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FILED  
TULARE COUNTY SUPERIOR COURT  
VISALIA DIVISION

SEP 17 2010

BY: *Larayne Creek*  
LARAYNE CREEK, CLERK

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8 TULARE COUNTY SUPERIOR COURT DISTRICT  
9 VISALIA DIVISION, STATE OF CALIFORNIA  
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12 **THE PEOPLE OF THE STATE OF**  
13 **CALIFORNIA,**

14 Plaintiff,

15 v.

16 **JERI SELL,**

17 Defendant  
18

AG No. SA2009102191

Case No. *VCF 242181*

**FELONY COMPLAINT**

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20 The Attorney General of California, by and through the undersigned Deputy Attorney  
21 General, on information and belief, complains and accuses defendant of having committed, in the  
22 County of Tulare, State of California, the crimes of:

23 **COUNT 1**

24 In and between April 1, 2005 and December 31, 2005, at and in the County of Tulare, the  
25 crime of GRAND THEFT BY EMBEZZLEMENT - OVER \$400, in violation of PENAL CODE  
26 SECTION 503, a Felony, was committed by JERI SELL, in that while said Defendant was an  
27 agent, servant, and employee of BRENDA CURTI, did unlawfully take from said person money  
28 and personal property of a value in excess of Four Hundred Dollars (\$400.00), to wit: \$84,575.

1 **COUNT 2**

2 For a further and separate cause of Complaint, being a different offense from but connected  
3 in its commission with the charges set forth in Counts 1, complainant further complains and states  
4 that in and between January 1, 2008 and April 15, 2010, at and in the County of Tulare, the crime  
5 of GRAND THEFT BY EMBEZZLEMENT - OVER \$400, in violation of PENAL CODE  
6 SECTION 503, a Felony, was committed by JERI SELL, in that while said Defendant was an  
7 agent, servant, and employee of VITALINA BORGES, did unlawfully take from said person  
8 money and personal property of a value in excess of Four Hundred Dollars (\$400.00), to wit:  
9 \$298,000.

10 **COUNT 3**

11 For a further and separate cause of Complaint, being a different offense from but connected  
12 in its commission with the charges set forth in Counts 1 and 2, complainant further complains and  
13 states that in and between April 1, 2004 and April 15, 2009, at and in the County of Tulare, the  
14 crime of GRAND THEFT BY EMBEZZLEMENT - OVER \$400, in violation of PENAL CODE  
15 SECTION 503, a Felony, was committed by JERI SELL, in that while said Defendant was an  
16 agent, servant, and employee of NANCY and CHARLES PITIGLIANO, did unlawfully take  
17 from said person money and personal property of a value in excess of Four Hundred Dollars  
18 (\$400.00), to wit: \$203,110.27.

19 **COUNT 4**

20 For a further and separate cause of Complaint, being a different offense from but connected  
21 in its commission with the charges set forth in Counts 1 through 3, complainant further complains  
22 and states that in and between January 1, 2007 and December 31, 2007, at and in the County of  
23 Tulare, the crime of GRAND THEFT BY EMBEZZLEMENT - OVER \$400, in violation of  
24 PENAL CODE SECTION 503, a Felony, was committed by JERI SELL, in that while said  
25 Defendant was an agent, servant, and employee of JOSEPH GONI, did unlawfully take from said  
26 person money and personal property of a value in excess of Four Hundred Dollars (\$400.00), to  
27 wit: \$73,500.

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**COUNT 5**

For a further and separate cause of Complaint, being a different offense from but connected in its commission with the charges set forth in Counts 1 through 4, complainant further complains and states that in and between February 1, 2007 and June 15, 2007, at and in the County of Tulare, the crime of GRAND THEFT BY EMBEZZLEMENT - OVER \$400, in violation of PENAL CODE SECTION 503, a Felony, was committed by JERI SELL, in that while said Defendant was an agent, servant, and employee of JOSEPH GONI, did unlawfully take from said person money and personal property of a value in excess of Four Hundred Dollars (\$400.00), to wit: \$20,000.

