

Tax Assessor Collector Enforcement Division

Case#: 20190606-01

Defendant: Ivan Nino DOB

Charge: Deceptive Business Practice

Investigator: Aurelio Arias #453

Contact#: 915-771-2332 ext# 2443

El Paso County Tax Office Enforcement Division PRESENTATION SUPPLEMENT

SUBJECT: Ivan Nino

DOB: AGE: 28

ADDRESS.

OFFENSE LEVEL: Class "A" Misdemeanor CHARGE: Deceptive Business Practice

WARRANT ISSUED: YES

WARRANT #: M20000248 JUDGE: C. Horkowitz MC5A

DATE ISSUED: 3/16/2020 BOND: \$5,000.00

POA: N/A DOA: N/A

BOOKING # N/A RAP SHEET: N/A HISTORY SHEET: N/A NCIC: # DATE: IN CUSTODY: N/A

EVIDENCE: Item 1 Witness Statement of Refugio Lopez

Item 2 Witness Statement of Marcos Balderama

Item 3 Copy of Employee List User's Account of RTS

Item 4 Photo-Line Up

Item 5 Original Receipt provided to Refugio Lopez

Item 6 Copy of Registration Receipt to Marcos Balderama

DISPOSITION: Submitted with case.

The Investigator A. Arias #453 of the El Paso County Tax Office Enforcement Division was notified of the incident involving the SUBJECT committing the offense of Deceptive Business Practice.

Included in the case are the above listed items to support that the alleged offense occurred when the DEFENDANT intentionally mislead both victims by overcharging them when they purchased a temporary registration plate and obtained a disabled parking placard.

Investigator Aurelio Arias #453 El Paso County Tax Assessor-Collector Enforcement Division 301 Manny Martinez El Paso, Texas 79905 (915)771-2332 Ext#2443

AGENCY NAME: El Paso County Tax CASE NUMBER INCIDENT / INVESTIGATION Assessor-Collector Enforcement Div. 201906060-01 REPORT AGENCY ORI DATE / TIME REPORTED TX071015A 03/08/2019 16:10 HRS CRIME INCIDENT STATUTE: PC 32.42 CLASSIFICATION OFFENSE CODE DATE / TIME OCCURRED Deceptive Business Practice Misdemeanor- A 26990198 01/08/2019 13:00 HRS LOCATION OF INCIDENT 1050 Sunland Park Suite# A-400, El Paso, TX 79922 INVOLVEMENT CODES ASSIGNED OFFICER VI: Victim RP: Reporter OF: Offender WI: Witness 10: Involved Other **Investigator Aurelio Arias #453** CODE NAME (Last, First Middle) DOB AGE RACE SEX VI Balderama, Marcos 35 Н M ADDRESS PHONE SSN DL NUMBER VEH YR MAKE MODEL STYLE COLOR LIC No. VIN CODE NAME (Last, First Middle) DOB AGE RACE SEX Lopez, Refugio VI ADDRE PHONE SSN **DL NUMBER** VEH YR MAKE MODEL STYLE COLOR LIC No. VIN CODE NAME (Last, First Middle) DOB AGE RACE SEX OF Nino, Ivan 28 H M **ADDRESS** PHONE SSN **DL NUMBER** VEH YR MAKE MODEL STYLE COLOR LIC No. VIN CODE NAME (Last, First Middle) DOB AGE RACE SEX El Paso County Tax Assessor-Collector's Office RP **ADDRESS** PHONE SSN DL NUMBER 301 Manny Martinez Dr., El Paso, TX 79905 (915) 771-2332 VEH YR MAKE MODEL STYLE COLOR LIC No. VIN CASE DISPOSITION SUPERVISOR SUPERVISOR SIGNATURE Exceptionally Cleared/ Presented Enforcement Director A. Arias #453 The undersigned investigator received the case for review and investigation. A review of the case showed that the offender allegedly committed two counts of Deceptive Business Practice at N 1050 Sunland Park Suite #A-400, by intentionally and knowingly misleading victims in connection with the A sale and service of issuance of temporary registration (paper plates) and renewal of disabled placards. R R Details on investigative supplements. A Т Investigator Aurelio Arias #453 ı El Paso County Tax Assessor-Collector's Office **Enforcement Division** V E



