

1 and 1956(a)(1)(B) (Count Two).

2 The elements of conspiracy to engage in honest services wire fraud in violation of 18 U.S.C.
3 § 1349 (Count One) are: (1) I agreed with one or more people to engage in a scheme or plan to deprive
4 the people of San Francisco of the honest services of San Francisco public officials, including
5 [REDACTED] and other public officials; and (2) I joined in that agreement knowing of at least one
6 of its objects and intending to help achieve it. The elements of honest services wire fraud, in violation of
7 18 U.S.C. §§ 1343 and 1346, are as follows: (1) I knowingly devised or participated in a scheme to
8 defraud the public of its right to the honest services of a public official through bribery or kickbacks in
9 breach of the official's fiduciary duty; (2) I did so knowingly and with an intent to defraud, that is, the
10 intent to deceive or cheat the public of honest services; (3) The scheme or artifice to defraud involved a
11 deception, misrepresentation, false statement, false pretense, or concealment that was material; and (4) I
12 used, or caused to be used, an interstate or foreign wire communication to carry out or attempt to carry
13 out an essential part of the scheme.

14 The elements of conspiracy to commit money laundering in violation 18 U.S.C. §§ 1956(h) and
15 1956(a)(1)(B) (Count Two) are: (1) I agreed with another to conduct or attempt to conduct a financial
16 transaction; (2) knowing that the property involved in the financial transaction represented the proceeds
17 of some form of unlawful activity; (3) which in fact involved the proceeds of specified unlawful activity
18 (namely, conspiracy to commit honest services wire fraud); and (4) I acted knowing the transaction was
19 designed in whole or part to disguise the nature, location, source, ownership, or control of the proceeds
20 of the specified unlawful activity.

21 I agree that the maximum penalties for these counts are as follows:

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|----|------------------------------------|--|
| 22 | a. Maximum prison term | 20 years per count |
| 23 | b. Maximum fine (Count 1) | \$250,000 or not more than
the greater of twice the gross gain or
twice the gross loss (18 U.S.C. §
3571) |
| 24 | | |
| 25 | c. Maximum fine (Count 2) | \$500,000 or twice the value of the
monetary instrument or funds
involved in the transaction |
| 26 | | |
| 27 | d. Restitution | |
| 28 | e. Maximum supervised release term | 3 years per count |

- 1 f. Mandatory special assessment \$100 per count
- 2 g. Potential Deportation
- 3 h. Forfeiture

4 I understand that I am pleading guilty to multiple violations and that the Court may order that my
5 sentence for each violation run consecutively.

6 I acknowledge that it is virtually certain that pleading guilty will have consequences with respect
7 to my immigration status if I am not a natural born citizen of the United States. Under federal law, a
8 broad range of crimes are removable offense, including the offense to which I am pleading guilty.
9 Removal and other immigration consequences are the subject of a separate proceeding, however, and I
10 understand that no one, including my attorney or the district court, can predict to a certainty the effect of
11 this conviction on my immigration status. I nevertheless affirm that I want to plead guilty regardless of
12 any immigration consequences that may result from my guilty plea, even if the consequence is my
13 automatic removal from the United States. I also acknowledge that there are no identical or
14 substantially similar charges to non-removable offenses to which the government would agree.

15 2. I agree that I am guilty of the offenses to which I am pleading guilty, and I agree that the
16 following facts are true:

17 [SEE EXHIBIT A FILED UNDER SEAL]

18
19 3. I agree to give up all rights that I would have if I chose to proceed to trial, including the
20 rights to a jury trial with the assistance of an attorney; to confront and cross-examine government
21 witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth
22 Amendment claims; to any further discovery from the government; and to pursue any affirmative
23 defenses and present evidence.

24 4. I agree to give up my right to appeal my conviction, including constitutional challenges
25 to the statutes of conviction. I agree to give up my right to appeal the judgment and all orders of the
26 Court. I also agree to give up my right to appeal any aspect of my sentence, including any orders relating
27 to forfeiture and/or restitution, reserving only my right to claim that my sentence violated this plea
28 agreement, applicable law, or the Constitution. I reserve my right to claim that my counsel was

1 ineffective. I understand that this waiver includes, but is not limited to, any and all constitutional or legal
2 challenges to my conviction and guilty plea, including arguments that the statutes to which I am pleading
3 guilty are unconstitutional, and any and all claims that the statement of facts provided herein is
4 insufficient to support my plea of guilty.