**SPECIAL ALLEGATION EXCESSIVE AGGRAVATED WHITE COLLAR CRIME**

It is further alleged, pursuant to Penal Code section 186.11(a)(2), that the offenses set forth in Counts 1 through 5, are related felonies, a material element of which is fraud and embezzlement, which involves a pattern of related felony conduct, and the pattern of related conduct involves the taking of more than \$500,000.

**SPECIAL ALLEGATION - EXCESSIVE LOSS OVER \$100,000**

It is further alleged that the offenses set forth in Counts 1 through 5 involve a theft of over \$100,000, within the meaning of Penal Code section 1203.045(a).

**SPECIAL ALLEGATION EXCESSIVE LOSS OVER \$200,000**

It is further alleged that the defendant JERI SELL in the commission of Counts 1 through 5, with the intent to do so, took property of a value exceeding \$200,000 within the meaning of PENAL CODE SECTION 12022.6(a)(2).

**TOLLING OF THE STATUTE OF LIMITATIONS**

It is further alleged that as to Counts 1 and 3 that the statute of limitations has been extended pursuant to Penal Code section 801.5 in that the above violations were not discovered until May of 2010, and no law enforcement agency chargeable with the investigation had actual or constructive knowledge of the violations prior to this date.. More specifically, it was not until Citizen's Business Bank released the findings of their internal audit in May of 2010, that law enforcement learned of Jeri Sell's involvement in these violations.

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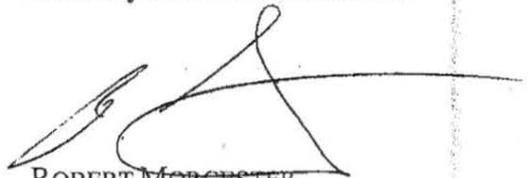
Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

Pursuant to *People v. Cunningham*, the People hereby put the defendant on notice that the aggravated sentence may be sought in this case.

I declare upon information and belief and under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento County, California, the 16<sup>th</sup> day of September, 2010.

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California



ROBERT MORGESTER  
Deputy Attorney General  
*Attorneys for People of the State of California*

THE SUPERIOR COURT, STATE OF CALIFORNIA  
FOR THE COUNTY OF TULARE  
VISALIA DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

JERI SELL

Defendant.

AG No.: SA2009102191

Court No.

**DECLARATION IN  
SUPPORT OF ARREST  
WARRANT**

I declare and state as follows:

I, Brian Haney, am an investigator (peace officer) with the Tulare Police Department currently assigned to the Investigation Division. It is in that capacity that I submit this declaration and I do so for the purpose of obtaining an arrest warrant for the arrest of Jeri Sell.

There is probable cause to believe that, on or about the date(s) indicated within this declaration, that Jeri Sell committed the crime(s) of Penal Code sections 487 and 503.

I have been working on an ongoing investigation relating to the grand theft and embezzlement of monies from customers at Citizen's Business Bank (CBB) in the city of Tulare. The information within the declaration is either personally known to me or derived from statements given by victims/witnesses in this investigation, or information gleaned from bank records provided by CBB. The said probable cause is exhibited within this declaration.

**Summary**

CBB manager Jeri Sell illegally withdrew funds from several customers' accounts in her capacity as manager at CBB in the city of Tulare. The investigation revealed numerous transactions in which Jeri Sell removed monies from customers' accounts without their

permission. This investigation also revealed that Jeri Sell made several attempts to conceal her thefts by providing fraudulent documents and fraudulent statements to the victim customers.

#### **Description of the Accused**

A description of Jeri Sell is attached as Exhibit A and is incorporated by reference.

#### **Narrative**

Beginning in December of 2005, there were a number of reports alleging theft and/or losses from the night-deposit box at CBB, Tulare branch. Initial investigations did not net any suspect information however the focal point at the time was the bank manager, Jeri Sell, based on her indifference to the claims made by the customers as well as attempts to avoid contact with law enforcement during the initial investigation.

#### **Audit of Jeri Sell's Bank Accounts**

As part of the investigation, a search warrant which was obtained for the personal bank records of Jeri Sell and her husband Rodney Sell from Union Bank of California (UBC) was served.

Upon receiving the information from UBC and other associated accounts a financial analysis was done by California Department of Justice Investigative Auditor (IA) Robert Smith.

