

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA, ANDREA CARDENAS, <i>dob 11/28/91;</i> JESUS ADRIAN CARDENAS, <i>dob 12/08/82;</i>	Plaintiff, v. Defendants
--	--

CT No. CD301047
DA No. AFD504

COMPLAINT-FELONY

FILED
Clerk of the Superior Court
NOV 01 2023
By: F. Diaz
Central Division

INFORMATION Date: _____

COPY

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
CARDENAS, ANDREA	DNA sample required upon conviction
CARDENAS, JESUS ADRIAN	DNA sample required upon conviction

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC182(a)(4) CARDENAS, ANDREA CARDENAS, JESUS ADRIAN	Felony	16-2-3		
2	PC487(a) CARDENAS, ANDREA CARDENAS, JESUS ADRIAN	Felony	16-2-3		
3	PC182(a)(1) CARDENAS, ANDREA CARDENAS, JESUS ADRIAN	Felony	Check Code		
4	PC186.10(a) CARDENAS, ANDREA CARDENAS, JESUS ADRIAN	Felony	16-2-3/\$250,000		

CHARGE SUMMARY (cont'd)

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
5	RT19706 CARDENAS, ANDREA	Felony	16-2-3		
6	RT19706 CARDENAS, ANDREA	Felony	16-2-3		
7	RT19706 CARDENAS, ANDREA CARDENAS, JESUS ADRIAN	Felony	16-2-3		

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - CONSPIRACY TO DEFRAUD ANOTHER OF PROPERTY

On or about and between February 1, 2021 and May 1, 2021, ANDREA CARDENAS and JESUS ADRIAN CARDENAS did unlawfully conspire together and with another person and persons whose identity is unknown to cheat and defraud another of property, by means which are criminal, and obtain money, and property by false pretense and by false promises with fraudulent intent not to perform such promises, in violation of PENAL CODE SECTION 182(a)(4).

Thereafter, in the County of San Diego, State of California, pursuant to the above conspiracy and in furtherance of the objects thereof:

OVERT ACT NO. (1): On or during the month of February 2021, Jesus Cardenas misrepresented that his business, Grassroots Resources, had 34 employees on an application that he submitted to PayPal (the lender) for a loan under the Paycheck Protection Program (PPP).

OVERT ACT No. (2): On or during the month of February 2021, Jesus Cardenas misrepresented that his business, Grassroots Resources, was not a political consulting firm by stating the incorrect North American Industry Classification System (NAICS) code on an application that he submitted to PayPal (the lender) for a PPP loan when using the correct NAICS code would have made Grassroots Resources ineligible for a PPP loan.

OVERT ACT No. (3): On or during the month of February 2021, Jesus Cardenas misrepresented that Grassroots Resources was not engaged in activity illegal under federal law on an application that he submitted to PayPal (the lender) for a PPP loan when the employees listed in the supporting documentation were in fact employees of Harbor Collective, a business engaged in the sale of marijuana, a federally illegal activity.

CHARGES (cont'd)

OVERT ACT NO. (4): On or during the month of February 2021, Jesus Cardenas misrepresented that awarded PPP funds would be used to retain 34 employees and maintain payroll on an application that he submitted to PayPal (the lender) for a PPP loan when the funds were actually used for personal expenses.

OVERT ACT NO. (5): On or about February 22, 2021, Jesus Cardenas forwarded an email to Andrea Cardenas from PayPal (the lender) requesting additional documentation for the PPP loan application including a business license and payroll calculation data.

OVERT ACT NO. (6): On or about February 22, 2021, Andrea Cardenas supplied the Grassroots Resources business license and payroll calculation data for Harbor Collective, purporting to be payroll calculation data for Grassroots Resources, for the PPP loan application.

OVERT ACT NO. (7): On or about February 22, 2021, Andrea Cardenas emailed Jesus Cardenas to confirm to him that she had supplied the business license and payroll calculation data to PayPal for the PPP loan application.

OVERT ACT NO. (8): On or about March 15, 2021, Jesus Cardenas forwarded an email to Andrea Cardenas from PayPal (the lender) requesting additional documentation for the PPP loan application including a verification of additional business owners.

OVERT ACT NO. (9): On or about March 16, 2021, through April 7, 2021, Andrea Cardenas supplied the requested verification of additional business owners to PayPal for the PPP loan application.

OVERT ACT NO. (10): On or about March 16, 2021, through April 7, 2021, Andrea Cardenas emailed Jesus Cardenas to confirm she was supplying the requested verification of additional business owners to PayPal for the PPP loan application.

OVERT ACT NO. (11): On or about April 27, 2021, Jesus Cardenas signed the Borrower Application for the PPP loan for Grassroots Resources certifying that the information provided in the application and the information provided in all supporting documents and forms was true and accurate in all material respects despite it containing material misrepresentations.

COUNT 2 - GRAND THEFT OF PERSONAL PROPERTY

On or about and between February 1, 2021 and May 1, 2021, ANDREA CARDENAS and JESUS ADRIAN CARDENAS did unlawfully take and steal money and personal property of the Small Business Administration, of a value in excess of Nine Hundred Fifty Dollars (\$950), in violation of PENAL CODE SECTION 487(a).

CHARGES (cont'd)

COUNT 3 - CONSPIRACY TO COMMIT A CRIME

On or about and between February 1, 2021 and May 19, 2021, ANDREA CARDENAS and JESUS ADRIAN CARDENAS did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of Money Laundering PENAL CODE SECTION 186.10(a), in violation of PENAL CODE SECTION 182(a)(1).

Thereafter, in the County of San Diego, State of California, pursuant to the above conspiracy and in furtherance of the objects thereof:

OVERT ACT NO. (1): On or about and between February 2021, and May 2021, Jesus Cardenas and Andrea Cardenas did knowingly commit the crime of Grand Theft by False Pretense by fraudulently obtaining \$176,227 from the Paycheck Protection Program (PPP).