Investigator Supplement:

Investigator: Aurelio Arias #453

Date: 3/8/2019

Offense: Deceptive Business Practice

Case# 20190606-01

During the month of October 2018, the Investigator Arias was informed about a complaint generated on a Full Service Deputy Office (Private Office) that conducts motor vehicle title work and registrations. The complaint was forwarded to Investigator Arias by Enforcement Director Sergio Garcia. The Deputy Office is Flash Registration Title located at 1050 Sunland Park Drive Suite #A-400.

On 10-5-2018, Investigator Arias contacted the person that had reported the complaint, a Refugio Lopez, who said over the phone that he bought a permanent disabled placard for his son and paid \$10.00. Mr. Lopez agreed to meet with Investigator Arias the following week to provide a statement on the incident. Mr. Lopez never showed up for his appointment and never called to re-schedule. It is noted that handicap placards are never for sale.

As there was no response from Lopez, some of the Investigators proceeded to conduct an audit of 30 day permits and placards from Flash Registration Title. The basic process was to review the receipts of the permits for the Month of January 2019. Once all the receipts were reviewed, the Investigators then communicated with the citizens who purchased the permits.

It was during this time frame that the Investigators determined that there was a citizen who claimed that he was overcharged for a permit. The citizen stated that the he was charged \$50 for a \$30 dollar permit.

On March 8, 2019, Mr. Marcos Balderama met with Investigator Davila to speak with him on the listed case. During the meeting Balderama explained that a Hispanic male individual who is always at the same location sold him a 30 day permit paper tag for his 2014 Ford Focus, and charged him \$50.00 in cash, but was not give a receipt. Balderama added that he thought it strange that he was charged that high fee for the paper tag. At this point, this complaint was handled as a criminal case.

On April 5, 2019, Investigator Davila met with Mr. Refugio Lopez and obtained a statement.

Upon reviewing the receipts and based on the description provided by the two citizens, the Investigators developed, Ivan Nino, as a suspect in the case. Nino worked at Flash Registration Title during the time of this complaint. A photo line-up was developed to

include Nino as the suspect. When the line-up was shown to Citizen Lopez, he was unable to identify Nino.

After this there were several attempts to show the line-up to Citizen Balderama. Mr. Balderama did not respond to Investigator Davila's calling cards or appointments set. Balderama reported to Investigator Davila that he was working as a truck driver so he had been out of town.

Investigator Arias then went to Balderama's home and left his calling card at the residence of Balderama. A short while later Witness Balderama spoke with Investigator Arias and coordinated to meet Arias at his office to review the photo line-up.

On 11-21-19, Witness Balderama arrived to the Enforcement office and met with Investigator Arias. Balderama was shown the line-up where he positively identified Ivan Nino as the offender who charged him the extra money for a 30 day permit. Balderama also explained that the he was now working construction and had an employee that also commented that he may have been over charged as well. Balderama was to call the Investigator when he confirmed this.

On this date Balderama provided a statement where he explained that on 1/08/19 at approximately 1 or 2pm, he went to purchase the permit which he paid \$50.00 for a permit that he is normally charged \$29.75 for the permit. He added that he was not given a receipt for the payment of \$50.00 but only given the computer receipt. Mr. Balderama also stated that they have signs in the office that say only debit or cash.

On 12-5-19, the Investigator contacted Balderama to determine if there was another victim meaning his co-worker, of the overcharging. Balderama explained that he still had to confirm this information and would contact the Investigator in twenty minutes. Balderama never called back.

On 3-16-2020, the Investigator presented the facts in an arrest warrant affidavit to Judge Carl Horkowitz at the North East Municipal Court. Upon reviewing the affidavit, Judge Horkowitz signed the warrant for Deceptive Business Practice and set a bond of \$5,000.00 Warrant #M20000248. The Investigator then filed the warrant at the El Paso Municipal Court Warrants Office.

This case is now deemed Exceptionally Cleared and will be presented to the County Attorney's Office for disposition.



Investigator Supplement:

Investigator: E. Davila #442

Date: 11-12-2019 Case: #20190606-01 Offense: Possible fraud

On March 8, 2019 Mr. Marcos Balderama, came into the El Paso County Tax Office Enforcement Division reference a voluntary statement. BALDERAMA was identified by Texas Commercial Drive License D.O.F. BALDERAMA stated and gave a written statement to Investigator E. Davila, that on January 8, 2019 at approximately 1330 hours he went in person and purchase a 30 day permit paper tag from Flash Title Registration office, located at 1050 Sunland Park Dr. Ste A-400.

BALDERAMA stated that a Hispanic male individual, who's always there at that same location sold him a 30 day permit paper tag for his 2014 Ford Focus, and charged him 50.00 dollars in cash, but wasn't given a receipt. According to BALDERAMA he only received a computer copy receipt, and was not the same receipt as usual. BALDERAMA also stated, that in the past he has only paid 29.75 at other locations for the 30 day permit. BALDERAMA thinks it's very strange that he was charged that high fee for the paper tag. BALDERAMA stated his willing to return back to place of business and purchase another 30 day permit paper tag, if needed for our Investigation.

Based on his description, and on the audit conducted by our unit. Ivan Nino was identified as the possible suspect. I have attempted several times with negative results on making contact with BALDERAMA at his residence. However, as of to date I haven't been able to show photo lineup, due to BALDERAMA being a truck driver and rarely ever home.

Ed Davila

Investigator
Officer Badge#442
34th Judicial District Attorney's Office
El Paso County Tax Assessor-Collector
Enforcement Division phone (915) 771-2332 extension #2447
fax (915) 771-2333



Investigator Supplement:

Investigator: E. Davila #442

Date: 11-12-2019 Case: #20190606-01 Offense: Possible fraud

On April 5, 2019 Investigator E. Davila, made contact with Mr. Refugio Soto Lopez at his place of residence located at 230 Thorn Ave. reference a voluntary statement. LOPEZ was identified by Texas Driver License D.O.B. LOPEZ stated and gave a written statement to Investigator E. Davila, that on October 5, 2018 he went in person to purchase a permanent disable placard from Flash Title Registration office, located at 1050 Sunland Park Dr. Ste A-400.

LOPEZ stated that a Hispanic male individual sold him the permanent disable placard, and charged him 10.00 dollars in cash. LOPEZ stated that it was strange that they would charge him a fee for the permanent disable placard and didn't think it was right. LOPEZ stated his willing to return back to Flash Title Registration office, and identify the individual who sold him the placard. Based on his description, and on the audit conducted by our unit. Ivan Nino was identified as the possible suspect.

On June 6, 2019 Investigator E. Davila made a second visit at Mr. Lopez residence reference a photo line that was provided to identify the subject in question. However, LOPEZ was not able to identify the subject at the time, but stated that he can recognize him in person.

Ed Davila

Investigator
Officer Badge#442
34th Judicial District Attorney's Office
El Paso County Tax Assessor-Collector
Enforcement Division phone (915) 771-2332 extension #2447
fax (915) 771-2333



COMPLAINT AFFIDAVIT EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO
NO. M20606248

COURT

Filing Agency: El Paso County Tax Office Enforcement Division

Offense Report #: 20190606-01

Date/Time of offense: 01/08/2019 1330hrs

Defendant Name: Ivan Nino

Defendant date of birth:

Offense: Deceptive Business Practice

Offense Code# 26990198

P.C. 32.42

In the name and by authority of the State of Texas the undersigned affiant, being employed by the El Paso County Tax Office Enforcement Division, (the "Division"), El Paso, Texas, as a peace officer, and being duly sworn, on oath makes the following statements and accusations, to the best knowledge and belief of the department on the date of the forgoing supplement report, ("the report")

1. It is the belief of the affiant, and affiant hereby charges and accuses, that the subject named in the report, Nino, Ivan DOB committed the offense of DECEPTIVE BUSINESS PRACTICE by making a materially false or misleading statement otherwise in connection with the purchase or sale of property to-wit: (The sale of registration permits and disabled placards) or service named in the report.