From May of 2009 to September 2009, IA Smith reviewed the Sell's financial records and prepared a financial analysis. IA Smith explained he had identified numerous discrepancies between J. Sell's documented income and her documented expenditures. IA Smith reported that from January 1, 2005 through April 27, 2009, Jeri Sell had over \$500,000.00 deposited into her UBC account which could not be explained. IA Smith's review covered two accounts for Jeri Sell and R. Sell at the UBC (UBC account numbers [REDACTED] and [REDACTED]).<sup>1</sup>

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<sup>1</sup> IA Smith's review of account # [REDACTED] revealed this account to have had little activity with transfers going into Jeri Sell's account # [REDACTED]. On January 1, 2005, account # [REDACTED] had a beginning balance of \$38,150.91 with the account being reduced to zero by September 25, 2008. It is unknown what made up the \$38,150.94 amount as the UBC was not able to furnish those records. IA Smith's review of account # [REDACTED] revealed this account to have had extensive activity. From January 1, 2005 through April 27, 2009, the sum of deposits and credits into account # [REDACTED] was \$995,781.81. During this time period, the Sell's received wage deposits from the CBB for \$280,886.59, Whitten Machine Inc. for \$7,386.83 and Dreyer's Grand Ice Cream for \$148,906.50. The wage deposits totaled \$437,179.92. IA Smith also identified cash deposits into account # [REDACTED] totaling \$302,313.00 and automated teller machine (ATM) withdrawals at the Tachi Palace Resort & Casino totaling \$379,083.50. Based on the fact that the casino withdrawals are more than the cash deposits into J. Sell's account, IA Smith opined that Jeri Sell has a gambling issue and she is losing money.

Pursuant to the financial audit I also contacted the "Palace Indian Gaming Casino" in the County of Kings and obtained the casino gambling records for Jeri Sell. It appeared that she had a losing gambling ratio and gambled large amounts of money.

On April 21, 2010, search warrants were served at various locations, including CBB Tulare branch, and the Sell's residence. During an interview with Jeri Sell she denied any involvement in the thefts from the night deposit drops.

After serving the search warrants I began working with Attorney Steve Sutro who had been hired by CBB Corporation to assist in the internal audit and investigation in regards to the allegations of theft and loss.

In May of 2010, I was contacted by Steve Sutro and was advised that the internal audit had identified Brenda Curti and Lina Borges as having unauthorized activity occurring on their accounts.

#### **Brenda Curti**

On May 5, 2010, at 0911 hours I conducted an interview with Brenda Curti in which she detailed five transactions which had been brought to her attention by Stephen Sutro who was representing CBB. The five transactions were said by Brenda Curti to be fraudulent and not authorized.<sup>2</sup> I was provided with documents by CBB which showed five separate cashier's checks which came from the account of Brenda Curti. The unauthorized transaction occurred on the following dates:

- April 6, 2005, in the amount of \$13,525.
- August 16, 2005, in the amount of \$15,500.
- October 24, 2005, in the amount of \$15,550.
- ~~November 9, 2005, in the amount of \$20,000.~~
- December 27, 2005, in the amount of \$20,000.

These allegations are supported by copies of cashier's checks which Brenda Curti stated and confirmed were unauthorized transactions for monies removed from her account. All five transactions were made out to "Union Bank" or "Union Bank of California" and were endorsed by Jeri Sell on the rear of the cashier's checks. The checks were deposited in UBC account [REDACTED]. This account is in the name of Jeri and Rodney Sell. The total loss for Brenda Curti was \$84,575.

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<sup>2</sup> On March 30, 2006, Brenda Curti did authorize one cashier's check for Jeri Sells. This was a loan requested by Jeri Sells. Jeri Sells signed a promissory note and the cashier's check was made payable to Jeri Sells and was deposited in Union Bank account [REDACTED]. This loan request occurred after the diversion of funds from Brenda Curti account.

While meeting with Brenda Curti I was provided a compact disc which had several voice-mails left by Jeri Sell on Brenda Curti's cell phone. The calls were made on April 27 and April 28, 2010. Brenda Curti stated she recognized both the number and the voice as being that of Jeri Sell. I listened to the voice mails and during the calls Jeri Sell was frantically attempting to get Brenda Curti to call her before Brenda was to meet with bank officials the following morning. During the last call Jeri Sell commented to Brenda Curti to the effect, "I want to apologize, I've done some things on your account that I'm not proud of. I'm thinking about killing myself. Please call me back."

