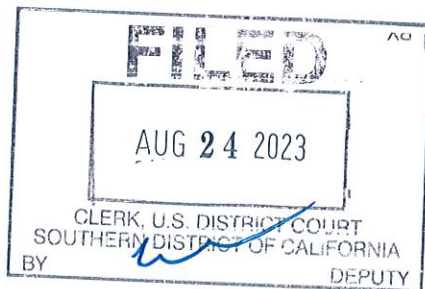


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6 Attorneys for the United States



7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 UNITED STATES OF AMERICA,

Case No.

10 Plaintiff,

11 v.

PLEA AGREEMENT

12 TIEN TAN VO,

13 Defendant.
14

15
16 IT IS HEREBY AGREED between the plaintiff, UNITED STATES OF AMERICA,
17 through its counsel, Andrew R. Haden, Acting United States Attorney, and
18 Nicholas W. Pilchak, Assistant U.S. Attorney, and Defendant, TIEN TAN
19 VO, through his counsel, Jeremy Warren and Michael Aguirre, as follows:

20 **I**

21 **THE PLEA**

22 Defendant agrees to waive indictment and plead guilty to an
23 Information, charging Defendant with (1) Accessory After the Fact to
24 Entry of Goods by Means of False Statement, in violation of Title 18,
25 United States Code, Sections 542 and 3, and (2) Receipt in Interstate
26 Commerce of Misbranded Drugs and Delivery for Pay or Otherwise, in
27 violation of Title 21, United States Code, Sections 331(c) and
28

Def. Initials TV

1 333(a)(1). In addition, Defendant consents to the forfeiture
2 allegations of the Information.

3 II

4 NATURE OF THE OFFENSE

5 A. ELEMENTS EXPLAINED

6 The offenses to which Defendant is pleading guilty have the
7 following elements:

8 Count 1

- 9 1. The crime of entry of goods by means of false statement had
10 2. The defendant knew that this crime had been committed and
11 that the specific person had committed it; and
12 3. The defendant thereafter intentionally received, relieved,
13 comforted, or assisted the specific person in order to hinder
14 and prevent that person's apprehension, trial or punishment
15 for the crime of entry of goods by means of false statement.

16 In turn, the elements of entry of goods by means of false statement
17 are:

- 18 1. Foreign, unapproved drugs and devices were imported;
19 2. The defendant introduced those goods into the commerce of the
20 United States;
21 3. The defendant did so by means of a false verbal statement,
22 which he knew was false; and
23 4. The statement was material to the entry of the merchandise.

24 Count 2

- 25 1. The defendant received in interstate commerce;
26 2. A drug or device
27 3. That was adulterated or misbranded; and
28 4. Delivered or proffered delivery of it for pay or otherwise.

B. ELEMENTS UNDERSTOOD AND ADMITTED - FACTUAL BASIS

Defendant has fully discussed the facts of this case with defense
counsel. Defendant has committed each of the elements of the crime,

1 and admits that there is a factual basis for this guilty plea. The
2 following facts are true and undisputed:

- 3
4 1. Defendant has been a doctor licensed to practice medicine by
5 the State of California since 2010. Between at least November
6 2016 and October 2020, defendant provided cosmetic services
7 at his medical clinics, including the use of injectable
8 botulinum toxin and lip fillers, to more than 10 patients.
- 9
10 2. During that time, defendant exclusively used foreign,
11 unapproved injectable botulinum toxin and lip fillers in his
12 cosmetic practice. This specifically included Xeomeen and
13 the injectable lip filler Probcel, neither of which is
14 approved for use in the United States. Defendant admits that
15 because they were unapproved and not labeled for use in the
16 United States.
- 17
18 3. Defendant's unapproved cosmetic drugs and devices were
19 chiefly supplied by Person 1, who operated a "med spa" in
20 Mexicali and smuggled the drugs and devices into the United
21 States and sold them to Defendant. Defendant knew that
22 Person 1 brought the unapproved drugs and devices into the
23 United States from Mexico without declaring them. Defendant
24 expressly admits that the false statements Person 1 made to
25 import the drugs and devices were material.
- 26
27 4. Defendant accepted delivery of such unapproved drugs and
28 devices from Person 1, knowing that they had been entered
into the United States by means of false statements. Defendant knew his receipt of the unapproved drugs and devices helped Person 1 avoid apprehension, including by failing to report Person 1's conduct to authorities.
5. On or about February 4, 2020, Defendant took delivery of twenty (20) boxes of one hundred (100) units each of "Xeomeen" powder, containing botulinum toxin, from Person 1 at his clinic in Imperial County, California. Defendant admits that the drugs were received in interstate commerce, that they were misbranded, and that he paid Person 1 for them.
6. Defendant admits that he received \$100,767.00 in gross receipts for the use of the unapproved drugs and devices in his cosmetic practice between November 2016 and October 2020.

