



Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 27A

MEETING DATE: August 21, 2024

SUBJECT: Felony Forfeiture Review—CHAO, Seng

SUBMITTED FOR: ___ Consent X Deliberation and Action ___ Receive and File

RECOMMENDATION

Based on the factual evidence obtained and presented in this Felony Forfeiture matter regarding Seng Chao (hereinafter “Member”), Staff recommends that the Retirement Board:

- (1) Find that Member was convicted of a felony for conduct arising out of or in the performance of her official duties as a Victim Witness Claims Assistant;
- (2) Find that the felony for which Member was convicted was first committed on June 17, 2019;
- (3) Find that the “forfeiture date” pursuant to Government Code Section 7522.72 is April 27, 2023;
- (4) Enforce the felony forfeiture statutes against Member’s retirement benefits and reduce Member’s retirement benefit effective August 1, 2024.

BACKGROUND

Member began her employment with the County of Sacramento (“County”) on July 8, 1996. She worked as a Victim Witness Claims Assistant for the District Attorney’s Office accruing more than 25 years of Miscellaneous Tier 3 service in the Sacramento County Employees’ Retirement System (SCERS). Member resigned from her position with the County on November 19, 2021.

On November 21, 2021, Member was arrested and charged with 12 criminal counts of felony embezzlement (Penal Code Section 508). The underlying Felony Complaint alleged that on 12 separate occasions between 2018 and 2020, in her capacity as an agent of the California Victim Compensation Board (by virtue of her employment in the District Attorney’s Office), Member intentionally and fraudulently appropriated funds belonging to the Board for her own use. On April 27, 2023, Member entered a *nolo contendere* plea to Count Three in the underlying Felony Complaint. On November 3, 2023, Member was sentenced to jail time and probation, and the remaining 11 counts were dismissed.

Staff learned about the Member's felony conviction in February 2024, following her retirement on October 16, 2023. Pursuant to California's felony forfeiture statutes (California Government Code Sections 7522.70-7522.74), SCERS Felony Forfeiture Policy ("Policy") directs Staff to investigate whether a Member's felony conviction arose out of or in the performance of the Member's official job duties, then present a recommendation concerning forfeiture to the Board. As part of its investigation, Staff consulted with outside counsel and reviewed various records and reports, including, but not limited to, the felony complaint submitted in *The People of the State of California v. Seng Chao*, Sacramento County Superior Court Case No. 21FE018604, the Report and Recommendation of the Probation Officer, and the Court Docket.

Pursuant to the Policy, Member has been provided notice that this recommendation is being presented to the Board.

SUMMARY OF ANALYSIS

To fall within the scope of the forfeiture statutes, a public employee must be convicted of a felony for conduct arising: (i) out of or in the performance of his or her official duties; (ii) in pursuit of the office or appointment; or (iii) in connection with obtaining salary, disability retirement, service retirement, or other benefits. (See Gov. Code §7522.72(b)(1).) In the event of such a conviction, Section 7522.72(c) requires the forfeiture of all rights and benefits earned or accrued by the public employee from the earliest date of the commission of the felony to the date of her conviction.

Here, Member pled *nolo contendere*, or no contest, to a single count of felony embezzlement. (In California, the general rule is that a no contest plea is considered a felony conviction.) The count alleged that, on June 17, 2019, while an agent of the California Victim Compensation Board, Member fraudulently appropriated, *i.e.*, embezzled, money from a public fund created to compensate crime victims for her personal use. Member was an agent of the fund and had access to the fund's claims process due to her position with the Sacramento County District Attorney's Office. Thus, the job-related nature of Member's felony conviction is evident on these facts as it was through her position as a County employee that Member had access to and fraudulently submitted claims and received payment on those claims for her own benefit.

Member's no contest plea applied to only one of the 12 counts in the Felony Complaint: Count Three, embezzlement of \$7,500.00 on June 17, 2019. Therefore, the earliest date of the commission of the felony for which Member was convicted that arose out of her employment by the County was June 17, 2019. She must forfeit all rights and benefits earned or accrued from that date to the forfeiture date, defined in the forfeiture statutes as the date of conviction. Member's conviction in this matter was established on the date of her no contest plea, which was entered on April 27, 2023. Accordingly, she must forfeit all rights and benefits earned or accrued from June 17, 2019, to April 27, 2023.

CONCLUSION

On May 14, 2024, SCERS notified Member of Staff's recommendation that would be presented to the Board of Retirement on August 21, 2024. The notification explained that the recommended forfeiture would result in a reduction of her monthly benefit from \$1,929.31 to \$1,639.93 effective

as of the August 2024 payment, upon approval of the Board. Additionally, after applying the \$2,774.77 of benefit overpayments against the returned forfeiture contributions totaling \$16,104.54, Member is due a refund of contributions in the amount of \$13,329.77.

