

**FILED**

May 31 2023

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CRIMINAL COVER SHEET**

**Instructions:** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. Antonietta Nguyen

CASE NUMBER:

CR 23-155 SI

Is This Case Under Seal?

Yes  No

Total Number of Defendants:

1  2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF  OAK SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

Assigned AUSA

(Lead Attorney): Sailaja M. Paidipaty

Date Submitted: 5/30/2023

Comments:

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO  
CR23-155 SI

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UNITED STATES OF AMERICA,

V.

ANTONIETTA NGUYEN

DEFENDANT(S).

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**FILED**

May 30, 2023

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

## INDICTMENT

18 U.S.C. § 1343 – Wire Fraud;  
18 U.S.C. § 2 – Aiding and Abetting  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

\_\_\_\_\_  
A true bill.

\_\_\_\_\_  
/s/ Foreperson of the Grand Jury

\_\_\_\_\_  
Foreman

\_\_\_\_\_  
Filed in open court this 30th day of

\_\_\_\_\_  
May, 2023.

\_\_\_\_\_  
*Clara Kabilias*  
Clerk

\_\_\_\_\_  
Bail, \$ No Bail, Arrest Warrant

**FILED**

**May 30, 2023**

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

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

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

11 UNITED STATES OF AMERICA, ) CASE NO. CR23-155 SI  
12 Plaintiff, )  
13 v. ) VIOLATIONS:  
14 ANTONIETTA NGUYEN. ) 18 U.S.C. § 1343 – Wire Fraud;  
15 Defendant. ) 18 U.S.C. § 2 – Aiding and Abetting;  
16 ) 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –  
17 ) Forfeiture Allegation  
18 ) SAN FRANCISCO VENUE  
19 )  
20 )

18 INDICTMENT

19 The Grand Jury charges:

20 Introductory Allegations

21 At all times relevant to this Indictment:

- 22 1. Defendant ANTONIETTA NGUYEN resided in the Northern District of California.  
23 2. ABS Seafood (the “Company”) is a privately owned seafood wholesaler and importer  
24 headquartered in San Francisco, California. NGUYEN was a minority shareholder in the Company and  
25 served as Chief Financial Officer (CFO) and Secretary until her termination in 2020. As CFO, her  
26 responsibilities included, but were not limited to, maintaining the Company’s accounting records, which  
27 were done through Quickbooks software, preparing financial reports, applying for and maintaining the  
28 company’s corporate credit cards, applying for lines of credit, and working with the Company’s tax

INDICTMENT

1 preparers to timely file and pay business taxes.

2 3. According to the Company’s bylaws, “The chief financial officer shall keep and  
3 maintain, or cause to be kept and maintained, adequate and correct books and records of account. The  
4 chief financial officer shall cause all money and other valuables in the name and to the credit of the  
5 corporation to be deposited at the depositories designated by the board of directors or any person  
6 authorized by the board of directors to designate such depositories. He shall render to the chief  
7 executive officer and board of directors, when either of them request it, an account of his transactions as  
8 chief financial officer and of the financial condition of the corporation; and shall have any other powers  
9 and perform any other duties that are prescribed by the board of directors or the bylaws or the chief  
10 executive officer.”

11 4. The Company maintained a deposit account, ending in -9324, at Cathay Bank (Company  
12 Bank Account”). NGUYEN was an authorized signatory on the account with the authority to write  
13 checks, initiate transfers, and manage the account on behalf of the Company.

14 5. NGUYEN controlled a J.P. Morgan Chase corporate credit card, ending in -8052  
15 (“NGUYEN Company Chase Card”). NGUYEN was an authorized person on the account with the  
16 authority to manage the account on behalf of the Company

17 6. NGUYEN maintained a personal J.P. Morgan Chase credit card, ending in -2913, -8501,  
18 -5021, and -3128 depending on the specific period of time (“NGUYEN Personal Chase Card”).

19 7. During the relevant time period, J.P. Morgan Chase processed electronic payments  
20 related to NGUYEN Company Card and Nguyen Personal Card through servers located outside the state  
21 of California.

22 8. NGUYEN maintained a personal deposit account at Wells Fargo Bank, ending in -8314.

23 9. NGUYEN maintained two personal Wells Fargo credit cards, ending in -0841 and -0460,  
24 respectively.

25 10. During the relevant time period, Wells Fargo Bank processed electronic payments related  
26 to NGUYEN Personal Bank Account through servers located outside the state of California.

27 The Scheme to Defraud

28 11. From approximately January 2014, up to and including approximately May 2020, in the

1 Northern District of California and elsewhere, NGUYEN knowingly devised and executed a material  
2 scheme to defraud her employer, by means of materially false and fraudulent pretenses, representations,  
3 and promises, and by omission and concealment of material facts with a duty to disclose, for the purpose  
4 of obtaining money and property belonging to her employers, as described below.

5 12. NGUYEN embezzled approximately \$2.7 million of Company funds over the course of  
6 at least six and a half years. NGUYEN used funds from the Company Bank Account to pay for millions  
7 of dollars of expenses on her personal credit cards. She also charged personal expenses to her corporate  
8 credit card, which were then paid for by the Company.