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III

PENALTIES

The crimes to which Defendant is pleading guilty carry the following penalties:

Count 1

- A. a maximum of 1 year in prison;
- B. a maximum fine of \$100,000 or twice the pecuniary gain or loss;
- C. a mandatory special assessment of \$25;
- D. a term of supervised release of up to 1 year. Failure to comply with any condition of supervised release may result in revocation of supervised release, requiring Defendant to serve in prison, upon revocation, all or part of the statutory maximum term of supervised release; and
- E. forfeiture of any property constituting or derived from proceeds obtained directly or indirectly as a result of the violation.

Count 2

- A. a maximum of 1 year in prison;
- B. a maximum fine of \$1,000 or twice the pecuniary gain or loss;
- C. a mandatory special assessment of \$25; and
- D. a term of supervised release of up to 1 year. Failure to comply with any condition of supervised release may result in revocation of supervised release, requiring Defendant to serve in prison, upon revocation, all or part of the statutory maximum term of supervised release.

IV

DEFENDANT'S WAIVER OF TRIAL RIGHTS AND UNDERSTANDING OF CONSEQUENCES

This guilty plea waives Defendant's right at trial to:

- A. Continue to plead not guilty and require the Government to prove the elements of the crime beyond a reasonable doubt;
- B. A speedy and public trial by jury;

- 1 C. The assistance of counsel at all stages;
- 2 D. Confront and cross-examine adverse witnesses;
- 3 E. Testify and present evidence and to have witnesses testify on
4 behalf of Defendant; and,
- 5 F. Not testify or have any adverse inferences drawn from the
6 failure to testify.

7 **V**

8 **DEFENDANT ACKNOWLEDGES NO PRETRIAL RIGHT TO BE**
9 **PROVIDED WITH IMPEACHMENT AND AFFIRMATIVE DEFENSE INFORMATION**

10 Any information establishing the factual innocence of Defendant
11 known to the undersigned prosecutor in this case has been turned over
12 to Defendant. The United States will continue to provide such
13 information establishing the factual innocence of Defendant.

14 If this case proceeded to trial, the United States would be
15 required to provide impeachment information for its witnesses. In
16 addition, if Defendant raised an affirmative defense, the United States
17 would be required to provide information in its possession that supports
18 such a defense. By pleading guilty Defendant will not be provided this
19 information, if any, and Defendant waives any right to this information.
20 Defendant will not attempt to withdraw the guilty plea or to file a
21 collateral attack based on the existence of this information.

22 **VI**

23 **DEFENDANT'S REPRESENTATION THAT GUILTY**
24 **PLEA IS KNOWING AND VOLUNTARY**

25 Defendant represents that:

- 26 A. Defendant has had a full opportunity to discuss all the facts
27 and circumstances of this case with defense counsel and has
28 a clear understanding of the charges and the consequences of
this plea. By pleading guilty, Defendant may be giving up,
and rendered ineligible to receive, valuable government
benefits and civic rights, such as the right to vote, the
right to possess a firearm, the right to hold office, and the
right to serve on a jury. The conviction in this case may
subject Defendant to various collateral consequences,

1 including but not limited to revocation of probation, parole,
2 or supervised release in another case; debarment from
3 government contracting; and suspension or revocation of a
4 professional license, none of which can serve as grounds to
5 withdraw Defendant's guilty plea.

- 6 B. No one has made any promises or offered any rewards in return
7 for this guilty plea, other than those contained in this
8 agreement or otherwise disclosed to the Court.
- 9 C. No one has threatened Defendant or Defendant's family to
10 induce this guilty plea.
- 11 D. Defendant is pleading guilty because Defendant is guilty and
12 for no other reason.

13 **VII**

14 **AGREEMENT LIMITED TO U.S. ATTORNEY'S OFFICE**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 This plea agreement is limited to the United States Attorney's
17 Office for the Southern District of California and cannot bind any other
18 authorities in any type of matter, although the United States will bring
19 this plea agreement to the attention of other authorities if requested
20 by Defendant.

21 **VIII**

22 **APPLICABILITY OF SENTENCING GUIDELINES**

23 The sentence imposed will be based on the factors set forth in 18
24 U.S.C. § 3553(a). In imposing the sentence, the sentencing judge must
25 consult the United States Sentencing Guidelines (Guidelines) and take
26 them into account. Defendant has discussed the Guidelines with defense
27 counsel and understands that the Guidelines are only advisory, not
28 mandatory. The Court may impose a sentence more severe or less severe
than otherwise applicable under the Guidelines, up to the maximum in
the statute of conviction. The sentence cannot be determined until a
presentence report is prepared by the U.S. Probation Office and defense
counsel and the United States have an opportunity to review and

1 challenge the presentence report. Nothing in this plea agreement limits
2 the United States' duty to provide complete and accurate facts to the
3 district court and the U.S. Probation Office.

4 **IX**

5 **SENTENCE IS WITHIN SOLE DISCRETION OF JUDGE**

6 This plea agreement is made pursuant to Federal Rule of Criminal
7 Procedure 11(c)(1)(B). The sentence is within the sole discretion of the
8 sentencing judge who may impose the maximum sentence provided by statute.
9 It is uncertain at this time what Defendant's sentence will be. The United
10 States has not made and will not make any representation about what
11 sentence Defendant will receive. Any estimate of the probable sentence by
12 defense counsel is not a promise and is not binding on the Court. Any
13 recommendation by the United States at sentencing also is not binding on
14 the Court. If the sentencing judge does not follow any of the parties'
15 sentencing recommendations, Defendant will not withdraw the plea.

16 **X**

17 **PARTIES' SENTENCING RECOMMENDATIONS**

18 **A. SENTENCING GUIDELINE CALCULATIONS**

19 Although the Guidelines are only advisory and just one factor the
20 Court will consider under 18 U.S.C. § 3553(a) in imposing a sentence,
21 the parties will jointly recommend the following Base Offense Level,
22 Specific Offense Characteristics, Adjustments, and Departures for these
23 Class A misdemeanors (see USSG § 1B1.9):

24 //

25 //

26 //

27 //

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1	1. Base Offense Level, § 2B1.1(a)(2) ¹	6
2	2. Loss >\$40,000, § 2B1.1(b)(1)(D)	+6
3	3. 10 or More Victims, § 2B1.1(b)(2)(A)(i)	+2
4	4. Abuse of Trust & Special Skill, § 3B1.3	+2
5	5. Acceptance of Responsibility, §§ 3E1.1(a)/(b)	-3
6	6. Combination of Circumstances, § 5K2.0	<u>-2</u>
7		18

8 The parties agree to jointly recommend the departure for
 9 combination of circumstances based on Defendant's disposition of the
 10 case including waiver of appeal.

