SUPERIOR COURT
20 NOV -3 PM 3:55

BY _____

OVERT ACT NO. 1

Oswaldo Forero and Melbe Zepeda own and control a network of entities, including two for-profit schools, a counseling center, and a copy service including Ryon College, Sutech School, Delfin Counseling, and Universal Copy.

OVERT ACT NO. 2

Ryon College is a for-profit vocational school owned and controlled by Oswaldo Forero and Melbe Zepeda. It collects supplemental job displacement vouchers from workers' compensation insurance carriers for services and supplies provided by the school to students.

OVERT ACT NO. 3

Sutech School is a for-profit vocation school controlled by Oswaldo Forero. It collects supplemental job displacement vouchers form workers' compensation insurance carrier for services and supplies provided by the school to students.

OVERT ACT NO. 4

Sutech School is owned by Felix Montero Sr. on California Secretary of State documents, but Oswaldo Forero and Melbe Zepeda have actual control over the school. Jose Flores runs the day to day operations of the school.

OVERT ACT NO. 5

Oswaldo Forero and Melbe Zepeda control Delfin Counseling; Tony Delfin was owner of Delfin Counseling in name only. Tony Delfin had no actual decision-making power in Delfin Counseling or the other entities

OVERT ACT NO. 6

Oswaldo Forero and Melbe Zepeda disguised their control of Delfin Counseling because it was a clear conflict of interest due to their ownership in Ryon College and Sutech School. It was designed as a mechanism to "legitimately" refer students to Ryon College or Sutech. However, Delfin Counseling was a sham - masquerading as a counseling service, but was actually a front for a capping and kickback entity to recruit students to Ryon College and/or Sutech School.

OVERT ACT NO. 7

Karla Arevalo aided and abetted Oswaldo Forero and Melbe Zepeda in disguising their control over Delfin Counseling by actively and purposefully concealing their true control from insurance carriers, students and others, and running the day to day activities of Delfin Counseling.

OVERT ACT NO. 8

Delfin Counseling employees, including Karla Arevalo, only offered and referred students to Ryon College or Sutech School; it provided no actual counseling services – at the direction of Oswaldo Forero and Melbe Zepeda.

OVERT ACT NO. 9

Universal Copy employees were often handed checks made out to them, but ordered to cash the checks (which were for “student supplies” according to the memo line) and give the cash back to managers at Universal Copy who would then give the cash to either Oswaldo Forero or Melbe Zepeda.

OVERT ACT NO. 10

Carol Hulse, Estrella Calix Armenta and Mariela Cardenas ran the day to day operations of Ryon College, based in Riverside County, California.

OVERT ACT NO. 11

Ryon College exists to collect supplemental job displacement benefits (vouchers) for student education services.

OVERT ACT NO. 12

Oswaldo Forero and Melbe Zepeda instructed Sergio Peraza to draft checks for “student supplies” but make the checks out to Universal Copy employees.

OVERT ACT NO. 13

Oswaldo Forero and Melbe Zepeda approved and allowed some students to “cash-out” their voucher for various amounts without having to attend any schooling.

OVERT ACT NO. 14

Ryon College and Sutech School collected vouchers for many students that either never attended the school or attended a few times and then stopped going. Ryon College and Sutech School did not return any voucher funds to any named insurance carrier victim.

OVERT ACT NO. 15

Carol Hulse was instructed to fabricated ability to benefit tests and certificates of completion by Oswaldo Forero and Melbe Zepeda.

OVERT ACT NO. 16

Ryon College purposely inflated the price of laptops and other student equipment/supplies to insurance carrier.

OVERT ACT NO. 17

Ryon College collected a voucher for a student that it claimed had signed enrollment paperwork, when in fact that student was deceased.

OVERT ACT NO. 18

Oswaldo Forero and Melbe Zepeda organized and controlled a vast network of “cappers” working for them to find students for the schools – these individuals recruited students, had them sign enrollment paperwork that was blank except for the signature most of the time, and in return received money from Oswaldo Forero and Melbe Zepeda for each student they signed up. The cappers included, but are not limited to: Manny Dimas, Joe Gamas, Wilfredo Licon, Areceli Soto, Sandy Flores, Karla Arevalo, Estrella Calix, Giovanni Sanchez, Sarvia Lopez, Juan Leal and Edward Holguin.

OVERT ACT NO. 19

Ryon College maintained a blacklist of insurance companies

COUNT 2

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: STATE COMPENSATION INSURANCE FUND (SCIF). [2/3/5]

COUNT 3

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: ICW. [2/3/5]

COUNT 4

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: THE HARTFORD INSURANCE. [2/3/5]

COUNT 5

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: BERKSHIRE HATHAWAY HOMESTATE COMPANIES [2/3/5]

COUNT 6

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: TRAVELERS INSURANCE. [2/3/5]

///

///

///

///

COUNT 7

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: LIBERTY MUTUAL INSURANCE. [2/3/5]

COUNT 8

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: BROADSPIRE. [2/3/5]

COUNT 9

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: ZENITH. [2/3/5]

COUNT 10

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Section 550, Subdivision (b)(3) of the Penal Code, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did conceal or knowingly fail to disclose the occurrence of an event that affects any persons initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled, to wit: ZURICH. [2/3/5]

///

///

///

///

///

COUNT 11

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Penal Code section 549, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did solicit, accept, and refer any business to or from any individual and entity with the knowledge that, or with reckless disregard for whether, the individual and entity for and from whom the solicitation and referral was made, and the individual and entity who was solicited and referred, intended to violate Section 550 of the Penal Code and Section 1871.4 of the Insurance Code. [1 yr.; 1170(h), 16/2/3]

COUNT 12

That the above named defendant(s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA committed a violation of Labor Code section 3215, a felony, in that on or about January 1, 2015, through and including September 1, 2019, in the County of Riverside, State of California, the defendant(s) did individually and through their employees and agents, offer, deliver, receive, and accept any rebate, refund, commission, preference, patronage, dividend, discount and other consideration, whether in the form of money and otherwise, as compensation and inducement for referring clients and patients to perform and obtain services and benefits. [16/2/3 prison]

AGGRAVATED WHITE COLLAR CRIME ENHANCEMENT

It is further alleged that the said defendants (s) OSWALDO DIMAS FORERO AND MELBE ZEPEDA , committed two or more related felonies, a material element of which was fraud or embezzlement, which involved a pattern of related felony conduct, and this pattern of related felony conduct involved the taking of more than five hundred thousand dollars (\$500,000.00) within the meaning of Penal Code section 186.11, subdivision (a)(2). [2/3/5 prison]

MARSY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2a(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2a(a) and (2).

DISCOVERY REQUEST

Pursuant to Penal Code section 1054.5, subdivision (b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code section 1054.3.

I declare under penalty of perjury upon information and belief under the laws of the State of California that the foregoing is true and correct.

Michael A. Hestrin
District Attorney



Dated: October 29, 2020

By: Kristen Allison
Deputy District Attorney

KAL:sw