ATTACHMENTS

- Board Order
- Notice of Benefit Forfeiture and Hearing Letter
- Felony Complaint
- Probation Report and Recommendation
- Case Information History

Prepared by:

/s/

Keith Riddle
Chief Benefits Officer

Reviewed by:

/s/

Eric Stern
Chief Executive Officer



Retirement Board Order

Sacramento County Employees' Retirement System

Before the Board of Retirement
August 21, 2024

AGENDA ITEM:

Felony Forfeiture Review—CHAO, Seng

THE BOARD OF RETIREMENT hereby accepts the recommendation of staff to exercise and enforce the felony forfeiture statutes against Seng Chao ("Member"), a former Victim Witness Claims Assistant who previously worked for the Sacramento County District Attorney's Office as follows:

1. Member was convicted of a felony for conduct arising out of or in the performance of her official duties with the Sacramento County District Attorney's Office;
2. The felony for which Member was convicted was first committed on June 17, 2019;
3. The "forfeiture date" pursuant to Government Code Section 7522.72 is April 27, 2023;
4. Reduce Member's retirement benefit effective August 1, 2024.

I HEREBY CERTIFY that the above order was passed and adopted on August 21, 2024 by the following vote of the Board of Retirement, to wit:

AYES:

NOES:

ABSENT:



Retirement Board Order

Sacramento County Employees' Retirement System

ABSTAIN:

ALTERNATES:
(Present but not voting)

Board President

Eric Stern
Chief Executive Officer and
Board Secretary



Eric Stern, Chief Executive Officer
Margo Allen, Chief Operations Officer
Steve Davis, Chief Investment Officer
Keith Riddle, Chief Benefits Officer
Timothy Taylor, Chief Technology Officer
Jason Morrish, General Counsel

May 14, 2024

Seng Chao
3108 Ashley Way
Sacramento, CA 95833

Re: Notice of Benefit Forfeiture and Hearing

Dear Ms. Chao,

SCERS recently learned that you were convicted of a felony (Embezzlement) in the County of Sacramento Superior Court of California. Staff has determined that your felony conviction did arise out of or in connection with your official duties as a public employee and that forfeiture of your accrued rights and benefits in SCERS is warranted under California's felony forfeiture statute, Government Code section 7522.72. Specifically, staff has determined:

- The felony of which you were convicted was for conduct arising out of or in the performance of your official duties;
- The felony of which you were convicted was first committed on June 24, 2018;
- The "forfeiture date" pursuant to Section 7522.72 is June 17, 2019;
- An adjustment to your monthly benefits is required;
- Based on the above dates, benefits have been overpaid to you;
- Contributions are to be refunded to you as of the date of felony commission.

In consideration of all adjustments, your monthly allowance will be reduced to \$1,639.93 per month effective August 1, 2024. You are due a refund in the amount of (\$13,329.77) after applying returned forfeiture contributions against benefit overpayments made by SCERS. Please see Attachment B for a detailed description of these adjustments.

A refund of contributions is a reportable event for the year in which the distribution is made and will be reflected in your Form 1099-R accordingly. Consistent with Internal Revenue Service (IRS) and SCERS' tax counsel guidance, SCERS will not issue amended 1099-R forms for prior tax years. Please contact the IRS, California Franchise Tax Board, or consult your tax professional for any tax-related questions.

SCERS staff intends to present the recommendation to the Board of Retirement at its meeting scheduled on August 21, 2024, at 1:00 P.M. The Board meeting will convene at the SCERS office, which is located in Sacramento at 980 9th Street, Suite 1900. Although you are not required to attend this meeting, you may arrange to do so by checking in at the reception area no later than fifteen minutes before the scheduled start time.

Page 1 of 2
May 14, 2024

At the Board meeting, you will have the opportunity to object to Staff's determination and present your arguments to the Board. Per SCERS' Felony Forfeiture Policy: "Both the member and SCERS Staff shall have the opportunity to submit to the Board written evidence, to include written sworn testimony, and oral arguments relevant to the matters under consideration. All written submissions shall be delivered to the Board and the other party at least fourteen (14) days before the date of the Board meeting. At the time of the Board meeting, the member and SCERS Staff may present written evidence and oral arguments. The member may be represented by counsel." After the presentation, the Board will take one of the actions described in paragraph 6.c of the Policy.

I may be reached by phone at (916) 875-2744 or email at kriddle@saccounty.gov. Please contact me at least 14 days in advance of the Board meeting to inform us whether you and/or your attorney plan to attend, and if so, the nature of the presentation you intend to make to the Board. This will allow staff to prepare the appropriate equipment, allotment of time, etc. so that the Board meeting can proceed efficiently.

Respectfully,

Keith Riddle

Keith Riddle
Chief Benefits Officer

Cc: Nossaman LLP

Enclosures: Attachment A, Felony Forfeiture Policy
Attachment B, Reconciliation of Felony Forfeiture

1
2 ANNE MARIE SCHUBERT
3 DISTRICT ATTORNEY
4 901 G STREET
5 SACRAMENTO, CA 95814
6 (916) 874-6218

DA-21-00099
T. PECORARO, DDA
XRef: 3320543

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SACRAMENTO**

10
11 THE PEOPLE OF THE STATE OF CALIFORNIA,

FELONY COMPLAINT

12
13 vs.

