

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA,
HAYWARD HALL OF JUSTICE

ENDORSED
FILED
ALAMEDA COUNTY

468157-7

JUN 22 2016

CLERK OF THE SUPERIOR COURT
By: ALISA TAYLOR, Deputy

PEOPLE OF THE STATE OF CALIFORNIA

COMPLAINT NO.

v.

PFN: DSH876

CEN: 6304178

FE CRISOSTOMO RAMOS

Defendant(s).

T/A 8/3/16 Dept. 502 @ 2:00 P.M.

The Undersigned, being sworn says, on information and belief, that FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between June 16, 2013 and January 31, 2016, commit a Felony, to wit: GRAND THEFT OF PERSONAL PROPERTY, a violation of section 487(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully take money and personal property of a value exceeding Nine Hundred Fifty Dollars (\$950), to wit Lawful Money the property of ROSA AGANG-ANG and JOSEPH AGANG-ANG.

SECOND COUNT

The Undersigned further deposes and says on Information and belief, that said FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between June 16, 2013 and January 31, 2016, commit a Felony, to wit: NONPAYMENT OF CONTRIBUTIONS UNDER UNEMPLOYMENT INSURANCE CODE, a violation of section 2108 of the UNEMPLOYMENT INSURANCE CODE of California, in that said defendant(s) did willfully fail and refuse to make contributions due pursuant to section 926-995 of the Unemployment Insurance Code. This violation is punishable under Unemployment Insurance Code section 2122.

THIRD COUNT

The Undersigned further deposes and says on Information and belief, that said FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between June 16, 2013 and January 31, 2016, commit a Felony, to wit: ACTING TO EVADE UI TAX, a violation of section 2117.5 of the UNEMPLOYMENT INSURANCE CODE of California, in that said defendant(s) did then and there, within the time required by the Unemployment Insurance Code of California, willfully fail to file a return and report and to supply information, with the intent to evade any tax imposed by such code, and willfully and with like intent, did make, render, sign, and verify a false or fraudulent return, report, and statement and did supply false and fraudulent information.

FOURTH COUNT

The Undersigned further deposes and says on Information and belief, that said FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between June 16, 2013 and January 31, 2016, commit a Felony, to wit: FAILURE TO COLLECT OR PAY OVER UI TAX, a violation of section 2118.5 of the UNEMPLOYMENT INSURANCE CODE of California, in that said defendant(s) although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

FIFTH COUNT

The Undersigned further deposes and says on Information and belief, that said FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between March 3, 2015 and June 20, 2016, commit a Felony, to wit: INSURANCE FRAUD, a violation of section 11880(a) of the INSURANCE CODE of California, in that said defendant(s) did knowingly make and cause to be made a false and fraudulent statement, orally and in writing, of a fact material to the determination of the premium, rate, and cost of a policy of workers' compensation insurance issued and administered by the State Compensation Insurance Fund, for the purpose of reducing the premium, rate, and cost of insurance.

SIXTH COUNT

The Undersigned further deposes and says on Information and belief, that said FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between March 3, 2015 and March 3, 2016, commit a Misdemeanor, to wit: FAILURE TO SECURE PAYMENT, a violation of section 3700.5 of the LABOR CODE of California, in that said defendant(s) did fail to secure workers' compensation as required by the Labor Code of California and knew and should have known of her obligation to secure such compensation.

SEVENTH COUNT

The Undersigned further deposes and says on Information and belief, that said FE CRISOSTOMO RAMOS did, in the County of Alameda, State of California, between January 1, 2013 and June 20, 2016, commit a Misdemeanor, to wit: REQUIRING EMPLOYEE TO EXCEED FIXED WORK PERIOD, a violation of section 1199(a) of the LABOR CODE of California, in that said defendant(s) did require an employee, to wit, ROSA AGANG-ANG and JOSEPH AGANG-ANG to work for longer hours than those fixed.

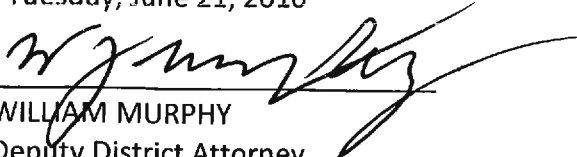
AGGRAVATED WHITE COLLAR CRIME CLAUSE AS TO DEFENDANT FE RAMOS

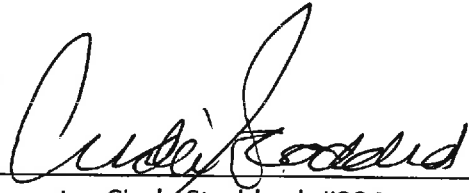
It is further alleged, pursuant to Penal Code 186.11(a), that the offenses set forth in counts 1 – 5 are related felonies, a material element of which is fraud and embezzlement, which involve a pattern of related felony conduct, and the pattern of related felony conduct involves the taking of and results in the loss by another of more than five hundred thousand dollars (\$500,000).

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me,
Tuesday, June 21, 2016


WILLIAM MURPHY
Deputy District Attorney
State Bar #200077 th
Alameda County, California


Inspector Cinda Stoddard, #324
Alameda County District Attorney's Office
CEPD No. 16FIW0305

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ALAMEDA

3 THE PEOPLE OF THE STATE OF CALIFORNIA

4 Plaintiff,

5
6 v.