Subsequent I obtained Jeri Sell's cellular phone records pursuant to a search warrant. Records reflect that the phone calls described by Brenda Curti were in fact, made from Jeri Sell's phone to Brenda Curti's phone on the date and times consistent with the messages being left.

#### **Vitalina Borges**

On May 17, 2010, I met with additional victim, Vitalina Borges. I was provided documents by CBB in regards to the accounts belonging to Vitalina Borges which I reviewed with Mrs. Borges. Mrs. Borges detailed numerous transactions that she did not authorize nor would she ever have authorized due to the fact they were CD's and accounts that were established for saving money. The unauthorized transaction occurred on the following dates:

January 11, 2008, in the amount of \$60,000  
February 29, 2008, in the amount of \$25,000  
April 4, 2008, in the amount of \$50,000.  
May 8, 2008, in the amount of \$50,000  
July 25, 2008, in the amount of \$30,000.  
September 8, 2008, in the amount of \$8,500  
September 16, 2008, in the amount of \$20,000  
October 23, 2008, in the amount of \$25,000  
May 28, 2009, in the amount of \$10,000  
August 19, 2009, in the amount of \$10,000  
April 8, 2010, in the amount of \$9,500.

A review of the Debit Transaction Forms reflects that all of the above transactions were approved by Jeri Sell.<sup>3</sup> All of the above transactions appear to be cash withdrawals.<sup>4</sup>

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<sup>3</sup> Zoe Costa has been employed by the Tulare CBB for 13 years. Costa states that to get cash from the vault an officer's approval is required.

<sup>4</sup> The Debit Transaction Form does not reflect a transfer to another account. The "Cash Out Ticket" was not provided by the bank.

Tabitha Best has been an employee with Tulare CBB for 10 years. Best recalls Jeri Sell requesting cash for Borges at least ten times. Best related a specific request for \$50,000 that Jeri Sell made. Best stated the Jeri Sell took the funds from the vault and placed them in a zippered bag. Best was not in a position for any of these transactions to see if Borges was physically present in the bank.

The total loss in unauthorized transactions from victim Vitalina Borges' accounts was \$298,000.

#### Mail hold

Several additional documents were provided by the bank in regards to Vitalina and Manuel Borges' accounts which showed that a mail-hold had been placed on the account. The mail-hold forces the retention of the account holder's monthly statement at the local Tulare branch.

Vitalina Borges' stated that under no circumstances had she or her husband ever authorized or allowed a mail-hold to be placed on their statements for this account. Vitalina Borges stated that they always wanted their statements mailed to their residence and upon confronting Jeri Sell several times about their statements being held or not receiving their statements Jeri Sell would tell Vitalina Borges that she would fix it and then the statements began arriving for a short period of time.

Records from CBB reflect that the Borges had a mail hold placed on their account in February 2008. Another hold was place on the account in February 2009. There is no record as to who placed these holds.

#### **Nancy and Charlie Pitigliano**

As part of their internal investigation CBB began to review customer accounts where mail holds were placed. On June 9, 2010, I was provided with further information relating to Nancy and Charlie Pitigliano and Joseph Goni.

On July 8, 2010 I met with Nancy and Charlie Pitigliano. We began going through the documents which had been provided by CBB and several transactions were noted by Nancy and Charlie Pitigliano to be unauthorized. The unauthorized transaction occurred on the following dates:

April 21, 2004, in the amount of \$2,500<sup>5</sup>

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<sup>5</sup> Nancy and Charlie Pitigliano stated that when they took cash out of the bank they would not take out odd amounts of cash. The withdrawal amount was always rounded off and would never be in \$500 amounts, it would be to the next thousand. Both Nancy and Charles Pitigliano have additional losses out