14
15 SENG CHAO,

16 Defendant.
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18 The People of the State of California upon oath of the undersigned, upon information and belief
19 complain against the defendant above named for the crime(s) as follows:
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21
22 **COUNT ONE**

23 On or about July 24, 2018, at and in the County of Sacramento, State of California, the
24 defendant, Seng Chao, did commit a felony, namely: a violation of Section 508 of the Penal Code
25 of the State of California, in that said defendant did while a clerk, agent and servant of
26 CALIFORNIA VICTIM COMPENSATION BOARD, fraudulently appropriated to her own use,
27 and secreted with a fraudulent intent to appropriate to her own use, property of CALIFORNIA
28 VICTIM COMPENSATION BOARD, which had come into her control and care by virtue of her
29 employment as such clerk, agent and servant, to wit, Warrant # 69-351077 (\$7500.00).
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3 **COUNT TWO**

4 For a further and separate cause of action, being a different offense from but connected in its
5 commission as the charges set forth in Count One hereof: On or about December 3, 2018, at and
6 in the County of Sacramento, State of California, the defendant, Seng Chao, did commit a felony,
7 namely: a violation of Section 508 of the Penal Code of the State of California, in that said
8 defendant did while a clerk, agent and servant of CALIFORNIA VICTIM COMPENSATION
9 BOARD, fraudulently appropriated to her own use, and secreted with a fraudulent intent to
10 appropriate to her own use, property of CALIFORNIA VICTIM COMPENSATION BOARD,
11 which had come into her control and care by virtue of her employment as such clerk, agent and
12 servant, to wit, Warrant # 60-216882 (\$7500.00).
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15 **COUNT THREE**

16 For a further and separate cause of action, being a different offense from but connected in its
17 commission as the charges set forth in Counts One and Two hereof: On or about June 17, 2019,
18 at and in the County of Sacramento, State of California, the defendant, Seng Chao, did commit a
19 felony, namely: a violation of Section 508 of the Penal Code of the State of California, in that
20 said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
21 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
22 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
23 COMPENSATION BOARD, which had come into her control and care by virtue of her
24 employment as such clerk, agent and servant, to wit, Warrant # 61-714214 (\$7500.00).
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28 **COUNT FOUR**

29 For a further and separate cause of action, being a different offense from but connected in its
30 commission as the charges set forth in Counts One through Three hereof: On or about June 17,
31 2019, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
32 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
33 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
34 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
35 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
36 COMPENSATION BOARD, which had come into her control and care by virtue of her
37 employment as such clerk, agent and servant, to wit, Warrant # 61-714215 (\$7500.00).
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4 **COUNT FIVE**

5 For a further and separate cause of action, being a different offense from but connected in its
6 commission as the charges set forth in Counts One through Four hereof: On or about October 15,
7 2019, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
8 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
9 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
10 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
11 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
12 COMPENSATION BOARD, which had come into her control and care by virtue of her
13 employment as such clerk, agent and servant, to wit, Warrant # 62-702745 (\$7500.00).
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16 **COUNT SIX**

17 For a further and separate cause of action, being a different offense from but connected in its
18 commission as the charges set forth in Counts One through Five hereof: On or about October 15,
19 2019, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
20 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
21 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
22 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
23 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
24 COMPENSATION BOARD, which had come into her control and care by virtue of her
25 employment as such clerk, agent and servant, to wit, Warrant # 62-702746 (\$3000.00).
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28 **COUNT SEVEN**

29 For a further and separate cause of action, being a different offense from but connected in its
30 commission as the charges set forth in Counts One through Six hereof: On or about November
31 14, 2019, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
32 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
33 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
34 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
35 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
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1 COMPENSATION BOARD, which had come into her control and care by virtue of her
2 employment as such clerk, agent and servant, to wit, Warrant # 62-967032 (\$6223.57).

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6 **COUNT EIGHT**

7 For a further and separate cause of action, being a different offense from but connected in its
8 commission as the charges set forth in Counts One through Seven hereof: On or about November
9 18, 2019, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
10 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
11 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
12 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
13 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
14 COMPENSATION BOARD, which had come into her control and care by virtue of her
15 employment as such clerk, agent and servant, to wit, Warrant # 62-989480 (\$3000.00).
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19 **COUNT NINE**

20 For a further and separate cause of action, being a different offense from but connected in its
21 commission as the charges set forth in Counts One through Eight hereof: On or about July 23,
22 2020, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
23 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
24 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
25 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
26 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
27 COMPENSATION BOARD, which had come into her control and care by virtue of her
28 employment as such clerk, agent and servant, to wit, Warrant # 64-748165 (\$7500.00).
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31 **COUNT TEN**

32 For a further and separate cause of action, being a different offense from but connected in its
33 commission as the charges set forth in Counts One through Nine hereof: On or about September
34 17, 2020, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
35 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
36 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
37 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
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1 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
2 COMPENSATION BOARD, which had come into her control and care by virtue of her
3 employment as such clerk, agent and servant, to wit, Warrant # 65-139650 (\$7500.00).
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8 **COUNT ELEVEN**

9 For a further and separate cause of action, being a different offense from but connected in its
10 commission as the charges set forth in Counts One through Ten hereof: On or about October 15,
11 2020, at and in the County of Sacramento, State of California, the defendant, Seng Chao, did
12 commit a felony, namely: a violation of Section 508 of the Penal Code of the State of California,
13 in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
14 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
15 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
16 COMPENSATION BOARD, which had come into her control and care by virtue of her
17 employment as such clerk, agent and servant, to wit, Warrant # 65-335889 (\$7500.00).
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20 **COUNT TWELVE**