The report was compiled from the El Paso County Tax Office Enforcement Division's investigation of charged offense.

2. Affiant has probable cause for the said beliefs stated herein by reason of the following facts, to wit:

In the month of January 2019, the Enforcement Division of the El Paso County Tax Assessor-Collectors Office received a complaint that citizens were being charged extra fees for registration permits and handicap placards from a specific Full Service Deputy Office (Private Office) that conducts motor vehicle title work and registrations for the Tax Assessor-Collector's Office.

The Investigators of the Enforcement Unit conducted a basic audit on 30-Day Permits sold and placards issued from Flash Title Registration Inc. located at 1050 Sunland Park Drive Suite #A-400. During this basic audit, it was discovered that the DEFENDANT charged two persons on different occasions more than the set price per state regulations on these permits and placards. In the audit, one citizen stated that he was charged \$10 for a permanent disabled placard, which there is no fee for a placard, issued to a person with a permanent disability.

Also during the audit, another citizen reported that he was over charged for a temporary registration permit from the same location. Citizen Balderama explained that a Hispanic male individual who is always at the same location sold him a 30-Day Permit paper tag for his 2014 Ford Focus, and charged him \$50.00 in cash for the permit. This citizen added that he thought it strange that he was charged such a high fee for the paper tag.

It was at this time that the Investigators matched the receipt on the 30-Day Permit to identify the user that produced the permit and receipt given to Citizen Balderama and the disabled placard issued to Citizen Lopez. Once the receipts were reviewed, they were matched as generated by the DEFENDANT, by specific identifying information solely belonging to the DEFENDANT. The investigators then developed a photo line-up to present it to the two citizens.

Citizen Lopez was unable to identify the DEFENDANT in the photo line-up. However, Citizen Lopez did provide the receipt that was given to him by the DEFENDANT which showed that no money was charged even after the money was given to DEFENDANT. Citizen Lopez provided a written statement where he explained that he was sent to Flash Title Registration Inc. to obtain the disabled placard for his son because his regular office was out of placards. When Lopez went to Flash Title Registration Inc. he was charged \$10 by a young man for the placard and the placard was not provided free of charge.

Citizen Balderama was also contacted to review the photo line-up. Balderama later arrived to the Enforcement office and met with the investigators where he was shown a photo line-up of the DEFENDANT who was working at this private office. Balderama positively identified Ivan Nino as the offender who charged him the extra money for a 30- Day Permit. Balderama added that he was not given a receipt for the \$50.00 but only a computer receipt only showing the \$29.75 fee. Balderama also stated that he normally would pay \$29.75 for this permit. Prosecution is desired by both parties.

This case will be presented to the El Paso County Attorney's Office for disposition.

3. Affiant has read the foregoing and states that it is true and correct to the best of my knowledge and requests that a warrant be signed for the DEFENDANT for the charge of Deceptive Business Practice.

This incident occurred at 1050 Sunland Park Drive #A-400 79922 in the City of El Paso, in the County of El Paso, State of Texas, against the peace and dignity of the State.