5 5. I agree not to file any collateral attack on my conviction or sentence, including a petition
6 under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was
7 ineffective.

8 6. I agree not to ask the Court to withdraw my guilty pleas at any time after they are
9 entered. In the event I violate any of the terms of the Agreement, I agree that the facts set forth in
10 Paragraph 2 of this Agreement and, if applicable, the fact that I made a sworn admission to them in a
11 previous court proceeding, shall be admissible against me in any subsequent proceeding, including at
12 trial. In any subsequent proceeding conducted after I violate any of the terms of the Agreement, I
13 expressly waive any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard to the
14 facts set forth in Paragraph 2 of the Agreement and, if applicable, the fact that I made a sworn admission
15 to them at a previous court proceeding.

16 7. I understand that the Court must consult the United States Sentencing Guidelines and
17 take them into account when sentencing, together with the factors set forth in 18 U.S.C. § 3553(a). I also
18 agree that the sentencing range will be calculated by the Court and that other than joining in a possible
19 government downward departure pursuant to U.S.S.G. § 5K1.1 and/or 18 U.S.C. § 3553(e), I will not ask
20 for any other adjustment to or reduction in the offense level or for a downward departure from the
21 Guidelines range as determined by the Court. I reserve my right to argue for a variance from the
22 Guidelines range determined by the Court based on 18 U.S.C. § 3553(a) factors, and I understand that the
23 government is free to oppose any such request. I further understand that regardless of the sentence that
24 the Court imposes on me, I will not be entitled, nor will I ask, to withdraw my guilty pleas.

25 8. I agree that regardless of any other provision of this Agreement, the government may and
26 will provide the Court and the Probation Office with all information relevant to the charged offense and
27 the sentencing decision, including any victim impact statements and letters from the victim(s), and/or
28 their friends and family. I agree that, based on the nature of the offense, the Court should impose the

1 following special condition of supervised release which is reasonably related to deterrence and
2 rehabilitation:

3 Special Condition (Searches)

4 The defendant shall submit his person, residence, office, vehicle, electronic
5 devices and their data (including cell phones, computers, and electronic storage
6 media), and any property under defendant's control to a search. Such a search
7 shall be conducted by a United States Probation Officer or any federal, state, or
8 local law enforcement officer at any time, with or without suspicion. Failure to
9 submit to such a search may be grounds for revocation; the defendant shall warn
10 any residents that the premises may be subject to searches.

11 9. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am
12 ordered to pay. I agree to pay the special assessment at the time of sentencing.

13 I agree to pay full restitution for all losses caused by all the schemes or offenses with which I
14 was charged in this case, and I understand that the amount of restitution will not be limited to the loss
15 attributable to the counts to which I am pleading guilty, pursuant to 18 U.S.C. § 3663(a)(3). I
16 understand that the Court will not consider my economic circumstances in determining the restitution
17 amount. I agree to pay restitution in an amount to be set by the Court at the time of sentencing.

18 Pursuant to 18 U.S.C. § 3664(j), any payments to the victim, namely the City and County of San
19 Francisco, as compensatory damages for loss caused by the conduct subject to this plea agreement, shall
20 be credited towards restitution in this case.

21 Any restitution payments shall be paid through the Office of the Clerk of the District Court by
22 bank or cashier's check or money order made payable to the "Clerk, United States District Court."
23 Further, the restitution described above shall be paid to or on behalf of the following victim: the City
24 and County of San Francisco.

25 I understand that the restitution described above creates a lien in favor of the United States on all
26 property and rights to property I may possess upon entry of judgment and continues for the later of 20
27 years from the entry of judgment or 20 years after release from imprisonment or until the debt is paid in
28 full. I further understand the government will record a notice of the lien in any county where I reside or
have property. I further understand that this order of restitution cannot be discharged in bankruptcy and
that if I default on the payment of a fine or restitution, the Court may revoke probation or a term of
supervised release, modify the terms or conditions of probation or supervised release, resentence me,

1 hold me in contempt of court, order the sale of property, enter or adjust a payment schedule, or take any
2 other action necessary to obtain compliance.