21 For a further and separate cause of action, being a different offense from but connected in its
22 commission as the charges set forth in Counts One through Eleven hereof: On or about
23 December 28, 2020, at and in the County of Sacramento, State of California, the defendant, Seng
24 Chao, did commit a felony, namely: a violation of Section 508 of the Penal Code of the State of
25 California, in that said defendant did while a clerk, agent and servant of CALIFORNIA VICTIM
26 COMPENSATION BOARD, fraudulently appropriated to her own use, and secreted with a
27 fraudulent intent to appropriate to her own use, property of CALIFORNIA VICTIM
28 COMPENSATION BOARD, which had come into her control and care by virtue of her
29 employment as such clerk, agent and servant, to wit, Warrant # 65-848378 (\$7500.00).
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32 That attached hereto and by this reference incorporated herein is a declaration setting forth facts
33 in support of probable cause for the issuance of a warrant of arrest herein.
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I declare upon information and belief and under penalty of perjury that the foregoing is true and correct.

Executed in Roseville, California, the 5th day of November, 2021.

TRACY PECORARO
SACRAMENTO COUNTY DISTRICT ATTORNEY
(916) 543-8000
Telephone Number

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HOLDING ORDER

_____ It appearing to me that the offense(s) in the within complaint has/have been committed,
and that there is sufficient cause to believe that the defendant, Seng Chao, is guilty
thereof,

_____ The defendant, Seng Chao, having waived preliminary hearing to the offense(s) set forth
in this complaint,

Exceptions/Additions/Conditions: _____

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior
Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: _____ Dept: _____

Judge of the Superior Court Sitting as Magistrate

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2 DECLARATION IN SUPPORT OF ARREST WARRANT

3 (Made under 2015.5 CCP)
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5 The undersigned hereby declares:

6 That your declarant is currently employed as a Deputy District Attorney for the County of
7 Sacramento, State of California.

8 That pursuant to said employment, your declarant has been assigned to investigate
9 allegations that the defendant, Seng Chao, did commit the crime(s) as set forth in the attached
10 complaint.

11 That pursuant to said assignment, your declarant has contacted person(s) having
12 knowledge of said offense(s) and who has/have prepared written reports and/or statements,
13 and/or has received and read written reports and/or statements prepared by others known by your
14 declarant to be law enforcement officers, all of which reports and/or statements are included in a
15 report consisting of 12 page(s), which is attached hereto as Exhibit I and incorporated by
16 references as though fully set forth.

17 That each of these documents is presently an official record of a law enforcement agency.

18 WHEREFORE, your declarant prays that a warrant issue for the arrest of the
19 hereinabove-named defendant and that said defendant be dealt with according to law.
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21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on the 5th day of November, 2021, in Roseville, California.
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26 _____
27 TRACY PECORARO

28 Declarant

29 901 G Street,

30 Sacramento, California 95814

31 Sacramento County District Attorney
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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

**The People of the State
of California
vs.**

SENG CHAO

Defendant.

Department : 62
Court Number : 21FE018604
Referral Court/Date : (62) 4/27/2023
J&S Date/Time : 7/20/2023 / 8:30 a.m.
Probation Number : A-537,734
C.I.I. Number : None
D.L. Number/Status : A8130501 / Valid
CJIS XREF No. : 3320543
Custody Status : Not In Custody
296 PC : Completed
District Attorney : T. Pecoraro
Defense Attorney : D. Weiner (Pvt.)

PURSUANT TO STATUTE AND DIRECTION OF THIS COURT, THE PROBATION OFFICER RESPECTFULLY SUBMITS THIS REPORT AND RECOMMENDATION.

Plea & Conditions:

Pled Nolo Contendere: Count 3, 508 P.C.

Pending Dismissal with Harvey Waivers at J&S: Counts 1 & 2 and Counts 4-12, 508 P.C. (Per District Attorney)

Promise: Three (3) years Formal Probation, 270 days County Jail

Date Committed: 6/17/2019

Date Arrested: None

Age: 49 **DOB:** [REDACTED] **Gender:** Female **Race:** Other

Address: [REDACTED]

Phone: [REDACTED] **Marital Status:** Married

Children & Ages: [REDACTED] **Persons Supported:** 2

Occupation: Claims Assistant **Employer:** [REDACTED]

Income: [REDACTED] **Source of Income:** Employment

Military Service: None

Years of Education: 12 **H.S. Graduate:** Yes **Degrees:** None

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

Facts of Offense:

The following information was derived from Sacramento County District Attorney's Office case documents obtained from the Placer County District Attorney's Office.

On 05/19/2021, a fraud investigation was initiated regarding a Sacramento County District Attorney Office employee, who was later identified as the defendant. The defendant was employed with the Sacramento County District Attorney's Office as a Leads Claim Processor for the California Victim Compensation Board (CalVCB). The fraud was first discovered on 5/13/2021, when a Golden 1 Credit Union employee contacted CalVCB to verify if funds had been re-deposited before Golden 1 Credit Union released funds to their client's account. CalVCB discovered the Golden 1 Credit Union client was the defendant and the original CalVCB check for \$7,500, was made payable to "Chio Saechao", which also included the defendant's home address. CalVCB became aware of other discrepancies which launched further investigation into the matter.

Through investigation, CalVCB discovered the defendant inappropriately filed numerous claims for compensation on her own behalf and/or on behalf of family members (real or fabricated) between the dates of 6/24/2018 and 12/28/2020. The fraudulent claims filed amounted to a total of \$79,723.57 of CalVCB funds disbursed to the defendant. Subsequently, on 11/8/2021, a warrant for the defendant was issued and on 11/21/2021, the defendant was booked into Placer County Jail.

Personal History:

During the probation interview conducted on 5/17/2023, the defendant stated she is married and has three adult children. She currently works full-time as a Worker's Compensation Claims Assistant for [REDACTED]. Prior to the current matter, the defendant worked as a Victim Witness Claims Assistant for the County of Sacramento District Attorney's Office for 25 years.

[REDACTED]

The defendant related she drinks alcohol socially. She denied the use of any controlled substances. She has never participated in a drug treatment program and is not interested in treatment services. However, the defendant admitted to drinking alcohol more often following charges alleged against her. The defendant disclosed she drank alcohol at home to "pass out" and not think about what happened in her case.

Regarding the current matter, the defendant stated she is very sorry for her actions and admitted fault for what occurred. She stated she loved her job and loved helping victims.

COURT NO.: 21FE018604
DEFENDANT'S NAME: CHAO, SENG FIO

The defendant stated she lost several family members due to Covid-19 and began to feel alone. She stated her disposition changed from happy to sad after losing her job as she lost friends and co-workers who no longer trusted her. The defendant related she became afraid to leave home as she believed the police were after her every time, she heard sirens. [REDACTED]



Victim(s) Statement:

Victim: Yes No **Notified (1191.1 P.C./1191.2 P.C.):** Yes No

On 6/22/2023, a standard departmental Statement of Loss Claim form was emailed on behalf of victim California Victim's Compensation Board (CalVCB).

On 7/6/2023, the Chief Counsel for CalVCB submitted a claim form requesting a total of \$79,723.57 in restitution for the financial loss incurred by CalVCB. As of date, the defendant has reimbursed CalVCB \$25,000.00. The remaining balance requested for financial loss is \$54,723.57.

Criminal Record:

Felony:

Date	Offense	Disposition
None		

Misdemeanor:

Date	Offense	Disposition
None		

Juvenile Record:

Date	Offense	Disposition
None		

Collateral Contacts:

29810 P.C.

Complied with 29810 P.C.: Yes No Other: N/A

Completed Prohibited Persons Relinquishment Form: Yes No

Probation Eligibility/Applicable Rules of Court:

The defendant is eligible for probation.

Rule 4.413: Probation Eligibility When Probation Is Limited
Not applicable

Rule 4.408: Additional Criteria Affecting Probation Eligibility When Probation Is Limited
Not applicable

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

Rule 4.415: Criteria Affecting the Imposition of Mandatory Supervision

Not applicable

Rule 4.421: Circumstances in Aggravation

(a)(8) The manner in which the crime was carried out indicates planning, sophistication, or professionalism.

(a)(9) The offense involved an actual taking of great monetary value.

(a)(11) The defendant took advantage of a position of trust or confidence to commit the offense.

Rule 4.408: Additional Circumstances in Aggravation

The defendant will enter a Harvey Waiver in regard to Counts 1, 2, and Counts 4 through 12 at Judgement and Sentencing. **(Per District Attorney)**

Rule 4.423: Circumstances in Mitigation

(b)(1) The defendant has no prior record, or has an insignificant record of criminal conduct, considering the recency and frequency of prior crimes.

Rule 4.408: Additional Circumstances in Mitigation

None found

Rule 4.424: Consideration of Applicability of 654 P.C.

Not applicable

Rule 4.425: Criteria Affecting Consecutive Sentencing

Not applicable

Probation Officer's Conclusions:

The defendant is eligible for probation and a grant of probation is being recommended as the defendant has an insignificant prior record of criminal conduct (Rule 4.414(b)(1)) and the defendant has expressed a willingness to comply with the terms and conditions of probation (Rule 4.414(b)(3)). It is further recommended the defendant serve a maximum period of incarceration.

Recommendation:

Therefore, it is respectfully recommended the defendant be granted formal probation under the following terms and conditions:

1. Defendant serve a maximum period of incarceration.
2. Defendant not knowingly own or possess any dangerous or deadly weapon.

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

3. Defendant submit his/her person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or probation officer, at any time of the day or night, with or without his/her consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same.
4. Defendant seek and obtain professional counseling and/or treatment through and under the direction of the probation officer.
5. Defendant shall not knowingly possess personal identifying information (as defined by Section 530.5 of the Penal Code) of another person, whether real or fictitious, without prior approval of the Probation Department.
6. Defendant shall not knowingly possess an access card (as defined by Section 484d(2) of the Penal Code) in the name of another without prior approval of the Probation Department.
7. Defendant shall not intentionally conceal the source, destination or content of any electronic communication transmitted or otherwise sent by the defendant.
8. Defendant shall not knowingly provide false information about his or her identity to an electronic communications service provider as defined under 18 U.S.C. 2510(15) when purchasing or agreeing to purchase any service from that provider which allows the defendant to send or receive electronic communications.