OVERT ACT NO. (2): On or about May 4, 2021, after Grassroots Resources Wells Fargo Bank account ending 7711 received \$176,227 from the PPP loan, Andrea Cardenas or Jesus Cardenas made two online transfers of the PPP funds totaling \$50,000 to Grassroots Resources Wells Fargo Bank account ending 9328.

OVERT ACT NO. (3): On or about May 4, 2021, Jesus Cardenas used the PPP loan funds from Wells Fargo Bank account ending 9328 to make two online payments to American Express for a total of \$21,010.49.

OVERT ACT No. (4): On or about May 5, 2021, Jesus Cardenas forwarded an email from PayPal (the lender) to Andrea Cardenas that the PPP loan funds had been deposited into Grassroots Resources' Wells Fargo Bank account ending 7711.

OVERT ACT No. (5): On or about May 5, 2021, Andrea Cardenas or Jesus Cardenas made two online transfers from the PPP funds totaling \$2,000 from Grassroots Resources Wells Fargo Bank account ending 9328 to Andrea Cardenas' personal Wells Fargo account ending 3156.

OVERT ACT No. (6): On or about May 5, 2021, after the PPP funds were transferred to her personal Wells Fargo account ending 3156, Andrea Cardenas used the funds to make two online payments from that account to Venmo totaling \$2,000.

OVERT ACT No. (7): On or about May 6, 2021, Andrea Cardenas made a cash withdrawal of \$5,000 of PPP funds from Grassroots Resources Wells Fargo account ending 9328.

OVERT ACT No. (8): On or about May 12, 2021, Jesus Cardenas, using the PPP funds, wrote a check (check 3109) to Andrea Cardenas in the amount of \$35,000 from Grassroots Resources Wells Fargo Bank account ending 9328.

OVERT ACT NO. (9): On or about May 12, 2021, Andrea Cardenas deposited check 3109 for \$35,000 into her personal Wells Fargo account ending 3156.

OVERT ACT NO. (10): On or about May 13, 2021, using the PPP funds, Andrea Cardenas wrote a check (check 593) made out to "Andrea Cardenas for CV City Council D4" in the amount of \$33,500 from her personal Wells Fargo account ending 3156 to her campaign account held at California Bank and Trust (account ending 7401).

CHARGES (cont'd)

OVERT ACT NO. (11): On May 17, 2021, Andrea Cardenas deposited check 593 for \$33,500 into her campaign account ending 7401.

OVERT ACT NO. (12): On May 17, 2021, Andrea Cardenas' campaign wrote a check (check 8064) from her campaign account ending 7401 to TMC Direct in the amount of \$34,166.89.

COUNT 4 - MONEY LAUNDERING

On or about and between May 4, 2021 and May 6, 2021, ANDREA CARDENAS and JESUS ADRIAN CARDENAS did unlawfully conduct and attempt to conduct more than one transaction involving monetary instruments of a total value exceeding five thousand dollars (\$5,000) within a seven-day period through one or more financial institutions, with the specific intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of criminal activity and knowing that the monetary instrument represents the proceeds of and is derived directly or indirectly from the proceeds of criminal activity, in violation of PENAL CODE SECTION 186.10(a).

COUNT 5 - FAILURE TO FILE TAX RETURN

On or about April 15, 2020, ANDREA CARDENAS did willfully and unlawfully fail to file a return and to supply information with intent to evade a tax imposed by part 10 (commencing with Section 17001) or part 11 (commencing with Section 23001), and did willfully and unlawfully, with like intent, make, render, sign, and verify a false and fraudulent return and statement and supply false and fraudulent information, in violation of REVENUE AND TAXATION CODE SECTION 19706.

COUNT 6 - FAILURE TO FILE TAX RETURN

On or about April 15, 2021, ANDREA CARDENAS did willfully and unlawfully fail to file a return and to supply information with intent to evade a tax imposed by part 10 (commencing with Section 17001) or part 11 (commencing with Section 23001), and did willfully and unlawfully, with like intent, make, render, sign, and verify a false and fraudulent return and statement and supply false and fraudulent information, in violation of REVENUE AND TAXATION CODE SECTION 19706.

COUNT 7 - FAILURE TO FILE TAX RETURN

On or about April 15, 2022, ANDREA CARDENAS and JESUS ADRIAN CARDENAS did willfully and unlawfully fail to file a return and to supply information with intent to evade a tax imposed by part 10 (commencing with Section 17001) or part 11 (commencing with Section 23001), and did willfully and unlawfully, with like intent, make, render, sign, and verify a false and fraudulent return and statement and supply false and fraudulent information, in violation of REVENUE AND TAXATION CODE SECTION 19706.

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

NOTICE: Any defendant named on this complaint who is on Mandatory Supervision in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's Mandatory Supervision pursuant to Penal Code Sections 1170(h)(5)(B) and 1203.2, on any and all such grants, utilizing the same evidence, at the preliminary hearing. Defense to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

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.

Sheriff's records indicate that as of the booking date one or more defendants have not yet provided a DNA sample to the DOJ database. Pursuant to Penal Code Section 296(e), the court shall order collection of DNA from the defendant(s) if advised by the prosecuting attorney that a sample is required but has not been provided by the defendant. Pursuant to Penal Code sections 296/296.1, if not already required from a past conviction, any defendants who have not done so will be required to provide a sample upon conviction of this felony offense.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD301047, CONSISTS OF 7 COUNTS.

Executed at City of San Diego, County of San Diego, State of California, on November 1, 2023.



COMPLAINANT

INFORMATION

SUMMER STEPHAN
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney