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**Department of Justice**

U.S. Attorney's Office

Middle District of Florida

FOR IMMEDIATE RELEASE

Tuesday, June 3, 2014

## **Orange City Man Convicted of Theft From Union Fund**

Orlando, Florida – United States Attorney A. Lee Bentley, III announces that a federal jury today found Phillip Simmons (50, Orange City) guilty of one count of conspiracy and two counts of theft from an employee benefit plan. Simmons faces a maximum penalty of 5 years in federal prison for each count. Sentencing has been set for August 20, 2014.

According to the evidence presented at trial, Angela Deleon worked at Advance Administration, Inc. (AAI), which was the third-party administrator of an employee benefit plan for the Ironworkers Local 808. As the third-party administrator for the Ironworkers Local 808 Annuity Fund, AAI was responsible for processing members' payment applications, paying the Fund's bills, and speaking with union members. Deleon's duties at AAI included data entry and the processing of payments.

Over a period of about fourteen months, Deleon wrote forty-six checks from the Fund, totaling over \$427,000, to individuals who were not members of the Local 808 or participants in the Fund, including Simmons. Simmons cashed two of the checks provided to him by Deleon and split the stolen proceeds with her. In addition, Simmons assisted his mother, Marta Blackmer, in cashing at least one of the checks that she received from Deleon.

Ten individuals have been charged in connection with this case. Deleon was previously sentenced to 2 years in federal prison for her participation in these crimes and ordered to serve a one-year term of supervision, upon her release. She was also ordered to pay \$594,000 in restitution to the Ironworkers Local 808 Annuity Fund. The \$594,000 in restitution consists of the over \$427,000 that she stole from the Fund, plus the amounts spent by the Fund to audit and reconstruct the records that were impacted by Deleon's scheme.

Seven other individuals have pleaded guilty and are pending sentencing in July and August of this year, including Brandon Alfonso (28, Orange City), Marta Blackmer (71, Orange City), James McCall (32, Orange City), Ian Chase Dove (26, Orange City), Jason Wesson (37, Deltona), Michael Giesinger (36, Deltona), and Shane Riley (31, Deland). Each one faces a maximum penalty of 5 years in federal prison.

Another individual, Jason Ferrari (33, Orange City), is pending trial for one count of conspiracy and one count of theft from an employee benefit plan. If convicted, he faces a maximum penalty of 5 years in federal prison for each count.

These cases were investigated by the U.S. Department of Labor, Office of Inspector General, Office of Labor Racketeering and Fraud Investigations, and the U.S. Department of Labor's Employee Benefits Security Administration. They are being prosecuted by Assistant United States Attorney Roger B. Handberg.

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**Component(s):**

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