

No. 2010R01108 **C11 00955LHK** HRL

**UNITED STATES DISTRICT COURT**

**FILED**  
2011 DEC 22 1 A 7 43

**NORTHERN DISTRICT OF CALIFORNIA**

THOMAS W. WELKING  
CLERK, U.S. DISTRICT COURT  
N.D. OF SAN JOSE

**SAN JOSE DIVISION**

E-filing

**THE UNITED STATES OF AMERICA**

**vs.**

LINDA GOMEZ,  
a/k/a Linda Surrectt,

**INDICTMENT**

COUNTS ONE THROUGH FOURTEEN: 18 U.S.C. § 1343 – Wire Fraud

COUNTS FIFTEEN THROUGH SEVENTEEN: 18 U.S.C. § 1341 – Mail Fraud

*A true bill.*

*Mary Elizabeth Sladek*  
Foreperson

Filed in open court this 21 day of December

A.D. 2011

*Nel*

**UNITED STATES MAGISTRATE JUDGE**

*Nathaniel M. Coombs*

Bail. \$ Summons to appear date to be determined,

Jan. 10, 2012. 9:30 am

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

FILED  
2011 DEC 22 A 7:43  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
N.D. CALIFORNIA - SAN JOSE

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

LHK

11  
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 LINDA GOMEZ,  
16 a/k/a Linda Surrectt,

17 Defendant.

CR 11 No. 00955

VIOLATIONS:

- 18 18 U.S.C. § 1343 – Wire Fraud;
- 19 18 U.S.C. § 1341 – Mail Fraud;
- 20 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. §
- 21 2461(c) – Forfeiture Allegation

22 SAN JOSE VENUE

HRL

23 INDICTMENT

24 The Grand Jury charges:

25 Introductory Allegations

26 At all time relevant to this Indictment:

27 1. Between 1987 and 2010, Linda Gomez (a/k/a “Linda Surrectt”) was a lay employee  
28 of the Sisters of the Holy Names of Jesus and Mary Catholic Convent (“the Sisters of the Holy  
Names Convent” or “Convent”) in Los Gatos, California. Gomez worked for the Sisters of the  
Holy Names Convent in various administrative capacities, including as the Director of Food  
Services and the manager of an on-site convenience store.

2. The Sisters of the Holy Names Convent was located at 200 Prospect Avenue in  
Los Gatos, California. The Catholic nuns at the Sisters of the Holy Names Convent take a vow

INDICTMENT

1 of poverty and provide services to the community as directors of religious education, eucharistic  
2 ministers, parish administrators, community organizers, and family counselors. The nuns also  
3 provide material support and other assistance to the elderly, poor, ill and underprivileged.

4 3. As part of her professional responsibilities, Gomez made purchases for the 75  
5 Catholic nuns and 60 lay employees at the Sisters of the Holy Names Convent. Gomez was  
6 authorized to make convent-related purchases such as food, equipment, and supplies. The  
7 Sisters of the Holy Names Convent provided a company Visa credit card to Gomez for the  
8 purpose of paying for convent-related expenses ("the Convent Visa Card"). Comerica and US  
9 Bank were the issuers of the Convent Visa Card. Gomez made purchases in the Northern  
10 District of California using the Convent Visa Card, her PayPal accounts, a petty cash account,  
11 and vendor accounts. When Gomez used the Convent Visa Card and her PayPal accounts to buy  
12 goods and services, wires (including authorization information from the card and the transaction  
13 details) were sent electronically in interstate commerce.