3 At least sixty days prior to sentencing, I agree to complete, under penalty of perjury, a financial
4 statement provided by the U.S. Attorney's Office and to update that statement with material changes
5 within seven days of the change. I understand that I must identify all assets and financial interests
6 valued at more than \$1,000. I further understand that these assets and financial interests include all
7 assets and financial interests in which I have an interest or in which I had an interest prior to January 1,
8 2020, direct or indirect, whether held in my own name or in the name of another, in any property, real or
9 personal.

10 I agree to surrender assets I obtained as a result of my crimes, and release funds and property
11 under my control in order to pay any fine, forfeiture, or restitution. I further agree to notify the Financial
12 Litigation Unit, United States Attorney's Office ("FLU") before transferring any interest in property
13 owned directly or indirectly by me, including any interest held or owned under any other name or entity,
14 including trusts, partnerships, and/or corporations. I also agree to notify the FLU of any interest in
15 property I may obtain, directly or indirectly, including any interest obtained under any other name, or
16 entity, including a trust, partnership, or corporation, after the execution of this Plea Agreement until the
17 fine or restitution is paid in full.

18 I agree that any fine, forfeiture, or restitution imposed by the Court against me will be due
19 immediately and subject to immediate enforcement by the government as authorized by 18 U.S.C.
20 § 3613. I further understand that the government may seek immediate collection of the entire fine,
21 forfeiture, or restitution from any assets without regard to any schedule of payments imposed by the
22 Court or established by the Probation Office and that monetary penalties imposed by the Court will be
23 submitted to the Treasury Offset Program so that any federal payment or transfer of returned property I
24 receive may be offset and applied to federal debts.

25 10. I agree to cooperate with the U.S. Attorney's Office before and after I am sentenced. My
26 cooperation will include, but will not be limited to, the following:

- 27 a. I will meet with the government when requested;
- 28 b. I will respond truthfully and completely to any and all questions put to me, whether in
interviews, before a grand jury, or at any trial or other proceeding;

- 1 c. I will provide all documents and other material asked for by the government;
- 2 d. I will testify truthfully at any grand jury, court, or other proceeding as requested by the
3 government;
- 4 e. I will surrender any and all assets acquired or obtained directly or indirectly as a result of
5 my illegal conduct as set forth in paragraph 14;
- 6 f. I will request continuances of my sentencing date, as necessary, until my cooperation is
7 completed;
- 8 g. I will participate in undercover activities under the supervision of law enforcement agents
9 or the U.S. Attorney's Office.

10 11. I agree that the government's decision whether to file a motion pursuant to U.S.S.G.
11 § 5K1.1 or 18 U.S.C. § 3553(e), as described in the government promises section below, is based on its
12 sole and exclusive decision of whether I have provided substantial assistance and that decision will be
13 binding on me. I understand that the government's decision whether to file such a motion, or the extent
14 of the departure recommended by any motion, will not depend on whether convictions are obtained in
15 any case. I also understand that the Court will not be bound by any recommendation made by the
16 government.

17 12. I agree not to commit or attempt to commit any crimes before sentence is imposed or
18 before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not
19 to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the
20 government; and not to fail to comply with any of the other promises I have made in this Agreement. I
21 agree not to have any contact with any victims or witnesses in this case, either directly or indirectly,
22 before and after I am sentenced, except as may be specifically authorized by federal law enforcement in
23 advance. This includes, but is not limited to, personal contact, telephone, mail, or electronic mail
24 contact, or any other written form of communication, and includes any harassing, annoying, or
25 intimidating conduct by me directed to any victims or witnesses. I agree that the Court may also include
26 this no-contact provision as a condition of my supervised release term. I agree that if I fail to comply
27 with any promises I have made in this Agreement, then the government will be released from all of its
28 promises in this Agreement, including those set forth in the Government's Promises Section below, but I
will not be released from my guilty plea.

I agree to abide by all of the terms of my pre-trial release pending sentencing.