CEPD No.: 16FIW0305

8 FE CRISOSTOMO RAMOS

NOTICE OF COMPLAINT

9 1806 Tulane Street

10 Union City, CA 94587

PFN: DSH876

11 Defendant.

CEN: 6304178

12
13 This notice is to inform you that a criminal complaint and summons has been filed
14 against you. Your case has been placed on calendar in *Dept. No. 502 of the Hayward Hall*
15 *of Justice Courthouse, 24405 Amador Street, Hayward, CA 94544 on August 3, 2016 at*
16 *2:00 P.M.*

17 You are required to appear for your arraignment. Failure to appear will result in a
18 *Warrant* being issued for your arrest.

19 DATED: June 21, 2016

20 NANCY E. O'MALLEY
21 District Attorney

22 By:


23 William Murphy
24 Deputy District Attorney

25 **DECLARATION OF SERVICE BY MAIL (C.C.P. 1013A(3), 2015.5)**

26 On the date shown below, I served the foregoing document by depositing a true copy
27 thereof, enclosed in a separate, sealed envelope, with the postage thereon fully prepaid,
28 in the United States mailbox at 7677 Oakport Street, Suite 650, Oakland, California.

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

Executed on the 21st day of June, 2016, at Oakland, CA

Defendant's Name: Fe C. Ramos
PFN: DSH876
CEN: 6304178
CEPD REPORT # 16FIW0305

DECLARATION IN SUPPORT OF PROBABLE CAUSE

THE UNDERSIGNED HEREBY DECLARES:

1. That she is an INSPECTOR with the Alameda County District Attorney's Office, Oakland, California.
2. That the contents of this declaration, provides probable cause to believe the above-named defendant committed the following offenses:

a.) PC 487(a) b.) UI 2108 c.) UI 2117.5 d.) UI 2118.5 e.) IN 11880(a)
f.) LB 3700.5 g.) LB 1199(a)

3. I declare under information and belief that the following is true and correct:

On 04/26/2016, I became familiar with the facts in this case after discussing the case with Investigator Lonnie Holmes, U.S. Department of Labor Wage and Hour Division.

Fe Ramos is the owner of a residential care facility for the elderly and hospice patients. The facility is called A Happy Home and is licensed for 6 beds. During Investigator Holmes' investigation, he interviewed Defendant Ramos, who stated on a signed written statement that she had three employees. EDD records only list one employee's salary during 2013-2015. On 06/02/2016, I interviewed the employee listed on the EDD report, Rosa Agangang. She told me that she and her husband, Joseph Agangang have worked for Ms. Ramos since 04/16/2012. They were paid in cash, worked 7 days per week and approximately 14 hours per day. They did not have scheduled days off, weren't paid overtime and there was no written or signed employment agreement. Defendant Ramos did not have Worker's Compensation insurance prior to March 3rd, 2016, which coincides with the visit from the U.S. Department of Labor.

Rosa told me she has never had a day off while working for Defendant Ramos until her schedule changed on 02/01/2016, after the Department of Labor Investigation started. Rosa was unable to take breaks during the day and was unable to leave unless it was pre-arranged to have someone cover for her. Rosa said she and Joseph are responsible for buying and preparing their own food.

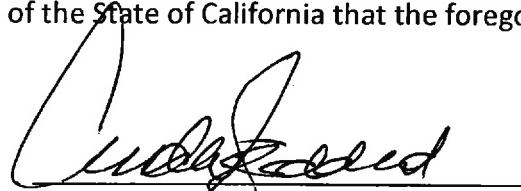
From 04/16/12 through 12/31/2012, Rosa was paid \$2,000 in cash once a month, regardless if the month had 30 or 31 days. Joseph was paid \$800 per month in cash. Rosa complained to Defendant Ramos that she was not paying in to Social Security, therefore in January 2013 Defendant Ramos contracted with a payroll company. Rosa was paid the same amount, but taxes were deducted from her paychecks. However, Joseph was still being paid \$800 in cash, once a month, with no payroll tax deductions.

Defendant Ramos did not have workers' compensation insurance until after a visit from the Department of Labor in February 2016. There is no record of any insurance prior to that date. The worker's compensation file shows only one employee being reported when the policy was created in March 2016. The estimated payroll at that time was \$21,600. In actuality, Rosa's annual salary in 2015 was \$33,072. EDD records indicate Rosa's salary was \$18,768 in 2015. The discrepancy is due to the fact that Defendant Ramos paid Rosa \$2160 per month in payroll checks and \$596 per month in a personal check to avoid paying higher payroll taxes. The misrepresentations made by Defendant Ramos with regards to Workers' Compensation insurance, is a form of insurance fraud commonly referred to as 'premium fraud.'

Defendant Ramos failed to withhold and pay over to the state thousands of dollars in taxes as required by California Unemployment Code Sections 2108, 2117.5, and 2118.5. Also, Defendant Ramos made knowingly false or fraudulent statements, orally and in writing, facts material to the determination of the premium, rate, or cost of her policy of workers' compensation insurance, for the purpose of reducing the premium, rate, or cost of the insurance, which is a violation of the California Insurance Code Section 1180(a). Defendant Ramos paid employees' wages at a rate less than the applicable federal minimum wage and the employer failed to pay employees' compensation for their employment for workweeks in excess of forty hours at a rate less than one and one-half times the regular rate at which they were employed, which is a violation of Labor Code 1199. Since the amount exceeds \$950, defendant Ramos violated Penal Code 487(a), theft of money, labor or real or personal property of another.

I declare under penalty of perjury under the laws of the State of California that the foregoing is correct.

Dated: June 21, 2016 at Oakland, California



Inspector Cinda Stoddard, #324

CERTIFICATE OF PROBABLE CAUSE

The Court, upon the review of this declaration, hereby

___ Finds

___ Does not Find

good cause to detain the above-named individual.

Date: _____

Time: _____

Magistrate of the Superior Court