Affiant

Sworn to and subscribed before me, on this the ___

day of

MARCH

2020

Notary Public in and for El Paso

County, Texas

ROSE M. MORALES
ID#290574-3
NOTARY PUBLIC
in and for the State of Texas

Magistrate Court No. El Paso County, Texas

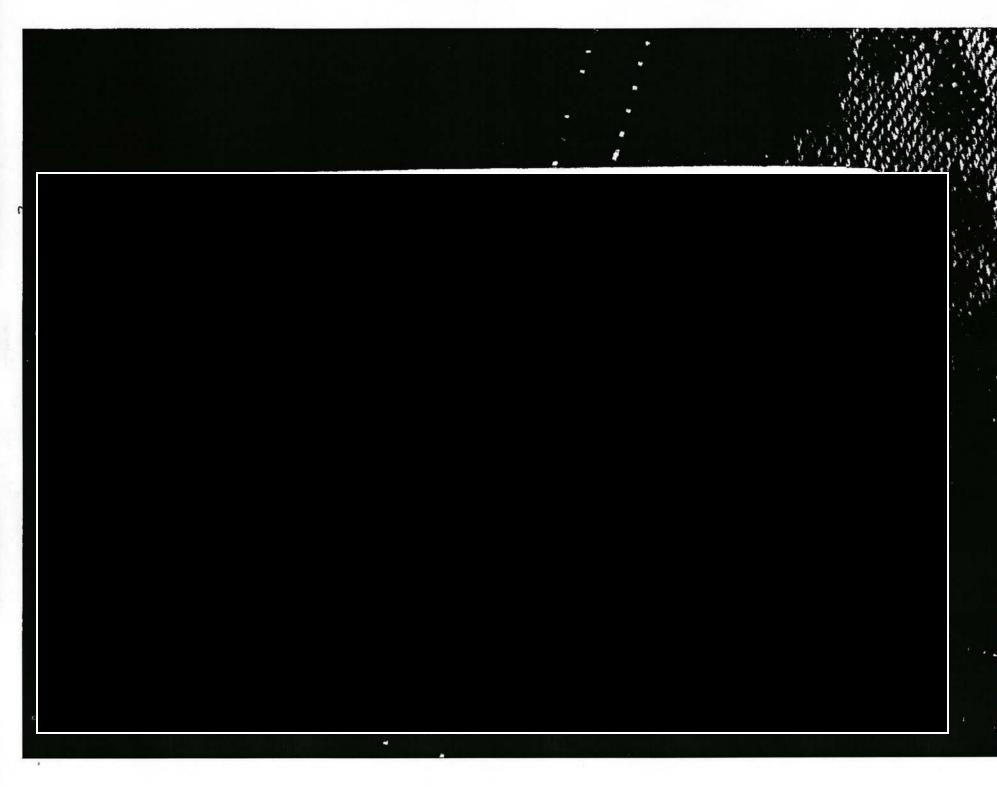
STATE OF TEXAS

STATE OF TEXAS)

COUNTY OF EL PASO)

VOLUNTARY STATEMENT

	Before me, the undersigned authority, on this day personally APPEARED
	Refusio Sato Lopez Who after being by me duly sworn, upon oath deposes and says: I am years of age, am of sound mind and under no disability which would prevent me from making this affidavit and was born or live at and my home telephone number I work at This affidavit is based upon my personal knowledge, and the facts stated herein are true and correct.
	I HAVE BEEN INFORMED THAT UNDER THE PENAL CODE OF THE STATE OF TEXAS, SECTION 37.02: A PERSON COMMITS THE OFFENSE OF PERJURY IF, WITH THE INTENT TO DECEIVE AND WITH KNOWLEDGE OF THE STATEMENT'S MEANING: HE/SHE MAKES A FALSE STATEMENT UNDER OATH OR SWEARS TO THE TRUTH OF A FALSE STATEMENT PREVIOUSLY MADE: AND THE STATEMENT IS REQUIRED BY LAW TO BE MADE UNDER OATH. AN OFFENSE UNDER THIS SECTION OF THE TEXAS PENAL CODE IS A CLASS A MISDEMEANOR.
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/	ROSE M. MORALES IDe290574-3 NOTARY PUBLIC In and for the State of Texas My commission expires 61-30-2021
Em#1.	BoseM. Marales 4/5/2019

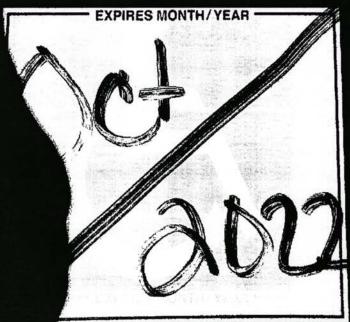


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MONTH YEAR JAN 17 **FEB** 18 MAR 19 **APR** 20 MAY 21 JUN JUL 23 AUG 24 SEP 25 CT 26 NOV 27 DEC 28



STATE OF TEXAS

STATE OF TEXAS)

COUNTY OF EL PASO)

VOLUNTARY STATEMENT

Before me, the undersigne	d authority, on this day	personally APPEARED
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Subscribed and sworn to before me, the undersigned authority, on this the <u>21</u> day of <u>Notember</u> 2019.