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

9. Defendant shall disclose all e-mail accounts, all Internet accounts, and any other means of access to any computer or computer network, all passwords and access codes. Defendant shall consent to the search of such e-mail and Internet accounts at any time and the seizure of any information or data contained therein without a search warrant or probable cause.
10. Defendant shall make restitution to the victim(s) in the amount of **\$79,723.57**, pursuant to Section 1202.4 of the Penal Code, payable through the Court's installment process. Pursuant to Section 1202.4(f)(11) of the Penal Code. If the defendant has an unpaid balance on a restitution order or fine, the defendant shall prepare and file a new updated financial disclosure form (CR-115) with the Court no later than 120 days prior to his/her scheduled release from probation or completion of a conditional sentence.
11. Any balance on restitution due to the victim at the termination of probation may be collected pursuant to Penal Code Section 1203(j).

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

12. Defendant shall notify the Probation Department prior to accepting any employment which includes the legitimate acquisition of personal identifying information.

The term "person" means a natural person, living or deceased, firm, association, organization, partnership, business trust, company, corporation, limited liability company, or public entity, or any other legal entity.

The term "personal identifying information" means any name, address, telephone number, health insurance number, taxpayer identification number, school identification number, state or federal driver's license, or identification number, social security number, place of employment, employee identification number, professional or occupational number, mother's maiden name, demand deposit account number, savings account number, checking account number, PIN (personal identification number) or password, alien registration number, government passport number, date of birth, unique biometric data including fingerprint, facial scan identifiers, voiceprint, retina or iris image, or other unique physical representation, unique electronic data including information identification number assigned to the person, address or routing code, telecommunication identifying information or access device, information contained in a birth or death certificate, or credit card number of an individual person, or an equivalent form of identification;

13. The Defendant not knowingly own, purchase, receive or have in his possession or under his/her custody or control, any firearm, ammunition or reloading ammunition. Condition as mandated in PC 29800(a)(1) and 30305(a).

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

14. P.C. 1546 searchable - Defendant shall submit his/her person, place, property, automobile, electronic storage devices, and any object under his/her control, including but not limited to cell phones and computers, to search and seizure by any law enforcement officer or probation officer, any time of the day or night, with or without a warrant, with or without his/her presence or further consent. Defendant being advised of his/her constitutional and statutory rights pursuant to Penal Code section 1546 et seq. in this regard, and having accepted probation, is deemed to have waived same and also specifically consented to searches of his/her electronic storage devices. Defendant shall provide access to any electronic storage devices and data contained therein, including disclosing and providing any and all information necessary to conduct a search.

15. **Recommendation for Flash Incarceration:**

Advisement: If the defendant violates the terms of supervision, instead of a formal violation of supervision or revocation proceedings, the defendant agrees a Flash Incarceration of up to 10 days in the Sacramento County Jail for each violation that may act as an alternative to a formal violation of supervision or revocation. The defendant will not earn or receive conduct credits (good time/work time) for days served in flash incarceration unless supervision is revoked.

Any violation which results in flash incarceration may not thereafter be alleged against the defendant in a formal violation of supervision or revocation declaration.

If, at the time of the Flash Incarceration, the defendant does not agree to accept a recommended period of flash incarceration, the probation officer is authorized to address the alleged violation by filing a declaration or revocation request with the court.

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

16. **Recommendation for Flash Incarceration
(Continued):**

Agreeing to a Flash Incarceration in lieu of a formal violation of supervision, does not take away a probation officer's discretion to file a formal declaration alleging a violation of probation or a request for revocation proceedings with the court;

Waiver: For each violation for which the probation officer elects to use Flash Incarceration the defendant must-

- Waive your right to be represented by an attorney
- Waive your right to a hearing in court to determine if you are in violation of supervision
- Waive your right to confront and cross examine my accusers
- Waive your right to present your own defense and to use the subpoena power of the court to compel the attendance of witnesses for my defense at no cost;
- Waive your right to remain silent;

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

17. The defendant shall submit a Bureau of Firearms Form 1022 (Prohibited Persons Relinquishment Form) to the Probation Department within five (5) days of sentencing or within fourteen (14) days of sentencing if he or she remains in custody. The defendant shall not own, possess, purchase, or have under his or her custody and control a firearm, ammunition, or ammunition feeding device, including but not limited to magazines. The defendant shall surrender all firearms pursuant to Section 29810 of the Penal Code and provide the Probation Department with documentation on Bureau of Firearms Form 1022 within five (5) days of sentencing or within fourteen (14) days of sentencing if he or she remains in custody. The defendant has been advised that any person who lives with him or her and owns firearms must store those firearms in accordance with Penal Code Section 25135.

General Conditions of Probation

1. Obey all laws applicable to you.
2. Seek and/or maintain regular and steady employment or be enrolled in an educational or vocational program approved by the probation officer having your supervision; not voluntarily change employment without providing prior notification to your probation officer; and if your employment is terminated, either temporarily or permanently, for any cause whatsoever, you are to notify your probation officer within 48 hours.
3. You may not leave the State of California, at any time, without first securing permission from your probation officer and completing the appropriate procedures to do so. You are not to remain away from your regular residence for more than 48 hours without first having secured permission from your probation officer. You are to immediately notify your probation officer of any intended change of address and the reasons therefore.