1 13. If I am prosecuted after failing to comply with any promises I made in this Agreement,
2 then (a) I agree that any statements I made to any law enforcement or other government agency or in
3 Court, whether or not made pursuant to the cooperation provisions of this Agreement, may be used in
4 any way; (b) I waive any and all claims under the United States Constitution, Rule 11(f) of the Federal
5 Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal statute or
6 rule, to suppress or restrict the use of my statements, or any leads derived from those statements; and (c)
7 I waive any defense to any prosecution that it is barred by a statute of limitations, if the limitations
8 period has run between the date of this Agreement and the date I am indicted.

9 14. [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]. I admit that the Forfeiture Money Judgment
13 constitutes proceeds from my conspiracy to commit honest services wire fraud and thus is forfeitable to
14 the United States pursuant to the provisions of 18 U.S.C. § 982; 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.
15 § 2461(c) and the procedures outlined in Rule 32.2 of the Federal Rules of Criminal Procedure and 21
16 U.S.C. § 853. I admit that because of my own acts or omissions, the proceeds I originally obtained
17 cannot be located upon the exercise of due diligence or have been placed beyond the jurisdiction of the
18 Court. As such, I agree that the procedures set forth in 21 U.S.C. § 853(p)(2) are applicable.

19 I agree I will not contest any forfeiture proceeding that may be brought pursuant to this
20 Agreement. I further agree to waive all constitutional and statutory challenges in any manner (including
21 direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this
22 Agreement on any ground, including that the forfeiture constitutes an excessive fine or punishment or
23 that the forfeiture proceeding was brought in violation of any statute of limitations.

24 Before I am sentenced or within 120 days after I plead guilty, whichever occurs sooner, I agree
25 to make payment to the United States of the entire amount of the Forfeiture Money Judgment. I agree
26 that all payments I make towards the Forfeiture Money Judgment shall be made by certified or bank
27 check, payable to the "United States" and sent by overnight delivery to the Chief of the Asset Forfeiture
28 Unit, 450 Golden Gate Ave, 11th Floor, San Francisco, CA 94102, with the criminal docket number

1 noted on the face of the check. I agree to assist fully the government in effecting the payment of the
2 Forfeiture Money Judgment.

3 15. I agree that this Agreement contains all of the promises and agreements between the
4 government and me, that this Agreement supersedes all previous agreements that I had with the
5 government (including any “proffer” agreement), and I will not claim otherwise in the future. No
6 modification of this Agreement shall be effective unless it is in writing and signed by all parties.

7 16. I agree that the Agreement binds the U.S. Attorney’s Office for the Northern District of
8 California only, and does not bind any other federal, state, or local agency.

9 The Government’s Promises

10 17. The government agrees not to file any additional charges against the defendant that could
11 be filed as a result of the investigation that led to the captioned Information, so long as the defendant has
12 complied fully with this Agreement.

13 18. If, in its sole and exclusive judgment, the government decides that the defendant has
14 cooperated fully and truthfully, provided substantial assistance to law enforcement authorities within the
15 meaning of U.S.S.G. § 5K1.1, and otherwise complied fully with this Agreement, it will file with the
16 Court a motion under § 5K1.1 and/or 18 U.S.C. § 3553 that explains the nature and extent of the
17 defendant’s cooperation and recommends a downward departure.

18 The Defendant’s Affirmations

19 19. I confirm that I have had adequate time to discuss this case, the evidence, and the
20 Agreement with my attorneys and that my attorneys have provided me with all the legal advice that I
21 requested.

22 20. I confirm that while I considered signing this Agreement, and at the time I signed it, I
23 was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand
24 the Agreement.

25 21. I confirm that my decision to enter a guilty plea is made knowing the charges that have
26 been brought against me, any possible defense, and the benefits and possible detriments of proceeding to
27 trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or

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1 threatened me to enter into this Agreement.

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Dated:

[Redacted]

[Redacted]

Defendant

DAVID L. ANDERSON
United States Attorney

Dated:

[Redacted]

[Redacted]

22. I have fully explained to my client all the rights that a criminal defendant has and all the terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all the rights my client is giving up by pleading guilty, and, based on the information now known to me, my client's decision to plead guilty is knowing and voluntary.

Dated:

[Redacted]

[Redacted]

Attorneys for Defendant