14 4. PayPal was a service that allowed one user to transfer money to another user over  
15 the Internet. A user registered for a PayPal account, then added a "financial instrument" to fund  
16 his or her account, such as a bank account or credit or debit card owned by the user. The user  
17 could employ the PayPal account to pay for goods and services purchased through Internet  
18 merchants who maintained PayPal accounts. If the user received payments through PayPal, the  
19 user could elect to withdraw the funds from PayPal to his or her personal banking account  
20 attached to his or her PayPal account, withdraw funds via a PayPal debit card or PayPal check  
21 disbursement, or use the balance of the funds in his or her PayPal account to conduct other  
22 transactions through PayPal, such as purchasing goods from other users or remitting funds.  
23 Gomez used computers in the Northern District of California to make electronic submissions to  
24 PayPal. Any electronic submission through PayPal is processed through data centers with  
25 servers located in Phoenix, Arizona, or Salt Lake City, Utah. Gomez, whose maiden name was  
26 Linda Surrect, used PayPal accounts associated with her email addresses lksurrect@sbcglobal.net  
27 and lksurrect@yahoo.com.  
28

The Scheme to Defraud

1  
2 5. Between no later than March 2008 and her resignation in May 2010, Gomez used  
3 various methods to embezzle from Sisters of the Holy Names Convent, including obtaining  
4 fraudulent reimbursements or credits for products she falsely claimed she had purchased for the  
5 Convent and its nuns.

6 a. Gomez purchased items online and had them shipped to a family  
7 member's address. The Sisters of the Holy Names Convent then paid for these purchases, which  
8 Gomez had falsely represented were for the Convent. Gomez made numerous online purchases  
9 using computers in the Northern District of California.

10 b. Gomez submitted to the Sisters of the Holy Names Convent expense  
11 reports falsely stating that she had made convent-related online purchases. As supposed proof of  
12 these purchases, Gomez attached to her expense reports a printout of the viewing page of an  
13 online shopping cart for various webpages. In reality, Gomez had not actually made the  
14 purchases for which she received payments. In several instances, Gomez canceled the purchases  
15 after printing out the copy of the viewing page of the online shopping cart. In other instances,  
16 Gomez made purchases in quantities and amounts that were significantly less than that for which  
17 she had received payments. Gomez also forged or altered vendor receipts and submitted them in  
18 support of payment for supposed purchases.

19 c. Gomez knowingly returned or canceled purchases for which she had  
20 received payment. Gomez then diverted the refunds on those purchases for her personal use,  
21 including to pay off her personal credit card.

22 d. Gomez submitted multiple copies of an expense receipt for a single  
23 purchase and subsequently obtained payments in excess of the actual purchase price.

24 6. Gomez embezzled more than \$100,000 from the Sisters of the Holy Name  
25 Convent. In addition to embezzling more than \$47,000 in cash, Gomez also fraudulently  
26 diverted more than \$53,000 of Sisters of the Holy Name Convent funds for personal expenses  
27 such as jewelry, high-end cutlery, purses, shoes, kitchen appliances, and numerous purchases on  
28 the QVC and Home Shopping Networks, knowing full well that she was not authorized to do so.

COUNTS ONE THROUGH FOURTEEN: (18 U.S.C. § 1343 – Wire Fraud)

7. The factual allegations contained in paragraphs 1 through 6 are re-alleged and by this reference incorporated as if fully set forth here.

8. On or about the dates indicated for each of Counts 1 through 14 below, in the Northern District of California and elsewhere, the defendant,

LINDA GOMEZ,  
a/k/a Linda Surrett,

having devised and intending to devise a scheme and artifice (A) to defraud as to a material matter, and (B) to obtain money by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did knowingly cause to be transmitted in interstate commerce by a wire communication certain writings, signs, signals, and pictures, namely, the wire transfers of funds described below:

COUNT	DATE	WIRE TRANSFER
1	12/16/2007	Internet Electronic Submission to www.drugstore.com of Order #03138346268100
2	12/16/2007	Internet Electronic Submission from Gomez to www.drugstore.com of Order #03138345372500
3	3/31/2008	PayPal transfer of \$520.07 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"
4	4/2/2008	PayPal transfer of \$754.72 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"
5	4/30/2008	PayPal transfer of \$925.65 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"
6	1/22/2009	Internet Electronic Submission from Gomez to www.drugstore.com of Order #03168586544100
7	1/22/2009	PayPal transfer of \$695.35 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"
8	10/13/2009	PayPal transfer of \$622.05 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"

INDICTMENT

9	11/21/2009	Internet Electronic Submission from Gomez to www.drugstore.com of Order #03192176201100
10	11/21/2009	PayPal transfer of \$959.40 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"
11	3/21/2010	Internet Electronic Submission from Gomez to www.drugstore.com of Order #03201573352100
12	3/21/2010	PayPal transfer of \$675.86 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"
13	4/4/2010	Internet Electronic Submission from Gomez to www.drugstore.com of Order #03202674292100
14	4/4/2010	PayPal transfer of \$854.55 from "lksurrett@yahoo.com" to "lksurrett@sbcglobal.net"

All in violation of Title 18, United States Code, Section 1343.