COURT NO.: 21FE018604

DEFENDANT'S NAME: CHAO, SENG FIO

4. Defendant shall follow in all respects any reasonable instructions given to him/her by the probation officer.
5. Defendant shall report in person to the Division of Adult Probation at such times and dates as directed by the probation officer. If for any reason beyond your control you are unable to report on your assigned date and time, you shall communicate this fact to the Division of Adult Probation on or before the assigned date.
6. You shall allow probation officers to visit your home and place of employment at reasonable times.
7. Inform Probation Officer of dogs and other pets with potential to cause harm in the residence/notify of changes within 24 hours.
8. It is recommended that defendants who are granted formal probation be ordered to report to the Probation Department, in person, within 48 hours from being released from Court or custody.

Fees and Fines

1. Defendant pay a restitution fine pursuant to Penal Code Section 1202.4 in the amount of \$300.00, payable through the Court's installments process;
2. Defendant pay through the Court's installment process the amount determined and report to the Department of Revenue Recovery within (5) days of sentencing or within five (5) days of release from custody for an evaluation and recommendation of ability to pay and for development of a payment schedule for Court-ordered costs, fees, fines and restitution;
3. Pursuant to Penal Code Section 1202.44, the Court is imposing and staying an additional restitution fine in the same amount as that just imposed under Penal Code Section 1202.4(b). The stay will lift automatically upon revocation of probation.

COURT NO.: 21FE018604
DEFENDANT'S NAME: CHAO, SENG FIO

It is recommended that defendants who are granted formal probation be ordered to report to the Probation Department, in person, within 48 hours from being released from Court or custody.

If there are reimbursable costs to the County in the disposition of this case for appointed counsel, presentence investigation, probation supervision or incarceration, it is recommended the defendant be ordered to report to the Department of Revenue Recovery for a financial evaluation and recommendation of ability to pay said costs.

Defendant pay a mandatory court operations assessment, per conviction, pursuant to Penal Code Section 1465.8(a)(1) in the amount of \$40.00 (\$40.00 X 1 conviction), payable through the Court's installment process.

Defendant pay a Court facility fee, per conviction, pursuant to Section 70373 of the Government Code in the amount of \$30.00 (\$30.00 X 1 conviction), payable through the Court's installment process.

Defendant pay a Criminal Impact Fee (CIF), pursuant to 1465.7(a) P.C., calculated as 20% of the base fine amount, payable through the Court's installment process.

This is a Sacramento County Probation Department recommendation and is respectfully submitted by:

MARLON YARBER
CHIEF PROBATION OFFICER

Report prepared by:

Approved by:



MYCSHIA HUDSON
DEPUTY PROBATION OFFICER

MARTHA RODRIGUEZ
SUPERVISING PROBATION OFFICER

SHAUNDA CRUZ
CHIEF DEPUTY ADULT COURT SERVICES

DATE: July 13, 2023

MH:hm
Attachments

SACRAMENTO COUNTY PROBATION DEPARTMENT
2900.5 P.C. TIME CREDITS

The defendant, SENG FIO CHAO, was in custody in the following facility(s) because of the conduct for which the defendant was convicted in this case. (List all facilities in which the defendant was ordered by the Court to be detained or housed, i.e., jail, hospital, halfway house, residential treatment facility, etc.)

	<u>Facility</u>	<u>Date</u>	<u>SENTENCED TIME</u>		<u>Comments</u>
			<u>Sentence</u>	<u>Credit Time Served</u>	
1.					
2.					
3.					
4.					
5.					

Total adjusted sentenced time -

Total unadjusted sentenced time -

	<u>Facility</u>	<u>Date In</u>	<u>UNSENTENCED TIME</u>		<u>Comments</u>
			<u>Date Out</u>	<u>Total Days</u>	
1.	Placer Co. Jail	11/12/2021	11/12/2021	1	Warrant
2.					
3.					
4.					
5.					

Total raw unsentenced

(2900.5 P.C.) time -

For crimes committed on or after October 1, 2011 (AB 109/117)

Credits given under P. C. 4019 subdivision (b) (1) and subdivision (c) (1) are given for a defendant committed to a jail or state prison sentence of four days or more will receive two days credit for every two days actually served. No time credits are awarded for less than four days.

2933.1(c) P.C. Mandates under 667.5 P.C. violent felonies only receive 15% worktime credit if committed to state prison.

2933.2 No time credits accrue for those convicted of murder as described in section P.C. 187.

COMMENTS:



COUNTY OF SACRAMENTO Probation Department

711 E STREET, SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 874-1500
FAX (916) 874-1502



CALIFORNIA VICTIM'S COMPENSATION BOARD

Date Typed : July 6, 2023
Defendant : SENG CHAO
Probation No. : A-537,734
Offense : 508 PC
Offense Date :
Sentence Date : 7/20/23 at 8:30 am
Sentence Court : 62
E-mail address : HudsonMy@SacCounty.gov

MYCSHIA HUDSON
DEPUTY PROBATION OFFICER

RESTITUTION CLAIM

STOLEN OR DAMAGED PROPERTY (Describe)	PURCHASE PRICE	DATE	REPLACEMENT/ REPAIR COST
1. Money	\$79,723.57	Various	\$79,723.57*
2.	\$		\$
3.	\$		\$
4.	\$		\$

MEDICAL EXPENSES and/or WAGES LOST DUE TO INJURIES	AMOUNT
Physician: Address:	\$
Hospital: Address:	\$
Ambulance: Address:	\$
Other: Address:	\$

* \$25,000 of the \$79,723.57 has been repaid

WAGES LOST FOR TIME SPENT AS WITNESS and/or ASSISTING POLICE OR PROSECUTION: (Description)

Was loss/injury covered by insurance: Yes No XXX.