11 **B. ACCEPTANCE OF RESPONSIBILITY**

12 Despite paragraph A above, the United States need not recommend an
 13 adjustment for Acceptance of Responsibility if Defendant engages in
 14 conduct inconsistent with acceptance of responsibility including, but
 15 not limited to, the following:

- 16 1. Fails to truthfully admit a complete factual basis as
 17 stated in the plea at the time the plea is entered, or
 18 falsely denies, or makes a statement inconsistent with,
 19 the factual basis set forth in this agreement;
- 20 2. Falsely denies prior criminal conduct or convictions;
- 21 3. Is untruthful with the United States, the Court or
 22 probation officer;
- 23 4. Breaches this plea agreement in any way; or
- 24 5. Transfers or conceals property (or properties) that
 25 would otherwise be available for payment of restitution.

26 **C. FURTHER ADJUSTMENTS AND SENTENCE REDUCTIONS INCLUDING**
 27 **THOSE UNDER 18 U.S.C. § 3553**

28 Defendant may recommend additional downward adjustments,
 departures, including Criminal History departures under USSG § 4A1.3, or

¹ See also USSG § 2T3.1 cmt. n. 2.

1 sentence reductions under 18 U.S.C. § 3553. The United States may oppose
2 any such adjustments or departures not set out above.

3 **D. NO AGREEMENT AS TO CRIMINAL HISTORY CATEGORY**

4 The parties have no agreement as to Defendant's Criminal History Category.

5 **E. "FACTUAL BASIS" AND "RELEVANT CONDUCT" INFORMATION**

6 The facts in the "factual basis" paragraph of this agreement are true
7 and may be considered as "relevant conduct" under USSG § 1B1.3 and as the
8 nature and circumstances of the offense under 18 U.S.C. § 3553(a)(1).
9 **Defendant understands and agrees that, notwithstanding the parties' joint**
10 **recommendation regarding the sentencing guidelines and join recommendation**
11 **for probation set out in this agreement, the United States will introduce**
12 **(and Defendant may contest) "relevant conduct" information for sentencing**
13 **pertaining to Defendant's concealment of his use of foreign, unapproved**
14 **drugs and devices from his cosmetic customers. Introduction of such**
15 **information at sentencing, or argument based on the same, shall not amount**
16 **to breach of this agreement.**

17 **F. PARTIES' RECOMMENDATIONS REGARDING CUSTODY**

18 The parties will jointly recommend that defendant be sentenced to
19 three years of probation in lieu of custody, with one hundred (100)
20 hours of community service as a special condition of probation.

21 **G. SPECIAL ASSESSMENT /FINE /FORFEITURE /RESTITUTION**

22 **1. Special Assessment**

23 The parties will jointly recommend that defendant pay a special
24 assessment in the amount of \$25.00 per misdemeanor count of conviction
25 to be paid forthwith at time of sentencing. Defendant shall pay the
26 special assessment through the office of the Clerk of the District Court
27
28

1 by bank or cashier's check or money order made payable to the "Clerk,
2 United States District Court."

3 **2. Fine**

4 The United States will recommend a total fine in the amount of
5 \$201,534.

6 **3. Forfeiture & Restitution**

7 Defendant consents to the forfeiture allegations of the
8 Information. The parties agree that forfeiture and restitution shall be
9 governed by the provisions of the attached financial addendum.

10 **H. SUPERVISED RELEASE & PROBATION**

11 If the Court imposes a term of probation or supervised release,
12 Defendant agrees that he will not later seek to reduce or terminate
13 early the term of probation or supervised release until he has served
14 at least 2/3 of his term of supervised release or probation and has
15 fully paid and satisfied any special assessments, fine, criminal
16 forfeiture judgment and restitution judgment imposed by the Court.

17 **XI**

18 **DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK**

19 Defendant waives (gives up) all rights to appeal and to collaterally
20 attack every aspect of the conviction and sentence, including any
21 forfeiture or restitution order. The only exception is that Defendant
22 may collaterally attack the conviction or sentence on the basis that
23 Defendant received ineffective assistance of counsel. Defendant also
24 explicitly waives any challenge to the constitutionality of the statutes
25 to which Defendant is pleading. If Defendant appeals, the United States
26 may support on appeal the sentence or restitution order actually imposed.

1 XII

2 BREACH OF THE PLEA AGREEMENT

3 Defendant and Defendant's attorney know the terms of this agreement
4 and shall raise, before the sentencing hearing is complete, any claim
5 that the United States has not complied with this agreement. Otherwise,
6 such claims shall be deemed waived (that is, deliberately not raised
7 despite awareness that the claim could be raised), cannot later be made
8 to any court, and if later made to a court, shall constitute a breach
9 of this agreement.

10 Defendant breaches this agreement if Defendant violates or fails
11 to perform any obligation under this agreement. The following are non-
12 exhaustive examples of acts constituting a breach:

- 13 1. Failing to plead guilty pursuant to this agreement;
- 14 2. Failing to fully accept responsibility as established in
15 Section X, paragraph B, above;
- 16 3. Failing to appear in court;
- 17 4. Attempting to withdraw the plea;
- 18 5. Failing to abide by any court order related to this case;
- 19 6. Appealing (which occurs if a notice of appeal is filed)
20 or collaterally attacking the conviction or sentence in
21 violation of Section XI of this plea agreement; or
- 22 7. Engaging in additional criminal conduct from the time of
23 arrest until the time of sentencing.

24 If Defendant breaches this plea agreement, Defendant will not be
25 able to enforce any provisions, and the United States will be relieved
26 of all its obligations under this plea agreement. For example, the
27 United States may proceed to sentencing but recommend a different
28 sentence than what it agreed to recommend above. Or the United States
may pursue any charges including those that were dismissed, promised to

1 be dismissed, or not filed as a result of this agreement (Defendant
2 agrees that any statute of limitations relating to such charges is
3 tolled indefinitely as of the date all parties have signed this
4 agreement; Defendant also waives any double jeopardy defense to such
5 charges). In addition, the United States may move to set aside
6 Defendant's guilty plea. Defendant may not withdraw the guilty plea
7 based on the United States' pursuit of remedies for Defendant's breach.

8 Additionally, if Defendant breaches this plea agreement: (i) any
9 statements made by Defendant, under oath, at the guilty plea hearing
10 (before either a Magistrate Judge or a District Judge); (ii) the factual
11 basis statement in Section II.B in this agreement; and (iii) any
12 evidence derived from such statements, are admissible against Defendant
13 in any prosecution of, or any action against, Defendant. This includes
14 the prosecution of the charge that is the subject of this plea agreement
15 or any charge(s) that the United States agreed to dismiss or not file
16 as part of this agreement, but later pursues because of a breach by
17 the Defendant. Additionally, Defendant knowingly, voluntarily, and
18 intelligently waives any argument that the statements and any evidence
19 derived from the statements should be suppressed, cannot be used by the
20 United States, or are inadmissible under the United States Constitution,
21 any statute, Rule 410 of the Federal Rules of Evidence, Rule 11(f) of
22 the Federal Rules of Criminal Procedure, and any other federal rule.

23 **XIII**

24 **CONTENTS AND MODIFICATION OF AGREEMENT**

25 This plea agreement embodies the entire agreement between the
26 parties and supersedes any other agreement, written or oral. No

1 modification of this plea agreement shall be effective unless in writing
2 signed by all parties.

3 **XIV**

4 **DEFENDANT AND COUNSEL FULLY UNDERSTAND AGREEMENT**

5 By signing this agreement, Defendant certifies that Defendant has
6 read it (or that it has been read to Defendant in Defendant's native
7 language). Defendant has discussed the terms of this agreement with
8 defense counsel and fully understands its meaning and effect.

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XV

DEFENDANT SATISFIED WITH COUNSEL

Defendant has consulted with counsel and is satisfied with counsel's representation. This is Defendant's independent opinion, and Defendant's counsel did not advise Defendant about what to say in this regard.

ANDREW R. HADEN
Acting United States Attorney



NICHOLAS W. PILCHAK
Assistant U.S. Attorney

August 21, 2023

DATED

August 20, 2023

DATED

/s/ Jeremy Warren

JEREMY WARREN
Defense Counsel




August 20, 2023

DATED

/s/ Michael Aguirre

MICHAEL AGUIRRE
Defense Counsel



IN ADDITION TO THE FOREGOING PROVISIONS TO WHICH I AGREE, I SWEAR UNDER PENALTY OF PERJURY THAT THE FACTS IN THE "FACTUAL BASIS" SECTION ABOVE ARE TRUE.

08/20/2023

DATED



TIEN TAN VO
Defendant

Approved by:

Victor P. White

Victor P. White
Assistant U.S. Attorney

1 United States v. Tien Tan VO, Case No.

2 FINANCIAL ADDENDUM

3 1. Defendant's conviction will include financial penalties such as a
4 forfeiture, fine, and restitution. Defendant understands and agrees
5 that both forfeiture and restitution are mandatory for the offense to
6 which he is pleading guilty. In addition, **Defendant agrees and under-**
7 **stands that he is agreeing to the imposition of restitution for all**
8 **relevant conduct, beyond the offense of conviction.** This Financial Ad-
9 dendum is incorporated into and part of Defendant's plea agreement, and
10 the additional terms and warnings below apply.

11 **A. Forfeiture**

12 i. In addition to the penalties outlined in the plea
13 agreement, federal law states Defendant must forfeit any property
14 constituting, or derived from, proceeds obtained, directly or
15 indirectly, as a result of such violation.

16 ii. As part of Defendant's guilty plea to Count 1 of the
17 Information, as set forth in section I of the plea agreement, Defendant
18 agrees to forfeit, via entry of a personal money judgment against
19 Defendant, the amount of **\$100,767.00**.

20 iii. The money judgment against Defendant represents monies
21 subject to forfeiture to the United States as proceeds Defendant
22 personally received from the illegal conduct in violation of 18 U.S.C.
23 §§ 542 and 3 and are subject to forfeiture to the United States pursuant
24 to Title 18, United States Code, Section 982(a)(2)(B).

25 iv. Defendant consents and agrees to the immediate entry of
26 a forfeiture money judgment in the amount of **\$100,767.00**. Defendant
27 agrees that upon entry of the order of forfeiture, such order shall be
28 final as to Defendant. Defendant agrees to immediately withdraw any

1 claims in pending administrative or civil forfeiture proceedings to
2 properties seized in connection with this case that are directly or
3 indirectly related to the criminal conduct. Defendant agrees that upon
4 signing this Financial Addendum, he is withdrawing both upon his own
5 behalf and on behalf of his business and any and all entities which he
6 owns or controls, all claims filed in any and all administrative
7 forfeiture proceedings. Defendant agrees to execute all documents
8 requested by the Government to facilitate or complete the forfeiture
9 process, including but not limited to a Notice of Abandonment and Assent
10 to Forfeiture of Prohibited or Seized Merchandise form. Defendant
11 further agrees not to contest, or to assist any other person or entity
12 in contesting, the forfeiture of property seized in connection with
13 this case. Contesting or assisting others in contesting the forfeiture
14 shall constitute a material breach of the plea agreement, relieving the
15 Government of all its obligations under the agreement including but not
16 limited to its agreement to recommend an adjustment for Acceptance of
17 Responsibility. Defendant agrees that the criminal forfeiture money
18 judgment imposed by the Court will be (i) subject to immediate
19 enforcement, and (ii) submitted to the Treasury Offset Program (TOP) so
20 that any federal payment or transfer of returned property the Defendant
21 receives may be offset and applied to the outstanding balance on the
22 forfeiture judgment. Defendant waives all notices with respect to TOP
23 and all offsets.

24 v. Defendant consents and agrees to the entry of orders of
25 forfeiture for all forfeitable property and waives the requirements of
26 Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of
27 the forfeiture in the charging instrument, announcement of the
28

1 forfeiture at sentencing, and incorporation of the forfeiture in the
2 judgment. Defendant understands that the forfeiture of assets is part
3 of the sentence that must be imposed in this case and waives any failure
4 by the Court to advise defendant of this, pursuant to Rule 11(b)(1)(J),
5 at the time the Court accepts the guilty plea.

6 vi. Defendant agrees to take all steps as requested by the
7 United States to pass clear title to forfeitable assets to the United
8 States and to testify truthfully in any judicial forfeiture proceeding.

9 vii. Defendant agrees that the forfeiture provisions of this
10 plea agreement are intended to, and will, survive defendant, notwith-
11 standing the abatement of any underlying criminal conviction after the
12 execution of this agreement. The forfeitability of any particular prop-
13 erty pursuant to this agreement shall be determined as if defendant had
14 survived, and that determination shall be binding upon defendant's
15 heirs, successors and assigns until the agreed forfeiture, including
16 the **\$100,767.00** agreed-upon money judgment, is collected in full.

17 viii. Defendant acknowledges and agrees that the
18 forfeiture in this case includes entry of a personal money judgment
19 against Defendant in the amount of **\$100,767.00**, and that interest shall
20 accrue on the judgment from the date of entry of the Order of Forfeiture
21 in accordance with 18 U.S.C. § 3612(f) and 28 U.S.C. § 1961. The
22 Defendant agrees that the United States may take all actions available
23 to it to collect the full amount of the judgment, including enforcement
24 of the judgment against substitute assets as provided in 18 U.S.C.
25 § 982(b), which incorporates 21 U.S.C. § 853(p), and actions available
26 under the Federal Debt Collections Procedure Act. Defendant shall
27 receive credit against the agreed-upon money judgment for any amount of

1 restitution actually paid voluntarily and timely by Defendant himself
2 in this case. Defendant is not entitled to any credit against the
3 forfeiture money judgment for any substitute assets enforced by the
4 Government or for any collection actions taken by the Government as to
5 either the forfeiture or restitution. Defendant is not entitled to any
6 credit against the forfeiture money judgment for any proceeds received
7 from the sale of forfeited personal property.

8 **B. Restitution**

9 i. The crime to which Defendant is pleading guilty requires
10 an order from the Court pursuant to 18 U.S.C. § 3663A that Defendant
11 make mandatory restitution to the victims of the offense of conviction
12 or the estates of the victims.

13 ii. The amount of restitution ordered by the Court shall
14 include restitution to any person directly harmed by the Defendant's
15 criminal conduct in the course of the scheme, conspiracy, or pattern.
16 The Court may also order restitution to persons other than the victims
17 of the offense of conviction. Restitution may include losses arising
18 from counts dismissed and charges not prosecuted as well as all relevant
19 conduct in connection with those counts and charges. **Defendant ex-**
20 **pressly agrees to the entry of restitution for all relevant conduct.**

21 iii. The parties estimate the amount of restitution will be
22 at least **\$100,767.00**. Defendant understands that this is only an es-
23 timate based on currently available information. The Government will
24 recommend restitution of at least **\$100,767.00**, but the amount may be
25 higher depending on information at sentencing. The Court may impose
26 restitution of any amount. Defendant agrees that a restitution award
27 in an unanticipated amount is not grounds to withdraw Defendant's guilty
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1 plea. Defendant also agrees that nothing in this plea agreement or
2 financial addendum limits the Government's duty to provide complete and
3 accurate facts to the district court and to the U.S. Probation Office
4 to calculate restitution.

5 iv. Notwithstanding any order of the Court, Defendant agrees
6 the total amount of restitution shall be due immediately and the parties
7 agree to jointly recommend to the Court that restitution be ordered to
8 be paid immediately. Any payment schedule imposed by the Court estab-
9 lishes only a minimum obligation. Regardless of Defendant's compliance
10 with any Court ordered payments, any payment schedule does not foreclose
11 the United States from exercising all legal actions, remedies, and
12 process available to it to collect the full amount of unpaid restitu-
13 tion, including but not limited to remedies pursuant to 18 U.S.C.
14 §§ 3613 and 3664(m)(1)(A).

15 **B. FINE.**

16 i. The parties will jointly recommend a fine in the amount
17 of **\$201,534.00**. The parties agree that notwithstanding any Court im-
18 posed schedule for payment of a fine, the total amount of the fine shall
19 be due immediately and shall be deemed to be payable forthwith. Any
20 payment schedule for a fine imposed by the Court establishes only a
21 minimum obligation. Regardless of Defendant's compliance, any payment
22 schedule does not foreclose the United States from exercising all legal
23 actions, remedies, and process available to collect the fine, including
24 but not limited to remedies pursuant to 18 U.S.C. § 3613.

25 2. The United States may run credit and other financial reports on
26 Defendant using public and non-public databases and share such infor-
27 mation with the Court and the U.S. Probation Office. Defendant also
28

1 authorizes the Internal Revenue Service to transmit to the United States
2 Attorney's Office copies of Defendant's tax returns until the fine and
3 restitution are paid in full and forfeiture proceedings are completed,
4 and Defendant will promptly execute any documents necessary to carry
5 out this authorization.

6 **3. Not later than 30 days after execution of the plea agreement,**
7 **Defendant shall complete and provide to the United States, under penalty**
8 **of perjury, a financial disclosure form listing all Defendant's current**
9 **and projected assets and financial interests valued at more than \$1,000.**

10 These include all assets and financial interests in which Defendant has
11 an interest (or had an interest prior to October 5, 2020), direct or
12 indirect, whether held in Defendant's name or in the name of another,
13 in any property, real or personal, including marital and community
14 property. Defendant shall also identify all assets valued at more than
15 \$1,000 which have been transferred to any third party since October 5,
16 2020, including the location of the assets, the identity of the third
17 party or parties, and the amount of consideration received by the De-
18 fendant for the transferred assets. Defendant will provide complete,
19 updated financial information promptly upon request.

20 4. From the date this plea agreement is executed until the fine,
21 forfeiture and/or restitution is paid in full and forfeiture proceedings
22 are completed, Defendant shall notify the Asset Recovery Section, United
23 States Attorney's Office, of (i) any interest in property worth more
24 than \$1,000 that Defendant obtains, directly or indirectly, and (ii) at
25 least 30 days before Defendant transfers any interest in property owned
26 directly or indirectly by Defendant worth over \$1,000. This obligation
27 covers any interest in property obtained under any other name or entity,
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1 including a trust, partnership or corporation. The parties will jointly
2 recommend that this requirement also be imposed as a condition of su-
3 pervised release.

4 5. Defendant shall immediately notify the Asset Recovery Section of
5 the United States Attorney's Office of any material change in Defend-
6 ant's financial condition.

7 6. Defendant will make a good faith effort to pay all forfeiture,
8 restitution and fines ordered by the Court. Regardless of Defendant's
9 compliance with any payment schedule established by the Court, any
10 payment schedule does not limit the United States' ability to collect
11 additional amounts from Defendant through all available collection rem-
12 edies at any time. Defendant waives all demands for payment of the
13 restitution and fine. Defendant agrees to the entry of the restitution
14 and fine into the Treasury Offset Program ("TOP") and waives all notices
15 of TOP and offsets, and waives all rights to contest TOP offsets.

16 7. The fine and/or restitution shall be paid through the Office of
17 the Clerk of the District Court by bank or cashier's check or money
18 order referencing the criminal case number and made payable to the
19 "Clerk, United States District Court."

20 8. Defendant waives all right to appeal the forfeiture, restitution,
21 and fine imposed by the Court.

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1 Defendant understands that the main plea agreement and this
2 financial addendum embody the entire plea agreement between the parties
3 and supersedes any other agreement, written or oral.

4
5 08/20/2023
6 Date



7 **TIEN TAN VO**
8 Defendant

9 August 20, 2023
10 Date




11 */s/ Jeremy Warren*
12 **JEREMY WARREN**
13 Defense Counsel

14 August 20, 2023
15 Date



16 */s/ Michael Aguirre*
17 **MICHAEL AGUIRRE**
18 Defense Counsel

19 August 21, 2023
20 Date



21 **ANDREW R. HADEN**
22 Acting United States Attorney
23 **NICHOLAS W. PILCHAK**
24 Assistant U.S. Attorney