COUNTS FIFTEEN THROUGH SEVENTEEN: (18 U.S.C. § 1341 – Mail Fraud)

9. The factual allegations contained in paragraphs 1 through 6 are re-alleged and by this reference incorporated as if fully set forth here.

10. On or about the dates indicated for each of Counts 15 through 17 below, in the Northern District of California and elsewhere, the defendant,

LINDA GOMEZ,  
a/k/a Linda Surrett,

having devised and intending to devise a scheme and artifice (A) to defraud as to a material matter, and (B) to obtain money by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did knowingly cause the matters described below to be mailed and delivered via interstate carrier:

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INDICTMENT

COUNT	DATE	ITEM MAILED	SENT FROM	SENT TO
15	12/18/07	www.drugstore.com Products Shipped via United Parcel Service	New Jersey	Arizona
16	12/18/07	www.drugstore.com Products Shipped via United Parcel Service	New Jersey	California
17	12/19/07	www.drugstore.com Products Shipped via United Parcel Service	New Jersey	California

All in violation of Title 18, United States Code, Section 1341.

FORFEITURE ALLEGATION (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –  
Forfeiture of Proceeds of Specified Unlawful Activity)

11. The allegations set forth in paragraphs 1 through 10, and in each of Counts 1 through 17, wire fraud and mail fraud are realleged and incorporated as if fully set forth here 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 offense alleged in Counts 1 through 17, for wire fraud and mail fraud, the defendant,

LINDA GOMEZ,  
a/k/a Linda Surrett,

shall forfeit to the United States all property, constituting and derived from proceeds traceable to said offense, including, but not limited to: a sum of money equal to the gross proceeds obtained as a result of the offense.

12. If any of said property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be subdivided without difficulty;

1 any and all interest defendant has in other property shall be vested in the United States and  
2 forfeited to the United States pursuant to Title 21, United States Code, Section 853(p), as  
3 incorporated by Title 28, United States Code, Section 2461(c) and Rule 32.2 of the Federal Rules  
4 of Criminal Procedure.

5 DATED: *December 21, 2011*

6 A TRUE BILL

7  
8 *Mary Elizabeth Sladek*  
9 FOREPERSON

10  
11 MELINDA HAAG  
12 United States Attorney

13 *Amber Rosen*  
14 AMBER ROSEN  
15 Deputy Chief, San Jose Branch Office

16 (Approved as to form: *Joseph Fazioli*)  
17 AUSA JOSEPH FAZIOLI



AO 257 (Rev. 8/78)

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

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

COUNTS 1-14: 18 U.S.C. § 1343 - Wire Fraud  Petty  
COUNTS 15-17: 18 U.S.C. § 1341 - Mail Fraud  Minor  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) - Forfeiture of Proceeds of Specified Unlawful Activity  Misdemeanor  
PENALTY: 20 years imprisonment  Felony  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

FILED  
Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
2011 DEC 22 SAN JOSE DIVISION

DEFENDANT - U.S. **LHk**  
LINDA GOMEZ  
a/k/a Linda Surratt  
DISTRICT COURT NUMBER  
**CR 11 00955**

**PROCEEDING**

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

Special Agent Tametria Lee - 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 MELINDA HAAG  
 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) JOSEPH FAZIOLI

**DEFENDANT** **HRL**  
**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 Bail Amount: \_\_\_\_\_

If Summons, complete following:  
 Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

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

Date/Time: 1/10/2012 at 9:30 am Before Judge: PAUL S. GREWAL

Comments: Agent will serve summons