NOTARY PUBLIC IN AND FOR

El Paso County, Tem

EVENT SECURITY REPORT EL PASO 9/6/2019

		9/6/2019		40/0/0040
71-LZARATE		ZARATE, LAURA	6/04/0040	10/9/2018
71-CRAMIRE		RAMIREZ, CHRISTOPHER	6/24/2019	
71-MREYES		REYES, MAGALI	4/16/2018	
71-CDELGAD		DELGADO, CHRISTINA	12/7/2017	
71-YHUERAM		HUERAMO, YESENIA	8/29/2019	- 10 (0.00
71-KSALDIV		SALDIVAR, KIMBERLY H.	9/24/2018	8/3/2019
71-JGONZA2	the same and the s	GONZALEZ, JO I		1/4/2019
71-MCHAVEZ	EXP0490	CHAVEZ, MICHELLE Y		
71-RVELEZ	EXP3993	VELEZ, ROBIN L		
71-LSALCID	EXP4183	SALCIDO, LUCIA T		
71-SPEREZ		PEREZ, SAMANTHA		
71-VFAVELA	EXP4932	FAVELA, VERONICA N		
71-GLIRA	EXP6608	LIRA, GLORIA		
71-SSANCHE	EXP6842	SANCHEZ, STEPHANIE A		
71-EGOMEZ1	EXP9699	BEARDEN, EVANGELINA		
71-JSANCHE	EXP9772	SANCHEZ, JAQUELINE		10/17/2018
71-ECHAVEZ	EZA0267	CHAVEZ, EVELYN	10/22/2018	
71-ACHAPAR		CHAPARRO, ANGEL	8/14/2018	
71-MRESEND		RESENDEZ, MARIO		1/10/2018
71-NACOSTA		ACOSTA, NUVIA		
71-IPEDREG		PEDREGON, ITZEL	7/12/2019	
71-WNINO1		NINO, WENDY	2/20/2018	2/12/2019
071-DACOSTA		ACOSTA, DERRICK	7/25/2019	
071-AMENDOZ		MENDOZA, ANGELICA		
071-EANTUN1		ANTUNEZ, EDWARD A	-,-	7/26/2018
71- MDEVORA		DEVORA, MIRIAM	4/23/2019	
71-FACOSTA		ACOSTA, FREDDIE		
071-BSALINA		ZAPATA, BRENDA J SALINAS	9/24/2018	12/5/2018
071-PRUIZ		RUIZ, PAOLA	12/26/2018	4/16/2019
071-RVAREL1		VARELA, ROSA AMELIA	8/1/2019	
071-SVALENZ		VALENZUELA, SHEILA		5/8/2018
071-ININO		NINO, IVAN		
071-DDELGA2		DELGADO, DAISY	10/27/2017	9/26/2017
071-DDECGA2		NAVARRO DELIA	1/29/2018	8/15/2017
071-HDELACR		DELACRUZ, HECTOR A	- 1/25/,2020	0,20,002
071-VROCHA		ROCHA, VICTORIA		TOTAL PROPERTY.
			3/14/2019	
071-EMENDEZ		MENDEZ, ESMERALDA SALAS, DIANE P	3/14/2013	-
071-DSALAS		And the second s		
071-IPEREA		PEREA, ISMAEL A		8/2/2019
071-CSUAREZ		SUAREZ, CORÍNA		0/2/2013
071-PMARTIN		MARTINEZ,PRISCILLA		
071-ERUIZ		RUIZ, EVELYN		
071-FCRUZ		CRUZ, FABIAN S	7/12/2019	9/6/2010
071-ARODRIG		RODRIGUEZ, ADELINA V.		8/6/2019
071-MGAULND		GALINDO, MIRNA	5/7/2018	5/22/2019
071-ICASILL		CASILLAS, IDA		
071-TBETANC		BETANCOURT, THERESA M		-
071-TGUTIER		GUTIERREZ, TERRY		
071-MLOZANO 071-JVASQUE		LOZANO, MARTHA		4/16/2018
		VASQUEZ, JESSICA		4/10/2018
071-BCASTIL		CASTILLO, BEA		2/14/2019
071-KEZELL		EZELL, KAREN R		2/14/2018
071-SEVELYN		2 SIFUENTES, EVELYN		7/30/30/3
071-		S YBANEZ, CHRISTINA		7/29/2017
071-MOLIVARES		OLIVARES, MARTHA E	0/45/2042	10/13/2017
071-JCEBALL		CEBALLOS, JAZMINE MARIE	8/16/2018	5/1/2019
071-CAVINA	TRI943	DAVINA, CRISTINA		2/20/2017





