

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-CR-160

RONALD H. VAN DEN HEUVEL,

Defendant.

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO ADDRESS RESTITUTION**

The United States of America, by Richard G. Frohling, Acting United States Attorney, and Timothy W. Funnell, Assistant United States Attorney, provides the following response to defendant Ronald Van Den Heuvel's "Motion To Address Restitution."

As brief background, this Court sentenced Van Den Heuvel in two cases: 16-CR-64 and 17-CR-160. In 16-CR-64, which is not at issue here, on January 5, 2018, the Court ordered 36 months' imprisonment, three years' supervised release, and restitution of \$316,445.47 to payee/victim Horicon Bank. Dkt. 184 (16-CR-64). In 17-CR-160, on January 23, 2019, the Court ordered 90 months' imprisonment to run concurrently with 16-CR-64, three years' supervised release, and total restitution of \$9,428,618.81 to 14 payees/victims. Dkt. 150 (17-CR-160).¹ One of those payee/victims is Dr. Marco Arajuo, to whom Van Den Heuvel must pay \$527,178.81. *Id.*

¹ According to BOP's website, Van Den Heuvel's projected release date is May 26, 2025.

On September 30, 2021, Van Den Heuvel filed the motion at issue, which pertains solely to Case No. 17-CR-160 and is styled as a “Motion To Address Restitution.” Dkt. 189. In it, Van Den Heuvel seeks to “update this Court as to the balance of his outstanding Criminal Monetary Penalties.” *Id.* He mistakenly refers to and attaches the original judgment (Dkt. 127) rather than the amended judgment (Dkt. 150), but that error is insignificant²; the real issue is that Van Den Heuvel claims—under penalty of perjury—that restitution has been paid to his victims. Namely, Van Den Heuvel attests that of the six payees listed in the (original) judgment, “five of the payees have been paid in full or in part.” Dkt. 189. Without corroboration, he then lists how each payee has been purportedly compensated. Dkt. 189 at 2. For instance, he says that Dr. Marco Arajuo is no longer owed the court-ordered amount of \$527,178.81; instead, the remaining balance is “\$200,000” because “Green Box completed his work in Brazil for a credit of \$327,178.81.” *Id.* The upshot of Van Den Heuvel’s uncorroborated allegations is that he “seeks an updated and amended restitution order balance” that reduces his court-ordered obligation to the payee/victims by over \$6.9 million. Dkt. 189 at 2.

On October 21, 2021, Dr. Arajuo—having heard of and reviewed Van Den Heuvel’s motion—contacted the U.S. Attorney’s Office to indicate that no such work had been contemplated or performed on his behalf, and that no restitution had been paid. Dr. Arajuo made clear that the entire court-ordered amount of \$527,178.81 remains unpaid.

Dr. Arajuo is correct. The Financial Litigation Unit of the U.S. Attorney’s Office,

² Both the original and amended judgments order total restitution of \$9,428,618.81. The difference is that the original judgment lists six payee/victims, including a group called “EB-5 Investors,” which the amended judgment replaces with nine individuals comprising the EB-5 investors. *Compare* Dkt. 127, *with* Dkt. 150.

which is responsible for monitoring and collecting court-ordered restitution in criminal cases, has confirmed the following: (i) in Case No. 16-CR-64, Van Den Heuvel has paid the \$100 special assessment and \$25 towards restitution, leaving an outstanding balance of \$307,687.90 in restitution; (ii) in Case No. 17-CR-160, Van Den Heuvel has paid the \$100 special assessment and nothing towards restitution, with the only restitution payments coming not from Van Den Heuvel but from his co-defendants, and made to the Wisconsin Economic Development Corporation. The remaining payees/victims, including Dr. Arajuo, have received nothing in restitution from Van Den Heuvel or anyone else. Also, the Clerk of Courts will first apply restitution payments to the oldest-numbered case unless the judgment states otherwise. See Ex. 1 (attached declaration of FLU Paralegal Kim M. Camomilli).

At a minimum, Van Den Heuvel has made material misstatements to the Court. He made those statements under penalty of perjury, expressly invoking 28 U.S.C. § 1746. Dkt. 189 at 2. This, from a defendant who has been convicted of an extensive wire-fraud scheme based on knowingly false and misleading statements. As the Court stated at Van Den Heuvel's sentencing: "This evidence is overwhelming. And you lied. You lied to get to betray people and defraud them." Dkt. 144 at 94.

Under the circumstances, Van Den Heuvel's requested update to the restitution order should be denied. In addition, the government respectfully requests that the Court order Van Den Heuvel to show cause for filing materially false statements, and in the absence of reasonable justification, find that he knowingly made false statements to the Court under penalty of perjury. The government further suggests that the Court forward

its findings to the Bureau of Prisons to consider disciplinary action, and to the United States Probation Office, which will be responsible for supervising Van Den Heuvel upon his release from prison.

Respectfully submitted on October 22, 2021.

Richard G. Frohling
Acting United States Attorney

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-CR-160

RONALD H. VAN DEN HEUVEL,

Defendant.

DECLARATION OF KIM K. CAMOMILLI

Pursuant to 28 U.S.C. § 1746, I, Kim K. Camomilli, declare the following under penalty of perjury:

1. I am a paralegal in the Financial Litigation Unit (“FLU”) for the U.S. Attorney’s Office in the Eastern District of Wisconsin. In this role, my responsibilities include monitoring and collecting court-ordered restitution in criminal cases.

2. In addition, as a FLU paralegal, I have access to records concerning restitution payments made by defendants in criminal cases, including records concerning payments made by Ronald H. Van Den Heuvel (“Van Den Heuvel”) in criminal cases 16-CR-64 and 17-CR-160.

3. Records reflect that in Case No. 16-CR-64, Van Den Heuvel has paid the \$100 special assessment and \$25 towards restitution, leaving an outstanding balance of \$307,687.90 in restitution.

4. Records reflect that Case No. 17-CR-160, Van Den Heuvel has paid the \$100 special assessment and nothing towards restitution, with the only restitution payments

coming not from Van Den Heuvel but from his co-defendants, and made to the Wisconsin Economic Development Corporation. The remaining payees/victims, including Dr. Arajao, have received nothing in restitution from Van Den Heuvel or anyone else.

5. As a FLU paralegal, I am familiar with the manner in which restitution payments are applied to outstanding restitution judgments. The Clerk of Courts will first apply restitution payments to the oldest-numbered case unless the judgment states otherwise.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of October, 2021, in Milwaukee, Wisconsin.

/s/ Kim K. Camomilli

KIM K. CAMOMILLI

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-CR-160

RONALD H. VAN DEN HEUVEL,

Defendant.

CERTIFICATE OF SERVICE BY MAILING

I, Kim K. Camomilli, a Paralegal Specialist in the Financial Litigation Unit of the United States Attorney for the Eastern District of Wisconsin; certify that on the 22nd day of October, 2021 at Milwaukee, Wisconsin, I properly enclosed in a postage-paid envelope a copy of the **Government's Response to Defendant's Motion to Address Restitution and Declaration of Kim K. Camomilli** in the above-captioned action and mailed same to:

Mr. Ronald H. Van Den Heuvel
Inmate Reg. No. 15653-089
FMC Rochester
Federal Medical Center
PO Box 4000
Rochester, MN 55903

/s/ Kim K. Camomilli
KIM K. CAMOMILLI
Paralegal Specialist