

3679

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

CF - 2022-3679

STATE OF OKLAHOMA,)
)
 Plaintiff,)
 vs.) Case No. CF-2022-
)
 FRANCIS DANIEL MALDONADO,)
 H/M DOB: October, 1986)
 SSN: xxx-xx-0658)
 ALIAS SSN: xxx-xx-6400)
)
 Defendant.)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

AUG 17 2022

RICK WARREN
COURT CLERK

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INFORMATION

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COUNTS I-II:

EMBEZZLEMENT ~ 21 O.S. §1451 (B)(3), FELONY

This crime is punishable by not more than 5 years imprisonment and a fine up to \$5,000.00

COMES NOW John M. O'Connor, the duly authorized and acting Attorney General of the State of Oklahoma, in the name and by the authority of the State of Oklahoma, and on his official oath gives information as follows:

COUNT I:

That between December, 2021, and February, 2022, the crime of **EMBEZZLEMENT** was feloniously committed in OKLAHOMA COUNTY, State of Oklahoma, by **FRANCIS DANIEL MALDONADO**, to wit:

The Defendant fraudulently appropriated \$10,800.00, belonging to Nafees Rashid and which had been entrusted to the Defendant for the specific purpose to use for labor and materials to remodel her kitchen, to the Defendant's own use and benefit, a purpose not intended or authorized by Ms. Rashid; and/or to any use or purpose not intended or authorized by Ms. Rashid.

Said actions and practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT II:

That between February, 2022, and May, 2022, the crime of **EMBEZZLEMENT** was feloniously committed in OKLAHOMA COUNTY, State of Oklahoma, by **FRANCIS DANIEL MALDONADO**, to wit:

The Defendant fraudulently appropriated \$3,000.00, belonging to Pamela Adkins and which had been entrusted to the Defendant for the specific purpose to use for labor and

materials to remodel her kitchen, to the Defendant's own use and benefit, a purpose not intended or authorized by Ms. Adkins; and/or to any use or purpose not intended or authorized by Ms. Adkins.

Said actions and practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

By: 

Matthew E. Willoughby, OBA No. 73305
Assistant Attorney General
Consumer Protection Unit
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Telephone: (405) 522-3061
Facsimile: (405) 522-0085

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

1. **AGENT ERIC VANGURP**
Oklahoma office of the Attorney General
Consumer Protection Unit
313 N.E. 21st Street
Oklahoma City, OK 73105

2. **NAFEES RASHID**
2633 Grand National Drive
Edmond, OK 73034

3. **PAMELA ADKINS**
12209 Cypress Lane
Oklahoma City, OK 73162

4. **RANDY GATES**
Remodeling Contractor
Randy Gates Construction

5. **BRADLEY PITTMAN**
Oklahoma City Police Department
700 Colcord Dr.
Oklahoma City, OK 73102

6. **JP MORGAN CHASE REPRESENTATIVE**
300 S. Bryant Avenue
Edmond, OK 73034

7. **PLS FINANCIAL SOLUTIONS OF OKLAHOMA REPRESENTATIVE**
2317 N. Penn. Avenue
Oklahoma City, OK 73107

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STATE OF OKLAHOMA

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 Plaintiff,)
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 vs.)
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 FRANCIS DANIEL MALDONADO,)
 H/M, DOB: October, 1986)
 SSN: xxx-xx-0658)
 ALIAS SSN: xxx-xx-6400)
)
 .Defendant)

Case No. CF-2022-_____

COUNTY OF OKLAHOMA)
) ss.
 STATE OF OKLAHOMA)

AFFIDAVIT OF PROBABLE CAUSE

I, Eric S. Van Gorp, on behalf of the State of Oklahoma, Office of the Attorney General (“OAG”), do attest that the following is true and factual to the best of my knowledge with regard to the following information. I am currently employed as an Agent for the Consumer Protection Unit (“CPU”) of the OAG since 11-8-2021. I have been a Council on Law Enforcement Education and Training (“CLEET”) certified Law Enforcement Officer in the State of Oklahoma since 1998. During the course of my 24-year Law Enforcement career, I have conducted investigations associated with several different types of criminal activities in Federal, State, and local jurisdictions. I am aware of what it takes to establish probable cause and how to present those facts to the court for the issuance of an arrest warrant or detention order for a defendant. This affidavit does not contain all the information from this investigation, however, it contains factual information necessary to establish probable cause that **FRANCIS DANIEL MALDONADO d.b.a. 5 Brothers L&F Construction LLC**, committed the below listed crimes, which are in violation of Oklahoma law.

