

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA,
WILEY W. MANUEL COURTHOUSE

PEOPLE OF THE STATE OF CALIFORNIA

v.

HAI JIE CHEN

SYNN JIA CHUAH

KOK MENG KOI

HAK CHUN NG

Defendant(s).

NO.
COMPLAINT

615 014

2016 APR -5 AM 10:31

ENDORSED
FILED
ALAMEDA COUNTY

APR 07 2016

CLERK OF THE SUPERIOR COURT

Santiago
Deputy

PFN: DSG356

CEN: 6293867

PFN: BKZ845

CEN: 6293875

PFN: DSG358

CEN: 6293869

PFN: DSG360

CEN: 6293872

The Undersigned, being sworn says, on information and belief, that HAI JIE CHEN, SYNN JIA CHUAH, KOK MENG KOI and HAK CHUN NG did, in the County of Alameda, State of California, between January 1, 2014 and June 1, 2015, commit a Felony, to wit: CONSPIRACY TO COMMIT A CRIME, a violation of section 182(a)(1) of the PENAL CODE of California, in that said defendant(s) did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of Workers' Compensation Insurance Fraud, in violation of Section Insurance Code 11760 of the Insurance Code Code, a felony; that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the said defendant(s)s committed the following overt act and acts at and in the County of Alameda: Acquiring undocumented labor for work in a restaurant and preventing reports of the workers' mistreatment and injuries..

SECOND COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN, SYNN JIA CHUAH, KOK MENG KOI and HAK CHUN NG did, in the County of Alameda, State of California, between January 1, 2014 and February 1, 2016, commit a Felony, to wit: CONSPIRACY TO DEFRAUD ANOTHER OF PROPERTY, a violation of section 182(a)(4) of the PENAL CODE of California, in that said defendant(s) did unlawfully conspire together and with another person and persons whose identity is unknown to cheat and defraud the Employment Development Department 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; that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the said defendant(s)s committed the following overt act and acts at and in the County of Alameda: acquiring undocumented workers for work in a restaurant and preventing reports of their workplace injuries and mistreatment.

THIRD COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN, SYNN JIA CHUAH, KOK MENG KOI and HAK CHUN NG did, in the County of Alameda, State of California, between May 1, 2014 and April 30, 2015, commit a Felony, to wit: WORKERS' COMPENSATION FRAUD, a violation of section 11760(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, for the purpose of reducing the premium, rate, and cost of insurance.

FOURTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN did, in the County of Alameda, State of California, between March 14, 2015 and June 5, 2015, commit a Felony, to wit: WORKERS' COMPENSATION FRAUD, a violation of section 11760(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, for the purpose of reducing the premium, rate, and cost of insurance.

FIFTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN did, in the County of Alameda, State of California, between March 14, 2015 and June 5, 2015, commit a Felony, to wit: INSURANCE FRAUD, a violation of section 1871.4(a)(4) of the INSURANCE CODE of California, in that said defendant(s) did unlawfully and knowingly make and cause to be made a false and fraudulent material statement and material representation for the purpose of obtaining and denying compensation, as defined in section 3207 of the Labor Code.

SIXTH COUNT

The Undersigned further deposes and says on Information and belief, that said SYNN JIA CHUAH and KOK MENG KOI did, in the County of Alameda, State of California, between May 1, 2013 and June 5, 2015, commit a Felony, to wit: HUMAN TRAFFICKING FOR LABOR, a violation of section 236.1(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully deprive and violate the personal liberty of ENG SIN TAN with the intent to obtain forced labor and services.

SEVENTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN, SYNN JIA CHUAH and KOK MENG KOI did, in the County of Alameda, State of California, between November 1, 2014 and June 5, 2015, 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 wages the property of ENG SIN TAN.

EIGHTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN, KOK MENG KOI and HAK CHUN NG did, in the County of Alameda, State of California, between May 1, 2014 and April 30, 2015, 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.

NINTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN, KOK MENG KOI and HAK CHUN NG did, in the County of Alameda, State of California, between May 1, 2014 and April 30, 2015, 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.

TENTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN and Hak CHUN NG did, in the County of Alameda, State of California, between October 1, 2013 and September 30, 2014, commit a Felony, to wit: SALES TAX EVASION, a violation of section 7153.5 of the REVENUE AND TAXATION CODE of California, in that said defendants did, being required to make, render, sign and verify any report, made a false and fraudulent retune, with intent to defeat and evade the reporting, assessment and payment of an amount due required by law to be made, when the amount of unreported tax liability aggregates \$25,000 or more in the 12-consecutive month period above stated.

ELEVENTH COUNT

The Undersigned further deposes and says on Information and belief, that said HAI JIE CHEN and Hak CHUN NG did, in the County of Alameda, State of California, between October 1, 2014 and September 30, 2015, commit a Felony, to wit: SALES TAX EVASION, a violation of section 7153.5 of the REVENUE AND TAXATION CODE of California, in that said defendants did, being required to make, render, sign and verify any report, made a false and fraudulent retune, with intent to defeat and evade the reporting, assessment and payment of an amount due required by law to be made, when the amount of unreported tax liability aggregates \$25,000 or more in the 12-consecutive month period above stated.

AGGRAVATED WHITE COLLAR CRIME CLAUSE AS TO DEFENDANT HAI JIE CHEN

It is further alleged, pursuant to Penal Code 186.11(a), that the offenses set forth in counts 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11 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).