July 8, 2004, in the amount of \$3,500  
August 23, 2004, in the amount of \$2,500  
March 8, 2005, in the amount of \$4,500  
May 26, 2005, in the amount of \$3,500  
July 19, 2005, in the amount of \$2,500  
October 13, 2005, in the amount of \$4,500  
February 28, 2006, in the amount \$3,500  
March 17, 2006, in the amount of \$4,000<sup>6</sup>  
March 24, 2006, in the amount of \$3,000  
May 9, 2006, the amount of \$4,500  
June 6, 2006, in the amount of \$3,500  
July 20, 2006, in the amount of \$5,000<sup>7</sup>  
August 22, 2006, in the amount of \$4,000<sup>8</sup>  
February 23, 2007, in the amount of \$2,000<sup>9</sup>  
March 12, 2007, in the amount of \$2,500  
May 15, 2007, in the amount of \$3,500  
June 27, 2007, in the amount of \$7,500  
September 14, 2007, in the amount of \$7,500  
September 20, 2007, in the amount of \$2,500  
October 11, 2007, the amount of \$2,500  
November 28, 2007, in the amount of \$4,500  
December 26, 2007, in the amount of \$5,000<sup>10</sup>  
January 8, 2008, in the amount of \$5,000<sup>11</sup>  
January 23, 2008, in the amount of \$9,500  
February 22, 2008, the amount of \$9,900  
March 14, 2008, in the amount of \$5,000<sup>12</sup>  
July 14, 2008, in the amount of \$8,500  
December 22, 2008, in the amount of \$10,000  
January 21, 2009, in the amount of \$10,000<sup>13</sup>  
February 27, 2009, in the amount of \$6,000

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of their accounts however cannot be certain that they did not withdraw these monies and thus gave Jeri Sell the benefit of the doubt.

<sup>6</sup> Although this is an even number, Nancy and Charlie Pitigliano stated that they could not have withdrawn that money from the bank as Nancy was not in town on March 17th, 2006, as she was at a pistachio convention out of town. This is known to Nancy Pitigliano as she had began keeping a day planner in 2006 and has a detailed record of where she was on specific dates

<sup>7</sup> Nancy Pitigliano stated she was at an advisory committee meeting in Visalia at the time of the transaction and would not have been able to be at the bank at the date and time noted on the transaction.

<sup>8</sup> Documents indicate that this was a telephone request. Nancy and Charlie Pitigliano stated that they would not make such a request.

<sup>9</sup> Nancy and Charlie Pitigliano stated that they would not do a withdrawal for that amount or during that time period.

<sup>10</sup> Although this is an even amount, Nancy and Charlie Pitigliano stated they were not in the city of Tulare or even in Tulare County on the day after Christmas 2007, thus this transaction was unauthorized

<sup>11</sup> Nancy and Charlie Pitigliano advised that although this is an even amount it is unauthorized due to the fact they were at a function and would not have been at the bank around this time.

<sup>12</sup> Although this is an even amount Nancy Pitigliano advised she was receiving a body wrap treatment and would not have been able to be at the bank and get the money detailed in the transaction.

<sup>13</sup> When confronted with the fact that these were even numbers Nancy and Charles Pitigliano stated they would not have withdrawn \$10,000 out of their accounts and it was not enough to justify having purchased a vehicle, thus these are unauthorized transactions.

March 5, 2009, the amount of \$9,500  
March 27, 2009, in the amount of \$6,000  
April 1, 2009, the amount of \$10,000<sup>14</sup>  
April 1, 2009, in the amount of \$1,210.27<sup>15</sup>

Nancy and Charles Pitigliano stated they confronted Jeri Sell several times in regard to statements and mistakes that were made and each time she stated she would fix the problem.

A review of the Debit Transaction Forms reflects that all of the above transactions were approved by Jerri Sell. All of the above transactions appear to be cash withdrawals.<sup>16</sup>

Zoe Costa, an employee with Tulare CBB, stated that she was aware that Jeri Sell would leave the bank to personally deliver Nancy Pitigliano money. These delivers involved significant amounts of money.

#### Other transactions

In addition to the above unauthorized transaction, Nancy and Charles Pitigliano identified two additional unauthorized transactions: On October 1, 2008, in the amount of \$10,000 and one on October 14, 2008, in the amount of \$10,000. A review of these transaction revealed that these were approved by Zoe Costa and prepared by Tabitha Best.