PHOTO LINEUP ADMONISHMENT NOTICE

CASE #: 20190606-01
I, MARCOS BAUDERRA, acknowledge that on 11 26 19 INV. AUNELO ARIAS gave me the following admonition before allowing me to view any
photo spread.
"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed a crime now investigated. Keep in mind that hair styles, beards, and moustaches may be easily changed. Also, photographs may not always depict the true complexion of a person; it may be light or darker than shown in the photo. Pay no attention to an markings or numbers that may appear on the photos or any other differences in the type or style of the
photographs. When you have looked at all the photos, tell me whether or not you see the person who committed the crime now being investigated. Do not tell other witnesses that you have or have not
identified anyone."
Witness: What was the

PHOTO SPREAD



LINEUP COMPLETED ON: Thursday, November 07, 2019



PERMANENT DISABLED PLACARD RECEIPT

COUNTY: EL PASO PLACARD: B05203290P PLACARD: B05203289P

TAC NAME: RUBEN P. GONZALEZ DATE: 10/03/2018 TIME: 09:55AM

EMPLOYEE ID: FLA5874 TRANSACTION ID: 07111643374095553 EXPIRATION DATE: 10/2022

DISABLED PERSON NAME AND ADDRESS

EL PASO, TX 79932

INVENTORY ITEM(S)
BLUE DISABLED PLACARD
BLUE DISABLED PLACARD

YR

FEES ASSESSED

TOTAL

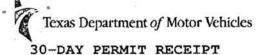
\$

0.00

METHOD OF PAYMENT AND PAYMENT AMOUNT CASH \$ 0.00

FI ASH REG

PLEASE RETAIN THIS RECEIPT FOR YOUR RECORDS.





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COUNTY: EL PASO PERMIT NO: 291291D TAC NAME: RUBEN P. GONZALEZ

DATE: 01/08/2019 TIME: 01:38PM EMPLOYEE ID: FLA5874

EFFECTIVE DATE: 01/08/2019 EFFECTIVE TIME: 01:38PM

EMPLOYEE ID: FLA5874 TRANSACTION ID: 07111643471133846 EXPIRATION DATE: 02/07/2019 EXPIRATION TIME: 11:59PM

APPLICANT NAME AND ADDRESS MARCOS BALDERRAMA JR

EL PASO, 1X /9922

VEHICLE IDENTIFICATION NO: YR/MAKE: 2014/FORD SEPUT SITES: 4D

INVENTORY ITEM(S) 30 DAY PERMIT

FEES ASSESSED
30-DAY PERMIT \$ 25.00
PROCESSING AND HANDLING FEE \$ 4.75

TOTAL \$ 29.75

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METHOD OF PAYMENT AND PAYMENT AMOUNT: CASH \$ 29.75

TOTAL AMOUNT PAID \$ 29.75

RECEIPT FOR PERMIT MUST BE CARRIED IN THE VEHICLE AT ALL TIMES.

I+EM#6
GINAL
500-RTS (REV 10/2016) DHT157490



