

ELECTRONICALLY
FILED
2/2/2022 10:28 AM

SAN LUIS OBISPO SUPERIOR COURT
By: M. Alipia,
Deputy Clerk

1 DAN DOW
2 DISTRICT ATTORNEY
3 STATE BAR # 237986
4 COUNTY OF SAN LUIS OBISPO
5 COURTHOUSE ANNEX, 4TH FLOOR
6 SAN LUIS OBISPO, CA 93408
7 TELEPHONE: (805) 781-5800

<input type="checkbox"/> DV Case
<input type="checkbox"/> BOOKING REQ

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN LUIS OBISPO
10 DEPARTMENT 3

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA
13
14 vs.
15 **ANDREA RUTH BOWENGARDNER**
16 DOB: 10/05/1970
17 ID NO. D000435107
18 CII: A33760921
19 AKA ANDREA RUTH BOWEN, ANDREA
20 RUTH BOWEN GARDNER
21
22 Defendant.

COURT CASE NO. 22F-00572
COMPLAINT

DA CASE NO. 079-645789

Appearance Date:

21 The District Attorney of San Luis Obispo County, California, hereby accuses the
22 above named defendant of the following criminal offenses:

23 Count 1

24 In or about June 2019 in the County of San Luis Obispo, State of California, the
25 crime of Embezzlement in violation of Penal Code section 503, a Felony, was committed in
26 that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently
27 misappropriate funds from an auction occurring in May 2019, said auction involving the
28 sale of personal property belonging to persons with the initials W.A., L.B., T.C., J.D., G.D.,

1 W.D., R.E., Jo.E., J.F-E., D.F., M.G., P.G., K.H., D.H., M.H., J.H., S.J., B.L., P.M., J.M.,
2 B.M., Je.M., Ju.M., M.N., J.P., M.P., T.R., H.R., K.R., E.R., J.R., B.S., S.S., D.S., J.S., J.T.,
3 N.T., P.V., R.V., J.W., L.W., S.W., R.Z., or did without authorization dispose of such
4 property, said personal property having been entrusted to said defendant.

5 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
6 Dollars (\$950).

7
8 Count 2

9 From approximately December 2018 to June 2019 in the County of San Luis Obispo, State
10 of California, the crime of Embezzlement in violation of Penal Code section 503, a
11 Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully
12 and unlawfully fraudulently misappropriate funds from the sale of personal property
13 belonging to persons with the initials M.D., G.D., W.D., B.D., C.D., R.H., D.J., J.M., L.M.,
14 M.N., C.P., K.R., E.R., J.R., C.S., B.T., L.T., P.V., said personal property having been
15 entrusted to said defendant.

16
17 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
18 Dollars (\$950).

19
20 Count 3

21 From approximately February 2018 to December 2019 in the County of San Luis Obispo,
22 State of California, the crime of Embezzlement in violation of Penal Code section 503, a
23 Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully
24 and unlawfully fraudulently misappropriate funds from sales of personal property belonging
25 to persons with the initials W.A., L.B., B.B., P.B., T.C., C.C., J.D., M.D., G.D., W.D., B.D.,
26 D.D., C.D., R.E., Ja.E., Jo.E., J.F-E., D.F., M.G., P.G., K.H., D.H., R.H., M.H., J.H., S.J.,
27 D.J., B.L., P.M., J.M., B.M., Je.M., Ju.M., L.M., M.N., C.P., J.P., M.P., T.R., H.R., K.R.,

1 E.R., J.R., C.S., B.S., S.S., D.S., J.S., J.T., N.T., B.T., L.T., P.V., R.V., J.W., L.W., S.W.,
2 R.Z., or did without authorization dispose of such property, said personal property having
3 been entrusted to said defendant.

4 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
5 Dollars (\$950).

6
7 Count 4

8 From approximately February 2019 May 2019 in the County of San Luis Obispo, State of
9 California, the crime of Embezzlement in violation of Penal Code section 503, a Felony,
10 was committed in that ANDREA RUTH BOWENGARDNER did willfully
11 and unlawfully fraudulently misappropriate funds from sales of personal property belonging
12 to M.N., including a grandfather clock, desk, cabinet, ottoman, antique radio and other
13 items, belonging to M.N. or did without authorization dispose of such property, said
14 personal property having been entrusted to said defendant.

15
16 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
17 Dollars (\$950).

18
19 Count 5

20 From approximately February 2018 to May 2019 in the County of San Luis Obispo, State
21 of California, the crime of Embezzlement in violation of Penal Code section 503, a Felony,
22 was committed in that ANDREA RUTH BOWENGARDNER did willfully
23 and unlawfully fraudulently misappropriate funds from sales of personal property belonging
24 to T.C., including artwork, belonging to T.C., or did without authorization dispose of such
25 property, said personal property having been entrusted to said defendant.

26 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
27 Dollars (\$950).

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Count 6

From approximately December 2017 to June 2018 in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of Penal Code section 503, a Felony was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate funds given to her by Ja.E. for the sole purpose of purchasing furniture for Ja.E., said funds having been entrusted to said defendant for that purpose.

It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

Enhancement

PC803(c): Spec Alleg-Statute of Limitations-Late Discovery (Zamora Allegation)

It is further alleged as to Count 6, an offense described in Penal Code section 803(c), that the above violation was not discovered until approximately June 2018 by Ja.E., the victim. It is alleged that the defendant had up until that time concealed from Ja,E. that the items had not been purchased and that neither said victim nor any law enforcement agency chargeable with the investigation and prosecution of said violation, had actual and constructive knowledge of said violation prior to said date, within the meaning of Penal Code section 803(c).

Count 7

In or about June 2019 in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of Penal Code section 503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate funds from an auction occurring in May 2019, said auction involving the sale of personal property, including a dining room table and chairs, belonging to Ju.M., or

1 did without authorization otherwise dispose of such property, said personal property having
2 been entrusted to said defendant.

3 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
4 Dollars (\$950).

5
6 Count 8

7 In or about June 2019 in the County of San Luis Obispo, State of California, the crime of
8 Embezzlement in violation of Penal Code section 503, a Felony, was committed in
9 that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently
10 misappropriate funds from an auction occurring in May 2019, said auction involving the
11 sale of personal property, including a dining room table and chairs, sofa, dresser and other
12 items belonging to D.S., or did without authorization otherwise dispose of such property,
13 said personal property having been entrusted to said defendant.

14
15 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
16 Dollars (\$950).

17
18 Count 9

19 In or about April 2019 in the County of San Luis Obispo, State of California, the crime of
20 Embezzlement in violation of Penal Code section 503, a Felony, was committed in
21 that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently
22 misappropriate funds from the sale of a recliner belonging to B.T., said recliner having
23 been entrusted to said defendant.

24 It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty
25 Dollars (\$950).

Count 10

In or about June 2019 in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of Penal Code section 503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate funds from an auction occurring in May 2019, said auction involving the sale of personal property belonging to S.J., including furniture and other items, or did without authorization dispose of such property, said personal property having been entrusted to said defendant.

It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

1 All of which is contrary to the statute in such cases made and provided, and against
2 the peace and dignity of the People of the State of California.

3 I declare that an investigation has been conducted to determine if said Defendant(s)
4 did commit the stated crime, which reports are attached hereto and incorporated herein by
5 reference, and that the facts therein show probable cause that the said Defendant(s) did
6 commit the crime. Your declarant requests the issuance of a Warrant of Arrest either if
7 said Defendant(s) do not appear voluntarily in response to an appearance letter, or if no
8 appearance letter was issued.

9 **Discovery Request:** Pursuant to Penal Code Section 1054.5(b), the People are
10 hereby informally requesting that defense counsel provide discovery to the people as
11 required by Penal Code Section 1054.3.

12 On this day January 31, 2022, in the County of San Luis Obispo, I certify and
13 declare under penalty of perjury that the foregoing is true and correct.

14 Dated: January 31, 2022

15 DAN DOW
16 DISTRICT ATTORNEY

17
18
19 By: 
20 MICHAEL S FRYE
21 DEPUTY DISTRICT ATTORNEY

22 Upon review of the reports attached and incorporated herein by reference, I find sufficient
23 probable cause to warrant the defendant(s) continued detention.

24 Dated: _____
25 _____
26 Judge of the Superior Court

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SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC503		Andrea Ruth Bowengardner		
2	PC503		Andrea Ruth Bowengardner		
3	PC503		Andrea Ruth Bowengardner		
4	PC503		Andrea Ruth Bowengardner		
5	PC503		Andrea Ruth Bowengardner		
6	PC503		Andrea Ruth Bowengardner		
7	PC503 PC803(c)		Andrea Ruth Bowengardner		
8	PC503		Andrea Ruth Bowengardner		
9	PC503		Andrea Ruth Bowengardner		
10	PC503		Andrea Ruth Bowengardner		

COUNTY OF SAN LUIS OBISPO

OFFICE MEMORANDUM

To: Superior Court
From: District Attorney
Date: February 2, 2022
DA Case: 079645789
Subject: Warrant Request for Andrea Ruth Bowengardner
ID: D000435107