Company Name: _____ Phone: _____

Amount: _____ Policy Number: _____ Agent: _____

Reimbursed: _____ Number: _____ Deductible: _____

Has claim been submitted to the State Victim's Compensation Program? Yes No.XXX

I DECLARE THE ABOVE TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Date: 07/06/2023 Signature: _____

Address: _____ City/State: Sacramento

Zip Code: 95811 Phone: _____

PLEASE COMPLETE AND RETURN TO THE PROBATION DEPARTMENT AS SOON AS POSSIBLE.

Case Information

Case Information

Defendant Name

SENG CHAO

Case Number

21FE018604

Filing Date

11/08/2021

Charge Document

Certified

Case Status

Disposed

Court ID

34100

Aliases

First Name	Middle Name	Last Name	Suffix
SENG		CHAO	
SENG	FIO	CHAO	
SENG	SIO	CHAO	

Future Hearings

Date	Time	Dept.	Reason	Outcome
No future hearings found.				

Hearing History

For information on how to request copies of a criminal file, choose one of the following links:

- [For the Public and Non-Government Entities \(https://www.saccourt.ca.gov/criminal/records.aspx\)](https://www.saccourt.ca.gov/criminal/records.aspx)
- [For the Government Agencies ONLY \(https://www.saccourt.ca.gov/criminal/govt-agency-copy-requests.aspx\)](https://www.saccourt.ca.gov/criminal/govt-agency-copy-requests.aspx)

To request a court reporter transcript, you may click on the 'Request' button under 'Request Transcript'.

**** NOTE:** There is a cost associated with **court reporter transcripts**. When you request a court reporter transcript, you will be contacted by the court reporter regarding the cost and method of payment accepted.

Date	Time	Dept.	Reason	Outcome	**Request Transcript
11/03/2023	8:30 AM	62	DA MOT TO DISMISS COUNT(S)	GRANT REQUEST	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=11%2F03%2F2023&eventTime=)
11/03/2023	8:30 AM	62	JAIL INSTRUCTIONS	JAIL INSTRUCTIONS	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=11%2F03%2F2023&eventTime=)
11/03/2023	8:30 AM	62	PROBATION HEARING J&S	DEFENDANT SENTENCED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=11%2F03%2F2023&eventTime=)
10/06/2023	8:30 AM	62	DA MOT TO DISMISS COUNT(S)	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=10%2F06%2F2023&eventTime=)
10/06/2023	8:30 AM	62	PROBATION HEARING J&S	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=10%2F06%2F2023&eventTime=)

Date	Time	Dept.	Reason	Outcome	**Request Transcript
08/18/2023	8:30 AM	62	DA MOT TO DISMISS COUNT(S)	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=08%2F18%2F2023&eventTime=
08/18/2023	8:30 AM	62	PROBATION HEARING J&S	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=08%2F18%2F2023&eventTime=
07/20/2023	8:30 AM	62			Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=07%2F20%2F2023&eventTime=
07/20/2023	8:30 AM	62	DA MOT TO DISMISS COUNT(S)	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=07%2F20%2F2023&eventTime=
07/20/2023	8:30 AM	62	JUDGMENT & SENTENCE	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=07%2F20%2F2023&eventTime=
05/19/2023	4:00 PM	62			Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=05%2F19%2F2023&eventTime=
04/27/2023	8:30 AM	62			Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=04%2F27%2F2023&eventTime=
04/27/2023	8:30 AM	62	FOR PLEA	DEFENDANT PLED TO CHARGE(S)	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=04%2F27%2F2023&eventTime=
04/27/2023	8:30 AM	62	FURTHER PROCEEDINGS	OTHER	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=04%2F27%2F2023&eventTime=
04/27/2023	8:30 AM	62	MANDATORY SETTLEMENT CONFERENCE	CERTIFIED TO SUPERIOR COURT	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=04%2F27%2F2023&eventTime=
04/27/2023	8:30 AM	62	SETTLEMENT CONFERENCE		Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=04%2F27%2F2023&eventTime=
04/27/2023	8:30 AM	62	SETTLEMENT CONFERENCE	MATTER REFERRED TO PROBATION FOR ORIGINAL REPORT	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=04%2F27%2F2023&eventTime=
02/16/2023	1:35 PM	62	FOR PLEA	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=02%2F16%2F2023&eventTime=
02/16/2023	1:35 PM	62	MANDATORY SETTLEMENT CONFERENCE	HEARING HELD	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=02%2F16%2F2023&eventTime=
02/01/2023	8:30 AM	62	FOR PLEA	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=02%2F01%2F2023&eventTime=
02/01/2023	8:30 AM	62	MANDATORY SETTLEMENT CONFERENCE	HEARING HELD	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=02%2F01%2F2023&eventTime=
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07/13/2022	1:35 PM	62	SETTLEMENT CONFERENCE	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=07%2F13%2F2022&eventTime=
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02/09/2022	3:00 PM	62	ARRAIGNMENT	ARRAIGNED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=02%2F09%2F2022&eventTime=
02/09/2022	3:00 PM	62	COUNSEL INFORMATION	RETAINED COUNSEL	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=62&eventDate=02%2F09%2F2022&eventTime=