AGGRAVATED WHITE COLLAR CRIME CLAUSE AS TO DEFENDANT HAK NG

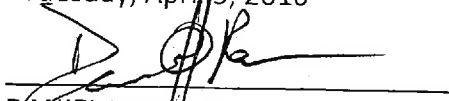
It is further alleged, pursuant to Penal Code 186.11(a), that the offenses set forth in counts 1, 2, 3, 8, 9, 10 and 11 are related felonies, a material element of which is fraud and embezzlement, which involve a pattern of related felony conduct, and the pattern of related felony conduct involves the 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.

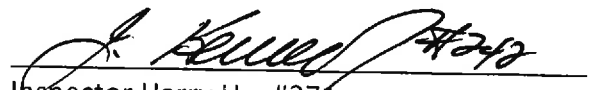
Subscribed and sworn to before me,

Tuesday, April 15, 2016



DANIEL ROISMAN

Deputy District Attorney
State Bar #254837 th
Alameda County, California



Inspector Harry Hu, #271

Alameda County District Attorney's Office
CEPD No. 15FIW0574

Defendant's Name: Synn Jia Chuah
PFN: DSG357
CEN: 6293870
CEPD REPORT #15FIW0574

DECLARATION IN SUPPORT OF PROBABLE CAUSE

THE UNDERSIGNED HEREBY DECLARES:

1. That he 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 182(a)(1) b.) PC 182(a)(4) c.) IN 11760(a) d.) PC 236.1(a) e.) PC 487(a)
3. I declare under information and belief that the following is true and correct:

Defendants Chen and Ng own and operate a chain of Malaysian restaurants called Mango Garden together with Wayne Peng, located in San Jose (Mango Garden I), Fremont (Mango Garden II) and San Mateo (Mango Garden III). Defendant Khoi is a manager, responsible for hiring undocumented labor, mostly Guatemalan, for work in the kitchens. Chen is primarily responsible for the financial management of the corporation, and pays all employees individually, some in cash, some by check, on the 5th and 20th of each month. Defendants are charged with a system of fraud and labor exploitation whereby they cheated in the operation of Mango Garden in almost every way they could find, from reduced Workers' Compensation Insurance, to wage theft, to tax fraud, to human trafficking.

Woei Jian Yong, a former manager at Mango Garden III, provided information about the manner of pay, the meager living circumstances and routine unpaid work of employees, and the control of the Guatemalan workers exerted by Koi. Workers are forbidden to talk about their compensation with each other. According to Yong, cash transactions amount to between 30 and 40% of all transactions.

Kevin Xu was Yong's assistant manager at Mango Garden III. He estimates cash transactions amounting to almost half of all transactions, promoted by discounts for paying in cash and other offers when transactions are conducted in cash. He corroborates Yong's other information about the way Chen, Ng and Koi run the business and manage the employees.

Estimations by BOE agents of similar businesses, based on location, menu prices, and clientele, put cash transactions typically at around half of all transactions. IRS records of credit card receipts at Mango Garden II amount to approximately 95% of the sales reported to BOE in their sales tax returns.

Examination of EDD records for Mango Garden show that none of the employees have Hispanic surnames. Surveillance conducted on the different restaurants has identified between five and ten employees of apparent Latin American decent working at each location. This corroborates Yong's estimation of the number of Guatemalan workers at the restaurants. Comparison of the payroll reported in Workers' Compensation Insurance applications and EDD records shows a discrepancy of approximately \$400,000 annually, the lower payroll being on the EDD reports.

Sieu Wang, a prep cook at Mango Garden I who was paid in cash, was injured on the job when she tripped over a bag in the kitchen and bruised her chest, shoulder, and face on the concrete floor. She was transported, by Chen, to the hospital. En route to the hospital, Chen told her not to say she was injured at work or she would be fired. At the hospital, Chen communicated with medical personnel. Hospital records show that Chen interpreted for her in communications with medical personnel, and related that she had tripped at home, injuring herself on a coffee table.

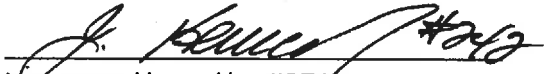
Following the injury, Wang experienced ongoing soreness and dizzy spells, about which she complained to Chen, and was forced to miss work several times. Chen deducted a total of \$2000 in pay for this. In June, Wang demanded that Chen take her to the hospital, at which point he fired her. She was out of work for two months, and when she returned to work, she could only work a few hours each day because of her injuries.

Ein Sing "Daniel" Tan owed Chuah's brother "Jason" approximately \$100k for a gambling debt he took on in Malaysia. Jason tricked Daniel into traveling to San Francisco, and when Daniel arrived, Chuah and Koi met him at the San Francisco airport. Chuah took Tan's cash and his passport and took Tan to an apartment in San Leandro. Chuah forced Tan, under threat of being forced to jump off the Golden Gate bridge, to work where Chuah directed him, first at a market, then a marijuana cultivation house, and finally Mango Garden.

Chuah collected all of Daniel's pay except for \$100/month for food. Daniel was told to contact Chuah with a cell phone Chuah provided once each day, and to use the phone for nothing else. At Mango Garden, Yong and Xu both report seeing Chuah check on Daniel and speak with Chen about Daniel's pay. Yong, who is Malaysian, helped Daniel escape in June, 2015.

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

Dated: April 5, 2016 at Oakland, California


Inspector Harry Hu, #271

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