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5 Attorneys for Plaintiff

6 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 IN AND FOR THE COUNTY OF CONTRA COSTA

8 THE PEOPLE OF THE STATE OF CALIFORNIA,

9 Plaintiff,

10 v.

11 Glenda and Rommel Publico,

12 Defendants.

) Case No.: 4-184049-5
)
) Application For a Temporary
) Restraining Order Barring the
) Dissipation of Assets/ Request For
) Hearing Seeking a Preliminary
) Injunction and Appointment of
) Receiver of Assets.
) (Penal Code Section 186.11 *et seq.*)
)
) Date: 11/20/2015
) Time: 1:30 PM
) Department: 37

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16 Petitioner alleges:

- 17 1. This is an action requesting a temporary restraining order preventing the dissipation of assets
18 in advance of a hearing for a preliminary injunction and order for a receiver of property
19 under PENAL CODE SECTION 186.11 et seq.
- 20 2. This court has jurisdiction under PENAL CODE SECTION 186.11.
- 21 3. The subject matter of this action is real property located at:
22 2652 Carson Way, Antioch. Parcel number 055-590-106-5.
23 2644 Carson Way, Antioch. Parcel number 055-590-108-1.
24 5035 Fernbank Way, Antioch. Parcel number 055-270-022.
25 1840 Kern Mountain Way, Antioch. Parcel number 055-490-021-7.
- 26 4. Subject Property is located within Contra Costa County and is within the jurisdiction of this
27 Court.
28

- 1 5. Notice will be sent out to people with interest in the property on 11/20/2015. Notice will
2 also be published in local newspapers for three weeks as required by Penal Code section
3 186.11(d)3.
- 4 6. Lis Pendens are being filed for each property on 11/20/2015. Penal Code section 186.11(d)
- 5 7. Defendants Rommel and Glenda Publico operate residential care homes for elderly patients
6 at the four listed properties.
- 7 8. Defendants Rommel and Glenda Publico failed to pay minimum wages, failed to pay and
8 withhold state taxes and failed to pay appropriate insurance premiums. Defendant's failures
9 to do these acts constitute an unfair business practice. Defendant's failures to do these acts
10 have also led to the current criminal prosecution for fraud.
- 11 9. Defendants Rommel and Glenda Publico have engaged in a pattern of criminal profiteering
12 activity during which they have committed felonious acts chargeable and punishable under
13 CALIFORNIA PENAL CODE SECTION 487, CALIFORNIA INSURANCE CODE
14 SECTION 11760(A), and CALIFORNIA UNEMPLOYMENT INSURANCE CODE
15 SECTION 2117.5, 2118.5, 2108, 2101.5, AND 2110.3.
- 16 10. Subject Property is a property interest acquired by a principal and defendants in a criminal
17 enterprise engaging in fraud, and as such, assets are forfeitable pursuant to PENAL CODE
18 SECTION 186.11.
- 19 11. Defendants Rommel and Glenda Publico were previously the subject of an investigation by
20 the Federal Department of Labor. That investigation led to a consent decree in federal court
21 for the payment of wages owed.
- 22 12. The Department of Labor has informed our office that the Publico's submitted
23 documentation showing that the back wages were paid.
- 24 13. The Department of Labor subsequently informed our office that multiple victim/workers
25 were forced to give back the back wages owed.
- 26 14. The Department of Labor has informed our office that the Publico's submitted false financial
27 documents indicating the back wages have been paid.
- 28 15. The People have also learned from a separate source that a worker was unfairly excluded

1 from the federal action for back wages. This employee alleges she was wrongfully
2 terminated after the owners accused her of assisting with the wage investigations.

3 16. This restraining order is necessary because the defendants have participated in a long-term
4 criminal fraud and profiteering scheme. The order is necessary because after discovery of
5 the fraud and profiteering by the Federal Department of Labor the defendants committed still
6 more acts of fraud and retaliation.

7
8 WHEREFORE, Petitioner prays for the orders as follows:

- 9 1. For a temporary restraining order declaring subject property frozen pursuant to Penal Code
10 Section 186.11.
11 2. For an order setting a hearing date for a preliminary injunction and the appointment of a
12 receiver of the property.
13 3. For such other and further relief as the Court may deem proper.

14 Dated: November 20, 2015

Respectfully submitted,

15 MARK PETERSON
16 District Attorney

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18 William Jay Murphy
19 Deputy District Attorney
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