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DEPARTMENT OF JUSTICE



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August 12, 2015

Kim Jordan
c/o Mark Mermelstein, Esq.
Orrick, Herrington & Sutcliffe LLP - Los Angeles
777 South Figueroa Street, Suite 3200
Los Angeles, CA 90017-5855

RE: *People v. Botke Enterprises Inc., (dba PW Environmental)*

Dear Ms. Jordan:

This letter is to inform you that a criminal complaint has been filed against your Corporation Botke Enterprises Inc., (dba PW Environmental) in Ventura County Superior Court charging violations of:

PC487(a)	Felony	GRAND THEFT
PC72	Felony	FRAUDULENT CLAIMS

A date for your arraignment has been set for August 24, 2015, 8:30 a.m. Report to Department 12, Ventura County Superior Court, Hall of Justice, 800 South Victoria Avenue, Ventura, CA 93009-0001.

Failure to appear at arraignment will result in a warrant for your arrest being issued by the Court.

Sincerely,

Handwritten signature of Kristopher S. Young in blue ink.

KRISTOPHER S. YOUNG
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

KSY:

cc:

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF VENTURA

15 **THE PEOPLE OF THE STATE OF**
16 **CALIFORNIA,**
17
18
19 **BOTKE ENTERPRISES, INC., (dba PW**
20 **ENVIRONMENTAL),**
21
22

Case No.
FELONY COMPLAINT

Plaintiff,

v.

Defendant.

23 The undersigned is informed and believes that:

24 **COUNT 1**

25 On and between January 1, 2008 and December 31, 2008, in the County of Ventura, the
26 crime of GRAND THEFT OF PERSONAL PROPERTY, in violation of Penal Code section
27 487(a), a Felony was committed by **BOTKE ENTERPRISES, INC., (dba PW**
28 **ENVIRONMENTAL),** who did unlawfully take money and personal property of a value

1 exceeding Nine Hundred Fifty Dollars (\$950), to wit: the property of the State of California, State
2 Water Resources Control Board.

3 It is further alleged as to count 1 that the above crime was not discovered by the victim,
4 (California State Water Resources Control Board) until June of 2010. The crime was discovered
5 after an audit by Associate Government Program Analyst Lola Mello revealed suspicious claims
6 submitted to the State Water Resources Control Board Clean Up Fund. Prior to that audit and
7 review of the information that supported the audit, no victim of said violation and no law
8 enforcement agency chargeable with the investigation and prosecution of said violation had actual
9 or constructive knowledge of said violation prior to said date because no other person brought the
10 matter to their attention.

11 Additionally, starting on May 30, 2014, **BOTKE ENTERPRISES INC., (dba PW**
12 **ENVIRONMENTAL)**, through its legal counsel and representative/owner Kim Jordan, signed a
13 series of agreements with the Office of the Attorney General tolling the statute of limitations for
14 all crimes related to false billing of the California State Water Resources Board. The statute of
15 limitations was tolled pursuant to these agreements from July May 20, 2014 until October 30,
16 2015.

17 **COUNT 2**

18 On and between January 1, 2008 and December 31, 2008, in the County of Ventura, the
19 crime of PRESENTING A FRAUDULENT CLAIM, in violation of Penal Code section 72, a
20 felony, was committed by **BOTKE ENTERPRISES INC., (dba PW ENVIRONMENTAL)**,
21 who did unlawfully and with intent to defraud, present for allowance and payment a false and
22 fraudulent claim, bill, account, voucher and writing to the California State Water Resources Control
23 Board.

24 It is further alleged as to count 2 that the above crime was not discovered by the victim,
25 (California State Water Resources Control Board) until June of 2010. The crime was discovered
26 after an audit by Associate Government Program Analyst Lola Mello revealed suspicious claims
27 submitted to the State Water Resources Control Board Clean Up Fund. Prior to that audit and
28 review of the information that supported the audit, no victim of said violation and no law

1 enforcement agency chargeable with the investigation and prosecution of said violation had actual
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7 all crimes related to false billing of the California State Water Resources Board. The statute of
8 limitations was tolled pursuant to these agreements from July May 20, 2014 until October 30,
9 2015.

10 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
11 AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER _____
12 CONSISTS OF 2 COUNTS.

13 Executed at San Diego, County of San Diego, on August 12, 2015.

14
15 Dated: August 12, 2015

Respectfully Submitted,

16 KAMALA D. HARRIS
17 Attorney General of California
18 JAMES G. ROOT
19 Senior Assistant Attorney General
20 PATRICIA M. FUSCO



21 KRISTOPHER S. YOUNG
22 Deputy Attorney General
23 *Attorneys for Plaintiff*
24 *The People of the State of California*

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