

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HALL OF JUSTICE

COMPLAINT FOR ARREST WARRANT(S) GEORGE MICHAEL SHIRAKAWA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

GEORGE MICHAEL SHIRAKAWA,

Defendant(s).

FELONY COMPLAINT

DA NO: 130204490

CEN

GMS WARR

The undersigned is informed and believes that:

COUNT 1

On or about and between January 10, 2009 and August 3, 2009, in the County of Santa Clara, State of California, the crime of CERTIFICATION UNDER PENALTY OF PERJURY, in violation of PENAL CODE SECTION 118, a Felony, was committed by GEORGE MICHAEL SHIRAKAWA who did having testified, declared, deposed and certified under penalty of perjury in a case in which the testimony, declaration, deposition and certification is permitted by law of the State of California under penalty of perjury, Fair Political Practices Commission Form 460 statement, willfully state as true a material matter which he/she knew to be false, George Shirakawa certified under penalty of perjury that the ending cash balance of his campaign "George Shirakawa for School Board" on June 30, 2008, was \$12,399.49 when he knew that the campaign bank account was overdrawn. George Shirakawa certified under penalty of perjury that between July 1, 2008 and December 31, 2008 in the campaign "George Shirakawa for School Board" that there were only three (3) transactions when he knew that there were at least twenty (20) transactions which included cash deposits followed by expenditures at casinos.

COUNT 2

On or about and between January 31, 2006 and September 26, 2012, in the County of Santa Clara, State of California, the crime of CERTIFICATION UNDER PENALTY OF PERJURY, in violation of PENAL CODE SECTION 118, a Felony, was committed by GEORGE MICHAEL SHIRAKAWA who did having testified, declared, deposed and certified under penalty of perjury in a case in which the testimony, declaration, deposition and certification is permitted by law of the State of California under penalty of perjury, Semi-Annual Fair Political Practices Commission Form 460 Statements, willfully state as true a material matter which he/she knew to be false, George Shirakawa certified under penalty of perjury that between January 31, 2006 and September 26, 2012 in the campaign "George Shirakawa for School Board," that Paz Rocha was the treasurer who had used reasonable diligence in preparing and reviewing campaign statements..

COUNT 3

On or about and between June 30, 2008 and September 27, 2012, in the County of Santa Clara, State of California, the crime of CERTIFICATION UNDER PENALTY OF PERJURY, in violation of PENAL CODE SECTION 118, a Felony, was committed by GEORGE MICHAEL SHIRAKAWA who did having testified, declared, deposed and certified under penalty of perjury in a case in which the testimony, declaration, deposition and certification is permitted by law of the State of California under penalty of perjury, Semi-Annual Fair Political Practices Commission Form 460 Statements, willfully state as true a material matter which he/she knew to be false, George Shirakawa certified under penalty of perjury that campaign "George Shirakawa for Supervisor," incurred specified transactions from the campaign between May 18, 2008 and June 30, 2008; however he knew that he did not include more than \$20,000 worth of unreported expenditures at casinos. George Shirakawa certified under penalty of perjury that campaign, "George Shirakawa for Supervisor," incurred specified withdrawals from the campaign between July 1, 2008 and September 30, 2008; however he knew that he did not include more than \$60,000 worth of unreported expenditures at casinos. George Shirakawa certified under penalty of perjury that campaign "George Shirakawa for Supervisor," incurred specified withdrawals from the campaign between October 19, 2008 and December 31, 2008; however he knew that he did not include more than \$5,000 worth of unreported expenditures at casinos. George Shirakawa certified under penalty of perjury that campaign "George Shirakawa for Supervisor," incurred specified withdrawals between January 1, 2009 and June 30, 2009; however he knew that he did not include \$30,000 worth of unreported expenditures at casinos.

COUNT 4

On or about and between March 29, 2012 and August 11, 2012, in the County of Santa Clara, State of California, the crime of CERTIFICATION UNDER PENALTY OF PERJURY, in violation of PENAL CODE SECTION 118, a Felony, was committed by GEORGE MICHAEL SHIRAKAWA who did having testified, declared, deposed and certified under penalty of perjury in a case in which the testimony, declaration, deposition and certification is permitted by law of the State of California under penalty of perjury, Semi-Annual Fair Political Practices Commission Form 460 Statement, willfully state as true a material matter which he/she knew to be false, George Shirakawa certified under penalty of perjury that campaign, "George Shirakawa for Supervisor 2012," detailed specified withdrawals from the campaign between January 1, 2012 and June 30, 2012; however he knew that he did not include more than \$5,000 worth of expenditures for his treasurer's personal account.

COUNT 5

On or about and between January 5, 2009 and February 22, 2013, in the County of Santa Clara, State of California, the crime of MISAPPROPRIATION OF PUBLIC FUNDS BY STATE, COUNTY, CITY, TOWN OR DISTRICT OFFICER, in violation of PENAL CODE SECTION 424(a), a Felony, was committed by GEORGE MICHAEL SHIRAKAWA, who, being a person charged with the receipt, safekeeping, transfer and disbursement of public money, did loan public money to himself for a purpose not authorized by law.

COUNT 6

On or about and between February 1, 2010 and February 24, 2013, in the County of Santa Clara, State of California, the crime of FAILURE BY ELECTED OFFICER, CANDIDATE, AND COMMITTEE TO TIMELY FILE SEMIANNUAL STATEMENT, in violation of GOVERNMENT CODE SECTION 84200(a)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did , as a elected official, fail to file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31 in the campaign "Shirakawa for Supervisor," campaign ID #1302378.

COUNT 7

On or about and between August 2, 2010 and February 24, 2013, in the County of Santa Clara, State of California, the crime of FAILURE BY ELECTED OFFICER, CANDIDATE, AND COMMITTEE TO TIMELY FILE SEMIANNUAL STATEMENT, in violation of GOVERNMENT CODE SECTION 84200(a)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did , as a elected official, fail to file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31 in the campaign "Shirakawa for Supervisor," campaign ID #1302378.

COUNT 8

On or about and between January 31, 2011 and February 24, 2013, in the County of Santa Clara, State of California, the crime of FAILURE BY ELECTED OFFICER, CANDIDATE, AND COMMITTEE TO TIMELY FILE SEMIANNUAL STATEMENT, in violation of GOVERNMENT CODE SECTION

84200(a)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did , as a elected official, fail to file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31 in the campaign "Shirakawa for Supervisor," campaign ID #1302378.

COUNT 9

On or about and between August 1, 2011 and February 24, 2013, in the County of Santa Clara, State of California, the crime of FAILURE BY ELECTED OFFICER, CANDIDATE, AND COMMITTEE TO TIMELY FILE SEMIANNUAL STATEMENT, in violation of GOVERNMENT CODE SECTION 84200(a)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did , as a elected official, fail to file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31 in the campaign "Shirakawa for Supervisor," campaign ID #1302378.

COUNT 10

On or about and between January 31, 2012 and February 24, 2013, in the County of Santa Clara, State of California, the crime of FAILURE BY ELECTED OFFICER, CANDIDATE, AND COMMITTEE TO TIMELY FILE SEMIANNUAL STATEMENT, in violation of GOVERNMENT CODE SECTION 84200(a)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did , as a elected official, fail to file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31 in the campaign "Shirakawa for Supervisor," campaign ID #1302378.

COUNT 11

On or about and between March 22, 2012 and February 24, 2013, in the County of Santa Clara, State of California, the crime of FAILURE TO TIMELY FILE PREELECTION STATEMENTS - PERIOD ENDING MARCH 17, in violation of GOVERNMENT CODE SECTION 84200.7(a)(1)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did , for the June election period, fail to file a preelection statement no later than March 22 for the period ending March 17 in the campaign "Shirakawa for Supervisor," campaign ID #1302378.

COUNT 12

On or about and between July 1, 2008 and December 31, 2012, in the County of Santa Clara, State of California, the crime of RECEIPT OF CASH CONTRIBUTIONS OF ONE HUNDRED DOLLARS (\$100) OR MORE, in violation of GOVERNMENT CODE SECTION 84300(a)-91000, a Misdemeanor, was committed by GEORGE MICHAEL SHIRAKAWA who did receive a cash contribution of one

hundred dollars (\$100) or more, totaling over \$10,000 in contributions for "George Shirakawa for School Board" and "Shirakawa for Supervisor", and failed to return the contribution within the required time period.

(OTH) The offense(s) charged in Count(s) One, Two, Three, and Four above was/were not discovered until on or about and between December 20, 2012 and January 4, 2013 when the Fair Political Practices Commission (FFPC) in conjunction with the SCC DA's Office commenced an investigation into George Shirakawa's failure to file numerous campaign documents. The Santa Clara County Registrar of Voters had not tipped law enforcement to Shirakawa's failure to file campaign 460 reports for years. In the course of the investigation the FFPC issued administration subpoenas for the bank accounts associated with campaign filings. A review of the bank accounts and the campaign 460 statements revealed the crimes of perjury. The subpoena on Bank America Account xxxx5045, "George Shirakawa for School Board" was served 12/6/12 and the records were received on 12/20/12. The Washington Mutual account xxxx8964, "Shirakawa for Supervisor," was served on 12/6/12 and the records were received on 1/28/13. A subpoena for Wells Fargo account xxxx1973, "Shirakawa for Supervisor," was served on 1/28/13 and the records were received on 2/12/13. A subpoena was served on Bank of America account xxxx3310, "Shirakawa for Supervisor," on 12/6/12 and the records were received on 1/4/13. A subpoena was served on Wells Fargo account xxxx4157, "Shirakawa for Supervisor," on 2/7/13 and those records are still outstanding. Prior to the period on or about December 20, 2012 and January 4, 2013, District Attorney Investigator Michael Brown and FFPC Investigator Simon Russell had no actual and constructive knowledge of the crimes because, since bank records are not public, it was only after the public Campaign 460 statements were compared to the subpoenaed campaign bank accounts

that the perjury and the false nature of the campaign filings were discovered, and, in the exercise of reasonable diligence, the crimes could not have been discovered at an earlier date within the meaning of Penal Code section 803(c).

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant GEORGE MICHAEL SHIRAKAWA, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on February 28, 2013, in SANTA CLARA County, California.

Brown 3
(Brown 3)
DA (408) 808-3760 121024833
SINUNU-TOWERY/ D225/ FELONY/ DC

Cash or Bond \$ _____

Date: _____

JUDGE OF THE SUPERIOR COURT

Warrant Received for Service by:

on _____