Nancy Pitigliano had confronted Jeri Sell about these October transactions when she became aware of them and Jeri Sell delayed giving her an explanation of how the transactions could have occurred. When finally confronted by Nancy Pitigliano more aggressively Jeri Sell advised her that a female had come into the bank and was mistaken as being Nancy Pitigliano and on two different occasions \$10,000 had been drawn from her account. Jeri Sell told Nancy Pitigliano that the mistakes had been corrected and that it would not happen again.<sup>17</sup>

I interviewed Zoe Costa and Tabitha Best. Although they had no independent recollection of these transactions they stated that they never gave funds to Nancy Pitigliano. Nancy Pitigliano account was personally handled by Jeri Sell. They both stated that they would readily recognize Nancy Pitigliano. Zoe Costa and Tabitha Best also related that they were unaware of any allegation that funds were disbursed erroneously from the Pitigliano's account and they were never questioned by Jeri Sell as to these October transactions.

The total loss for all of the unauthorized transactions was \$203,110.27.

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<sup>14</sup> Nancy and Charlie Pitigliano stated they did not make a withdrawal on this date.

<sup>15</sup> This transaction was a transfer from a CD and was then cashed.

<sup>16</sup> Debit Transaction Forms do not reflect a transfer to another account. Other associated records reflect a "Cash Out Ticket" or have a hand written note that cash was provided.

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<sup>17</sup> A further review of the Pitigliano account shows that \$20,000 was replaced in this account. The funds were taken from an associated Pitigliano account.

### Mail Hold

A mail-hold was placed on the Pitiglianos' account on May 15, 2007, which both Nancy and Charlie Pitigliano stated they did not authorize. Nancy and Charlie Pitigliano both stated that there were no circumstances under which they would have ever authorized or requested that their statements be held at the branch and not mailed to them.

Hortencia Alvarez has been a financial sales representative for CBB in Tulare for the last 13 years. Alvarez is one of at least four employees that have authority to place a mail-hold. When a mail-hold is in place the customer's statement is mailed to the bank. Alvarez stated the Jeri Sell would ask her to place mail-holds on customer accounts. She remembered Jeri Sell asking for a hold to be placed on Pitigliano account

### **Joseph Goni**

On July 9, 2010, I made contact with Joseph Goni and his daughter Joanna Moffett. Joseph Goni stated that he had been made aware by CBB that some activity had occurred on his account which was suspicious in nature. I had previously been provided documents by CBB representative Steve Sutro that were authentic account records for accounts belonging to Frank Goni and Lerda Goni Farms. Joanna Moffett is the bookkeeper for Frank Goni and Lerda Goni Farms. Both Frank Goni and Joanna Moffett stated that nobody had ever authorized mail-holds to be placed on their account however they had been advised by Steven Sutro of CBB that mail-holds had been placed on their accounts thus preventing statements being mailed to the residence. I then went through the accounts of Frank Goni and had several documents identified by Frank Goni and Joanna Moffett as being fraudulent transactions. The unauthorized transaction occurred on the following dates:

January 10, 2007, in the amount of \$40,000.<sup>18</sup>  
September 28, 2007, in the amount of \$5,000<sup>19</sup>  
November 6, 2007, in the amount of \$9,500  
December 3, 2007, in the amount of \$9,500  
December 12, 2007, in the amount of \$9,500

A review of the Debit Transaction Forms reflects that all of the above transactions were approved by Jerri Sell. All of the above transactions are cash withdraws. The total loss for all of the unauthorized transactions was \$73,500.

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<sup>18</sup> These funds were withdrawn from a CD

<sup>19</sup> This transaction was added to a \$500,000 cash withdrawal (money order) for an estate tax payment to the IRS.

Mail-holds were placed on the account on October 28, 2007. Hortencia Alvarez stated the Jeri Sell asked her to place mail-holds the Goni account.

I was also provided a document by CBB and Joanna Moffett. Joanna stated that she confronted Jeri Sell about needing her end-of-the-year statements on the CDs so she could file taxes. She stated she had been provided a document dated November 28, 2008, which was purported to be a statement of the account showing a balance of \$10,141.98. However, upon review the font on the document is different and not in the same format as other statements provided by CBB. The document also does not contain the complete customer number. The true records from CBB for this account reflect that the account was closed out as of December 28, 2007.

### **Kevin Bettencourt**

I had received information from Janice Wolsey, a former bank employee, that Kevin Bettencourt was a potential victim. Bettencourt stated that he had been banking with Jeri Sell for quite some time and in 2007 she requested that he open a safe deposit box at Citizen's Business Bank's Tulare branch. Kevin Bettencourt stated that he did not initially take the offer until Jeri Sell told him that she would waive the fees. Kevin Bettencourt stated that he placed personal items as well as \$70,000 in his safe deposit box. When Jeri Sell issued the box she advised Bettencourt that there was only one customer key for the box and that was why she was waiving the fee for the box. Bettencourt did not think much of it at the time.

Hortencia Alvarez, a bank employee, related that she prepared the paperwork for this safe deposit box at the request of Jeri Sell. Bank policy requires that two customer keys to be issued with the safe deposit box and she remembers two customer keys being associated with this safe deposit box. Alvarez stated that Jeri Sell issued the safe deposit box while Alvarez was at lunch.

Kevin Bettencourt stated that on June 7, 2007, he showed up at the Tulare CBB Branch unannounced and was escorted in a hurried fashion to the safe deposit room by Bank Manager Jeri Sell. When Jeri Sell accompanied him to the box she used her key to open the box along with his key which is the customer key. Upon opening the box Jeri Sell immediately placed her hand into his safe deposit box pushing the cash to the back of the box. Kevin Bettencourt stated that he felt this was extremely odd and waited for Jeri Sell to leave the safe deposit area after being told that he wanted to be alone.

Bettencourt counted the cash in his safe deposit box and determined that there was only \$50,000 in the box. Kevin Bettencourt contacted Jeri Sell and asked her to come back into the

safe deposit room and confronted her with the fact that he was missing \$20,000. When confronted Jeri Sell told Kevin Bettencourt, "I didn't take it." Bettencourt was upset and told her that somebody in the bank took his money and he wanted something done. Kevin Bettencourt stated that Jeri Sell told him that she did not want the police called nor did she want to make a report due to the fact that they would all lose their jobs. Bettencourt stated that Jeri Sell agreed to personally pay him the \$20,000 that was missing. Bettencourt stated that Jeri Sell paid him back the \$20,000 over several months.<sup>20</sup>

### Summary

This investigation revealed five victims had \$679,185.27 removed from their accounts or safe deposit box without their authorization or knowledge. These funds were embezzled by Jeri Sell who used her position as bank manager to access account information via the computer, manipulate bank statements, place holds on bank statements, and access the funds.

Your affiant is also aware that a period of time has elapsed during the onset of investigation and this application for an arrest warrant. The above violations were not discovered until May of 2010, and no law enforcement agency chargeable with the investigation had actual or constructive knowledge of the violations prior to this date. (See Penal Code § 801.5.) More specifically, it was not until CBB released the findings of their internal audit in May of 2010 that law enforcement learned of Jeri Sell's involvement in these violations.

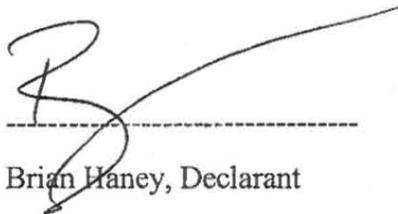
Based on information provided to me during the course of this investigation, probable cause exists to conclude that Jeri Sell committed the crime of Grand Theft by Embezzlement (Penal Code sections 487 and 503).

Therefore, I request that a warrant be issued pursuant to Penal Code section 813, ordering the arrest of Jeri Sell for the relevant felony violations charged in the accompanying Felony Complaint.

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<sup>20</sup> Whenever, prior to an information laid before a magistrate, or an indictment found by a grand jury, charging the commission of embezzlement, the person accused voluntarily and actually restores or tenders restoration of the property alleged to have been embezzled, or any part thereof, such fact is not a ground of defense, but it authorizes the court to mitigate punishment, in its discretion. (Pen. Code. § 513.)

I declare under penalty of perjury the foregoing is true and correct. Executed this 17<sup>th</sup>  
day of September, 2010.



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Brian Haney, Declarant

WHEREFORE, your declarant prays that this court issue a warrant directing the arrest of  
the accused.

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Judge of the Tulare County Superior Court