In January 2022, the CPU received a consumer complaint about FRANCIS DANIEL MALDONADO d.b.a. 5 Brothers L&F Construction LLC. Your Affiant was assigned to the case and is currently conducting an investigation. During the investigation, your Affiant discovered two incidents and two victims that involved embezzlement and home repair fraud by FRANCIS DANIEL MALDONADO, d.b.a. 5 Brothers L&F Construction LLC. A check of an Oklahoma Law Enforcement database revealed that MALDONADO lists 4308 Sierra Ridge Boulevard Oklahoma City, Oklahoma, as his home address. Both Maldonado and Lesly Urbina shared utilities at 4308 Siera Ridge Boulevard Oklahoma City, Oklahoma from August 2020 to August 2021. It is believed that Maldonado and Urbina are husband and wife. The following is a summary

of transactions between MALDONADO and the two victims of MALDONADO'S fraudulent criminal activities.

1. On 2-22-2022, your Affiant conducted an interview with Nafees Rashid, who resides at 2633 Grand National Drive Edmond, Oklahoma County, Oklahoma. During the interview, Rashid said in March 2021, she entered into a contract with Maldonado to remodel the kitchen in her residence, located at 2633 Grand National Drive Edmond, Oklahoma County, Oklahoma. According to the written contract the total cost of the project was \$19,000.00. A \$9,000.00 up-front payment was to be made upon signing the contract for the purchase of materials. According to the contract, a \$6,000.00 payment would be made as the project progressed and a \$4,000.00 payment would be made upon completion. Rashid said those figures were locked in except for any changes that may occur during the building process. Maldonado asked for additional up-front payments for the job and Rashid gave him the money. According to bank records, which Rashid provided, there were four (4) personal checks made out to Francis Maldonado between 12-21-2021 and 12-28-2021, totaling \$12,550.00 and one wire transfer from Rashid's bank via Zelle Application to Lesly Urbina, on 12-22-2021, in the amount of \$2000.00, totaling \$14,550.00. The investigation revealed that the checks were cashed by Maldonado at a financial institution in Edmond, Oklahoma County, Oklahoma, and the Zelle transaction was received by an account belonging to Lesly Urbina. The only work Maldonado either started or completed at Rashid's residence was the demolition of the kitchen, valued between \$3400.00 and \$3750.00. Following the demolition of the kitchen, Maldonado never returned to the residence to complete the work and eventually stopped communications with Rashid. Based on the investigation and the figures supplied in this investigation, Maldonado embezzled approximately \$10,800.00 from Rashid.
2. On 5-10-2022, your Affiant conducted an interview with Pamela Adkins, who resides at 12209 Cypress Oklahoma City, Oklahoma County, Oklahoma 73162. During the interview, Adkins said in February 2022, she entered into a written contract with Francis Daniel Maldonado to install cabinets in her kitchen. The agreed amount was \$5400.00, and Adkins was required to pay \$3000.00 up-front, which she later paid Maldonado by check. The check was from Adkins' personal MidFirst Bank account, Check number 178, in the amount of \$3000.00, paid to the order of Francis Daniel Maldonado, and signed by Pamela Adkins. Adkins confirmed that Maldonado later cashed the check at the MidFirst Bank Branch, located at 2320 N. Harrison Avenue Shawnee, Pottawatomie County, Oklahoma 74804. Adkins said that on 2-16-2022 she gave Maldonado the check at his residence, located at 1201 NW 190th Place, Edmond, Oklahoma County, Oklahoma 73012. Maldonado never returned to Adkins' residence to start the project and eventually stopped communicating with her. Based on the investigation and the figures supplied in this investigation, Maldonado embezzled \$3000.00 from Adkins.

Based on the above information, your Affiant believes probable cause exists to show that between December 2021 and February 2022, Francis Daniel Maldonado committed two (2) counts of

embezzlement, Title 21 § 1451.B.3. The undersigned asks that this Court issue a finding of fact that there is probable cause to believe that Francis Daniel Maldonado committed these crimes and issue a warrant for the arrest of **FRANCIS DANIEL MALDONADO**.

Further your Affiant sayeth not.

By: 

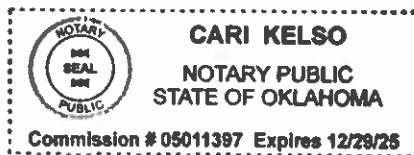
Eric VanGurp, Agent
Oklahoma Office of the Attorney General
Consumer Protection Unit

SUBSCRIBED AND SWORN to before me this 16th day of August 2022.



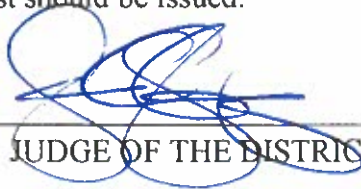
Notary Public

Commission Expires: 12-29-2025
Commission Number: 5011397



FINDING OF PROBABLE CAUSE

On this 17th day of August, 2022, the above-styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court of Oklahoma County, State of Oklahoma, upon the above Affidavit, requesting that a Warrant of Arrest be issued for **FRANCIS DANIEL MALDONADO**, and that he might be arrested and held to answer for the offenses of Embezzlement, Title 21 § 1451.B.3. Based upon said Affidavit, I am satisfied and do hereby find that there is probable cause to believe that **FRANCIS DANIEL MALDONADO** has committed said offenses and that a Warrant of Arrest should be issued.



JUDGE OF THE DISTRICT COURT