

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

JAIRO TOMAS SANTOS,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1344(2) – Bank Fraud;
18 U.S.C. § 2 – Aiding and Abetting;
18 U.S.C. § 981(a)(1)(C) and 982; 28 U.S.C. § 2461 – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

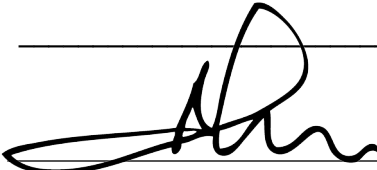
Filed in open court this 25th day of

July 2023.

S. Ybarra

Clerk

Bail, \$ No Bail - Warrant



Hon. Alex G. Tse, United States Magistrate Judge

1 ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

FILED

Jul 25 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 3:23-cr-00230 WHA
12 Plaintiff,)
13 v.) VIOLATIONS:
14 JAIRO TOMAS SANTOS,) 18 U.S.C. § 1344(2) – Bank Fraud;
15 Defendant.) 18 U.S.C. § 2 – Aiding and Abetting;
16) 18 U.S.C. § 981(a)(1)(C) and 982; 28 U.S.C. § 2461 –
Forfeiture Allegation
17) SAN FRANCISCO VENUE

17 INDICTMENT

18 The Grand Jury charges:

19 Introductory Allegations

20 At all times relevant to this Indictment:

21 1. The defendant, JAIRO TOMAS SANTOS (“SANTOS”), resided in San Mateo,
22 California and served as the office manager for a law firm (the “Victim Law Firm”) based in San
23 Francisco, California. SANTOS had been employed by the Victim Law Firm starting in or about 2001,
24 and ceased working for the Victim Law Firm in or about June 2022 but continued to have access to the
25 firm’s offices.

26 2. The Victim Law Firm maintained a checking account at Wells Fargo Bank, ending in
27 x9864 (“Wells Fargo account x9864”). The senior partner of the firm was the authorized signer for this
28 account, and SANTOS did not have authority to sign checks issued from Wells Fargo account x9864

INDICTMENT

1 without the prior permission of the senior partner.

2 3. Wells Fargo was a financial institution, as the term is defined in Title 18, United States
3 Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation.

4 4. SANTOS maintained at least two personal checking accounts at Wells Fargo Bank,
5 ending in x2253 and x8442 (“Wells Fargo account x2253” and “Wells Fargo account x8442”).

6 COUNT ONE: (18 U.S.C. § 1344(2) – Bank Fraud; 18 U.S.C. § 2 – Aiding and Abetting)

7 5. The factual allegations in Paragraphs 1 through 4 of this Indictment are re-alleged and
8 incorporated herein as if set forth in full.

9 6. Beginning no later than on or about March 9, 2016, and continuing through on or about
10 March 2023, in the Northern District of California, and elsewhere, the defendant,

11 JAIRO TOMAS SANTOS,

12 did knowingly and with the intent to defraud, execute, and attempt to execute, a scheme and
13 artifice to obtain moneys, funds, credits, assets, and other property under the custody and control of a
14 financial institution, namely, Wells Fargo Bank, by means of false and fraudulent pretenses,
15 representations, and promises.

16 The Scheme and Artifice to Defraud

17 7. In furtherance of the scheme and artifice to defraud, SANTOS used a variety of means
18 and methods, including the following:

19 8. As part of the scheme to defraud, SANTOS obtained checks from the Victim Law Firm’s
20 account at Wells Fargo, Wells Fargo account x9864. SANTOS filled out the payee line of those checks
21 as “Jairo Santos” and signed each check with the signature of the senior partner even though he was not
22 authorized to do so. SANTOS then deposited these checks into his personal checking accounts at Wells
23 Fargo, Wells Fargo account x2253 and Wells Fargo account x8442.

24 9. As part of the scheme to defraud, between in or about March 9, 2016, and in or about
25 February 2023, SANTOS deposited no less than approximately 806 unauthorized checks from the
26 Victim Law Firm made payable to SANTOS into his personal accounts at Wells Fargo, specifically, he
27 deposited the checks in Wells Fargo account x2253 and Wells Fargo account x8442. The total value of
28 these deposits in those and other accounts controlled by SANTOS was approximately \$1,191,683.

10. As part of the scheme to defraud, SANTOS made and deleted entries in the general ledger for the Victim Law Firm that concealed the fact that the payments were made for his own use.

11. SANTOS deposited the checks drawn on the Victim Law Firm account knowing that the payments were not authorized by the firm or senior partner, and were in excess of the amounts he was legitimately owed by the firm for his salary and expenses.

Execution of the Scheme

12. On or about the dates set forth in the separate counts below, in the Northern District of California and elsewhere, for the purpose of executing the scheme and artifice referred to above, and attempting to do so, the defendant,

JAIRO TOMAS SANTOS,

conducted and caused to be conducted the following financial transactions, among others, on or about the following dates, each transaction constituting a separate Count of this Indictment:

COUNT	DATE	TRANSACTION
ONE	1/14/2023	Deposit of check #13477 for \$1,872.64 drawn from Victim Law Firm's Wells Fargo account x9864 into SANTOS's Wells Fargo account x2253.
TWO	1/26/2023	Deposit of check #13475 for \$1,805.54 drawn from Victim Law Firm's Wells Fargo account x9864 into SANTOS's Wells Fargo account x2253.
THREE	1/28/2023	Deposit of check #13497 for \$1,760.18 drawn from Victim Law Firm's Wells Fargo account x9864 into SANTOS's Wells Fargo account x2253.

Each in violation of Title 18, United States Code, Section 1344(2).

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 982; 28 U.S.C. § 2461(c))

The allegations contained in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction for any of the offenses set forth in this Indictment, the defendant,

JAIRO TOMAS SANTOS,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived

1 from proceeds the defendant obtained directly and indirectly, as the result of those violations.

2 If any of the property described above, as a result of any act or omission of the defendant:

- 3 a. cannot be located upon exercise of due diligence;
- 4 b. has been transferred or sold to, or deposited with, a third party;
- 5 c. has been placed beyond the jurisdiction of the court;
- 6 d. has been substantially diminished in value; or
- 7 e. has been commingled with other property which cannot be divided without
- 8 difficulty,

9 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
10 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

11 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,
12 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

13
14 DATED: July 25, 2023

A TRUE BILL.

15
16 _____/s/
17 FOREPERSON

18 ISMAIL J. RAMSEY
19 United States Attorney

20 _____/s/
21 CHRISTIAAN H. HIGHSMITH
22 Assistant United States Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1344(2) – Bank Fraud; Petty
18 U.S.C. § 2 – Aiding and Abetting; Minor
18 U.S.C. § 981(a)(1)(C) and 982; 28 U.S.C. § 2461 – Forfeiture Allegation Misdemeanor
 Felony

PENALTY: 30 years' imprisonment; \$1,000,000 fine; 3 years supervised release; \$100 special assessment; forfeiture; restitution

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ JAIRO TOMAS SANTOS

DISTRICT COURT NUMBER
3:23-cr-00230 WHA

FILED

Jul 25 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE } SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

Name and Office of Person Furnishing Information on this form ISMAIL J. RAMSEY

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSA CHRISTIAAN HIGHSMITH

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges ▶
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction } Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: