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SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
PITTSBURG

THE PEOPLE OF THE STATE OF CALIFORNIA,

VS.

GLEND A MOTIL PUBLICO, AND
ROMMEL SURCO PUBLICO,
DEFENDANT(S) ./

NO. 184049-5
DA NO. M 15 000073-7
2ND AMENDED COMPLAINT -
FELONY

- 01) PC 487(a)/532
- 02) CUIC 2117.5
- 03) CUIC 2118.5
- 04) CIC 11760(a)
- 05) CUIC 2108
- 06) CUIC 2101.5
- 07) CUIC 2110.3

The undersigned states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of PENAL CODE SECTION 487(a)/532 (GRAND THEFT BY FALSE PRETENSES), committed as follows:

On or about September 7, 2011 through April 23, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, did willfully, knowingly, unlawfully, and fraudulently get possession of money and property and obtain labor and service valued Five Hundred Fifty Thousand Eight Hundred Seventy dollars (\$552,870.00).

COUNT TWO:

The undersigned further states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5 (FAILURE TO FILE A RETURN), committed as follows:

On or about June 1, 2008 through March 30, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, did unlawfully fail to file a return as required by the California Unemployment Insurance Code with the intent to evade any tax imposed by the California Unemployment Insurance Code.

COUNT THREE:

The undersigned further states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5 (FAILURE TO ACCOUNT FOR AND PAY OVER TAXES), committed as follows:

On or about June 1, 2008 through March 30, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, did unlawfully fail to truthfully account for and pay over taxes and amounts required to be withheld by the California Unemployment Insurance Code.

COUNT FOUR:

The undersigned further states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of INSURANCE CODE SECTION 11760(a) (MISREPRESENTATIONS TO OBTAIN WORKERS' COMPENSATION INSURANCE AT A LOWER RATE), committed as follows:

On or about June 1, 2008 through March 30, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, did unlawfully misrepresent a fact to State Compensation Fund in order to obtain worker's compensation insurance at less than the proper rate for that insurance.

COUNT FIVE:

The undersigned further states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of UNEMPLOYMENT INSURANCE CODE SECTION 2108 (NONPAYMENT OF CONTRIBUTIONS DUE), committed as follows:

On or about June 1, 2008 through March 30, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, did unlawfully fail and refuse to make contributions due under Division One of the California Unemployment Insurance Code.

COUNT SIX:

The undersigned further states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of UNEMPLOYMENT INSURANCE CODE SECTION 2101.5 (FALSE STATEMENT OR REPRESENTATION TO AVOID CONTRIBUTIONS), committed as follows:

On or about June 1, 2008 through March 30, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, did unlawfully make a false statement and representation and knowingly fail to disclose a material fact, in order to avoid any required contribution.

COUNT SEVEN:

The undersigned further states, on information and belief, that GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, Defendant, did commit a felony, a violation of UNEMPLOYMENT INSURANCE CODE SECTION 2110.3 (WILFUL FAILURE TO PAY CONTRIBUTIONS WITHHELD FROM WORKERS), committed as follows:

On or about June 1, 2008 through March 30, 2015, in Contra Costa County, the Defendant, GLENDA MOTIL PUBLICO and ROMMEL SURCO PUBLICO, an employing unit, knowingly undertook or agreed to pay without deduction from remuneration paid to its workers the amount of any contributions to the Disability Fund required of the workers under this division and that wilfully fails or is wilfully financially unable to pay the amount to the department on the date which the contributions become delinquent.

CHARGE
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AGGRAVATED WHITE COLLAR CRIME

It is further alleged, pursuant to Penal Code section 186.11, that in the commission of the above offenses, the Defendant, GLENDA MOTIL PUBLICO AND ROMMEL SURCO PUBLICO, committed two or more related felonies, a material element of which is fraud and embezzlement, which involved a pattern of related felony conduct, and the pattern of related felony conduct involved the taking of more than One Hundred Thousand Dollars (\$100,000).

2ND AMENDED

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COMPLAINANT REQUESTS THAT DEFENDANT(S) BE DEALT WITH ACCORDING TO LAW.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

DATED: September 9, 2015 AT MARTINEZ, CALIFORNIA

WILLIAM J. MURPHY/co
DEPUTY DISTRICT ATTORNEY