9 13. First, as part of the scheme to defraud, during the course of her employment, NGUYEN  
10 misappropriated approximately \$2.6 million in Company funds by using the Company Bank Account to  
11 pay for expenditures charged to her personal credit cards, NGUYEN Personal Chase Card. Charges  
12 included personal travel, purchases of luxury goods from Louis Vuitton, Hermes, Goyard, Chanel, and  
13 Neiman Marcus, payment of state property taxes on NGUYEN'S personal residence, and college tuition  
14 fees for a relative. Between January 2014 and May 2020, all payments for expenses on NGUYEN  
15 Personal Chase Card were made from the Company Bank Account.

16 14. NGUYEN also paid for personal expenses charged to two other personal credit cards at  
17 Wells Fargo with Company funds. Between approximately January 2014 and August 2015, NGUYEN  
18 wrote checks, drawn on the Company Bank Account, directly to Wells Fargo Bank or Wells Fargo Card  
19 Services to pay the balance on these cards.

20 15. Second, NGUYEN misappropriated approximately \$150,000 in Company funds by using  
21 the Company Bank Account to pay for personal expenditures charged to her corporate credit card  
22 (NGUYEN Company Chase Card). Expenses included personal travel and the purchase of luxury  
23 goods.

24 16. NGUYEN did not disclose her personal expenses to the Company, nor did she provide  
25 the Company with any reimbursement. To conceal her fraud and enable it to continue, NGUYEN  
26 booked false entries into the Company's accounting software. She provided falsified financial reports to  
27 the Company's other shareholders and to tax preparers and auditors who prepared the Company's annual  
28 financial statements and tax returns.

1 COUNTS ONE THROUGH FIVE: (18 U.S.C. §§ 1343 and 2 – Wire Fraud)

2 17. Paragraphs 1 through 16 of this Indictment are re-alleged and incorporated as if fully set  
3 forth here.

4 18. Beginning no later than in or about January 2014, and continuing through in or about  
5 May 2020, in the Northern District of California and elsewhere, the defendant,

6 ANTONIETTA NGUYEN,

7 knowingly and with the intent to defraud participated in, devised, and intended to devise a scheme and  
8 artifice to defraud as to a material matter, and to obtain money and property by means of materially false  
9 and fraudulent pretenses, representations, and promises, and by means of omission and concealment of  
10 material facts, and for the purpose of executing the scheme and artifice to defraud and attempting to do  
11 so, the defendant did knowingly transmit and cause to be transmitted in interstate and foreign commerce,  
12 by means of wire communication, writings, signs, signals, pictures, and sounds, specifically the  
13 following transmissions on or about the dates set forth below, each transmission being a separate count  
14 of the Indictment:

COUNT	DATE	AMOUNT	DESCRIPTION
1	11/16/2018	\$27,041.89	Electronic Payment of NGUYEN Personal Chase Card ending in -5021, which included charges for property taxes on NGUYEN'S personal residence
2	3/2/2019	\$36,600.35	Electronic Payment of NGUYEN Personal Chase Card ending in -3128, which included charges for purchases at Hermes Las Vegas
3	2/18/2020	\$18,876.50	Electronic payment of NGUYEN Personal Chase Card ending in -3128, which included charges for tuition fees for a relative
4	6/28/2018	\$22,594.89	Electronic Payment of NGUYEN Corporate Card ending in -8052, which included charges for purchases at Louis Vuitton Paris
5	1/11/2019	\$56,734.30	Electronic Payment of NGUYEN Corporate Card ending in -8052, which included charges for purchases at Hermes Paris and lodging in Paris

25 All in violation of Title 18, United States Code, Sections 1343 and 2.

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

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

1 28, United States Code, Section 2461(c).

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

3 ANTONIETTA NGUYEN,

4 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and  
5 Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived  
6 from proceeds the defendant obtained directly and indirectly, as the result of those violations, including  
7 but not limited to a forfeiture money judgment.

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

- 9 a. cannot be located upon exercise of due diligence;
- 10 b. has been transferred or sold to, or deposited with, a third party;
- 11 c. has been placed beyond the jurisdiction of the court;
- 12 d. has been substantially diminished in value; or
- 13 e. has been commingled with other property which cannot be divided without  
14 difficulty,

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

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

19  
20 DATED: May 30, 2023

A TRUE BILL.

21  
22     /s/ Foreperson      
23 FOREPERSON

24 ISMAIL J. RAMSEY  
25 United States Attorney

26     /s/ Sailaja M. Paidipaty      
27 SAILAJA M. PAIDIPATY  
28 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. § 1343 – Wire Fraud;  
18 U.S.C. § 2 – Aiding and Abetting

- Petty
- Minor
- Misdemeanor
- Felony

**PENALTY:** Maximum term of imprisonment: 20 years  
Maximum term of supervised release: 3 years  
Maximum fine: \$250,000  
Mandatory \$100 special assessment  
Forfeiture and Restitution

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

NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**FILED**

May 30, 2023

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

**DEFENDANT - U.S.**

▶ ANTONIETTA NGUYEN

DISTRICT COURT NUMBER

CR23-155 SI

**PROCEEDING**

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

FBI (Special Agent Michael Tomeno)

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) Sailaja M. Paidipaty

**DEFENDANT**

**IS NOT IN CUSTODY**

- 1)  Has not been arrested, pending outcome this proceeding. 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: No Bail

If Summons, complete following:

Arraignment  Initial Appearance

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

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: