

AO 91 (Rev. 11/11) Criminal Complaint

DOA: 1/26/26

UNITED STATES DISTRICT COURT

for the District of Arizona

United States of America )
v. )
Salvador VILLENUEVA-Rosas, )
a.k.a. Esmiry Mendez )

Case No. 26-3015 MJ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

COUNT ONE

On or about August 29, 2024, in Maricopa County, in the District of Arizona, the defendant, SALVADOR VILLENUEVA-ROSAS, did knowingly use false attestations, that is, statements that he is a United States Citizen and that his name is "Esmiry Mendez," on an employment eligibility Form I-9, Employment Eligibility Verification, for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act.

In violation of Title 18, United States Code, Section 1546(b)(3).

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

[Handwritten signature]

AUTHORIZED BY: PATRICK SLOANE

[X] Continued on the attached sheet.

ERIC P JOHNSON Digitally signed by ERIC P JOHNSON Date: 2026.01.27 16:19:18 -07'00'

Complainant's signature

Eric Johnson HSI Special Agent

Printed name and title

Sworn to telephonically.

Date: Jan. 28, 2026

[Handwritten signature: M Morrissey]

Judge's signature

City and state: Phoenix, Arizona

Michael T. Morrissey, United States Magistrate Judge

Printed name and title

### STATEMENT OF PROBABLE CAUSE

I, Special Agent Eric Johnson, declare under penalty of perjury that the following is true and correct.

1. I am a Special Agent with Homeland Security Investigations. I have learned the facts recited herein from direct participation in the investigation and from the reports and communications of other agents and officers.
  - a. *Zipps Investigation*
2. In February 2025, HSI Phoenix Special Agents received a tip alleging that Zipps Sports Grill's fourteen restaurant locations in Arizona are employing illegal aliens to staff their kitchens. The reporting party indicated that management is aware these employees are using fraudulent identification documents to verify their eligibility to work, via the E-Verify web-based system.
3. In March 2025, HSI personnel served all 14 Zipps Restaurant locations, plus their corporate headquarters with a Notice of Inspection (NOI) requiring the company to produce their Forms I- 9. The following week, HSI personnel received compliance documents from Zipps, including a list that alleged to contain the original Forms I-9 for all current and former employees within the past two years. The compliance from Zipps did not include any photocopies of supporting documentation used by prospective employees during the hiring process.
4. HSI personnel reviewed the employment documents provided by Zipps pursuant to the NOI, which identified a list of current and former employees. Analysis of the records

revealed multiple instances in which the name, social security number, and date of birth on Form I-9 were being misused to gain employment.

5. A request was made to the Arizona Department of Economic Security (DES) to provide a 2024 and 2025 wage report for each SSN identified during the NOI. DES reported wages are tracked by the individual social security number. The social security numbers listed on the employee Forms I-9 were run in the DES database. DES provided information which showed how many jobs were attributed to each SSN during quarter 2 (April, May and June) of 2025.
6. The review identified seventy-six (76) employees that had three (3) to forty-two (42) active employers other than Zipps Sports Grill in quarter 2 of 2025. These 76 individuals certified themselves as United States citizens, which means that they were not required to list an A-number on their Forms I-9.
7. The DES reports showed multiple jobs and extremely high wages earned in the same quarter which is consistent with aggravated identity fraud. This pattern is consistent among all the individuals who completed their paperwork in the same manner. At this time, investigators cannot identify the true names of these individuals based solely on the DES data because these individuals are presumably using someone else's identity documents.

*b. Identification of Salvador VILLENUEVA-Rosas*

8. A Verification Form I-9 contains two sections. Section 1 contains the "Employee Information and Attestation" for the employee to fill out, sign and date. Section 1 of the Verification Form I-9 for employee "Esmiry Mendez" contains an "Check" next to

the box stating that the employee is a citizen of the United States. It further contains a provision in bold stating, "I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct." Underneath that attestation is a box for the signature of the employee which contains a printed name to be "Mendez Junior" with a signature date of August 29, 2024. The Verification Form 1-9 is signed by a General Manager representing P.M.G. Publishing LLC. DBA Zipps Sports Grills dated August 29, 2024.

9. On January 26, 2026, at approximately 4:41 p.m., HSI Special Agents A. Patten and J. Mendoza interviewed the worker known as "Esmiry Mendez" at Zipps Sports Grill located at 1860 E. Warner Road, Tempe, Arizona. Prior to being interviewed, Mendez was advised of his *Miranda* warnings which he knowingly waived. Mendez admitted that his true name is Salvador VILLENUEVA-Rosas. At the time of the interview, VILLENUEVA had, on his person, Consular and voting identity documents which identified him as a Citizen of Mexico.
10. VILLENUEVA-Rosas is a citizen and national of Mexico who illegally crossed the border and entered the United States at Naco, AZ approximately 17-18 years ago. VILLENUEVA-Rosas remained in the US as an undocumented alien ever since. VILLENUEVA-Rosas stated that he has been working at Zipps for a little over one year. SA Mendoza showed VILLENUEVA-Rosas a Form I9, dated and signed on August 29, 2024, in the name of Esmiry Mendez. VILLENUEVA-Rosas admitted that he filled

out and signed that Form I9 using identity documents that a friend loaned him to gain employment at Zipps. VILLENUEVA-Rosas also stated that he gave the ID documents for Esmiry Mendez back to his friend- who had also used the ID documents to gain employment at Zipps in 2022.

11. For these reasons, this affiant submits that there is probable cause to believe that on or about August 29, 2024, the date the Verification Form I-9 was signed, Salvador VILLENUEVA-Rosas did knowingly use a false attestation, that is, a statement that he is a United States Citizen with the name Esmiry Mendez, on an employment eligibility Verification Form I-9, in violation of Title 18, United States Code, Section 1546(b)(3).
12. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 18, United States Code, Section 1546(b)(3).

ERIC P  
JOHNSON

Digitally signed by  
ERIC P JOHNSON  
Date: 2026.01.27  
16:21:13 -07'00'

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Eric Johnson  
Special Agent  
Homeland Security Investigations

Sworn to telephonically on  
January 28, 2026

*M Morrisey*

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Michael T. Morrisey  
United States Magistrate Judge