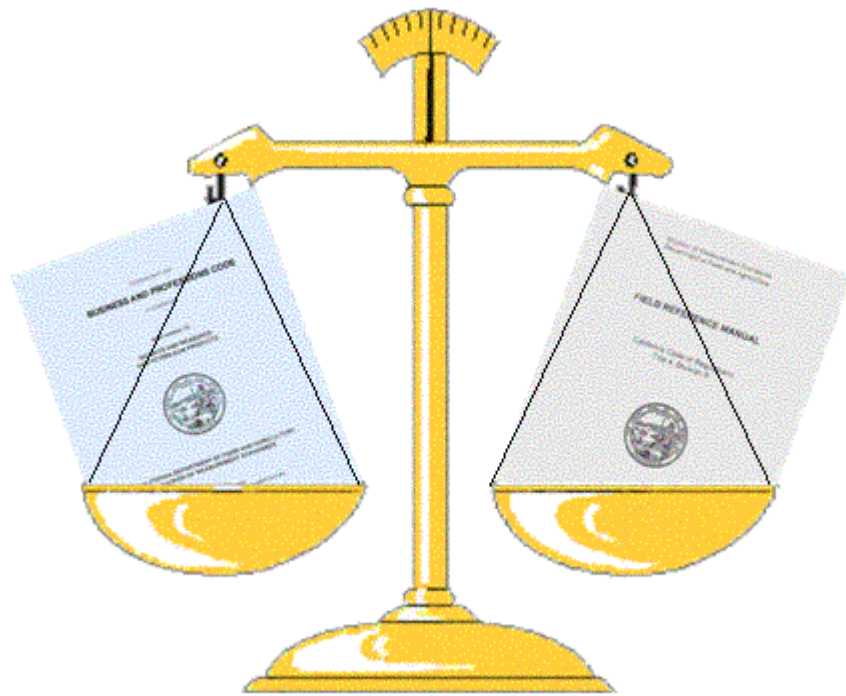


Citation Manual



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CITATON MANUAL

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(Revised: 1/2013)

OBJECTIVES

In an effort to meet the challenge of “ensuring equity in the marketplace”, weights and measures officials have been granted the authority to issue citations for misdemeanor and infraction violations involving weights and measures laws. The Division of Measurement Standards has observed that in many areas where weights and measures citations have been implemented; there have been a marked increase in compliance and an appreciable decrease in the cost of enforcement.

The California Department of Food and Agriculture and the County Agricultural Commissioner/Sealers of Weights and Measures are not charged with the responsibility for determining punishment. This is the duty of the courts. With this in mind, personnel will use these guidelines in determining whether to use the citation procedures.

The citation procedures in this manual are designed to assist State and County officials. The manual is not intended to change or conflict with any existing formal county citation policy that is currently operating effectively.

The material used in this manual was furnished by:

- California State and County Weights and Measure Officials
- Administrative Advisor, Department of Food and Agriculture
- California State Police Academy
- Secretary of the Judicial Council
- County District Attorneys

DISCLAIMER

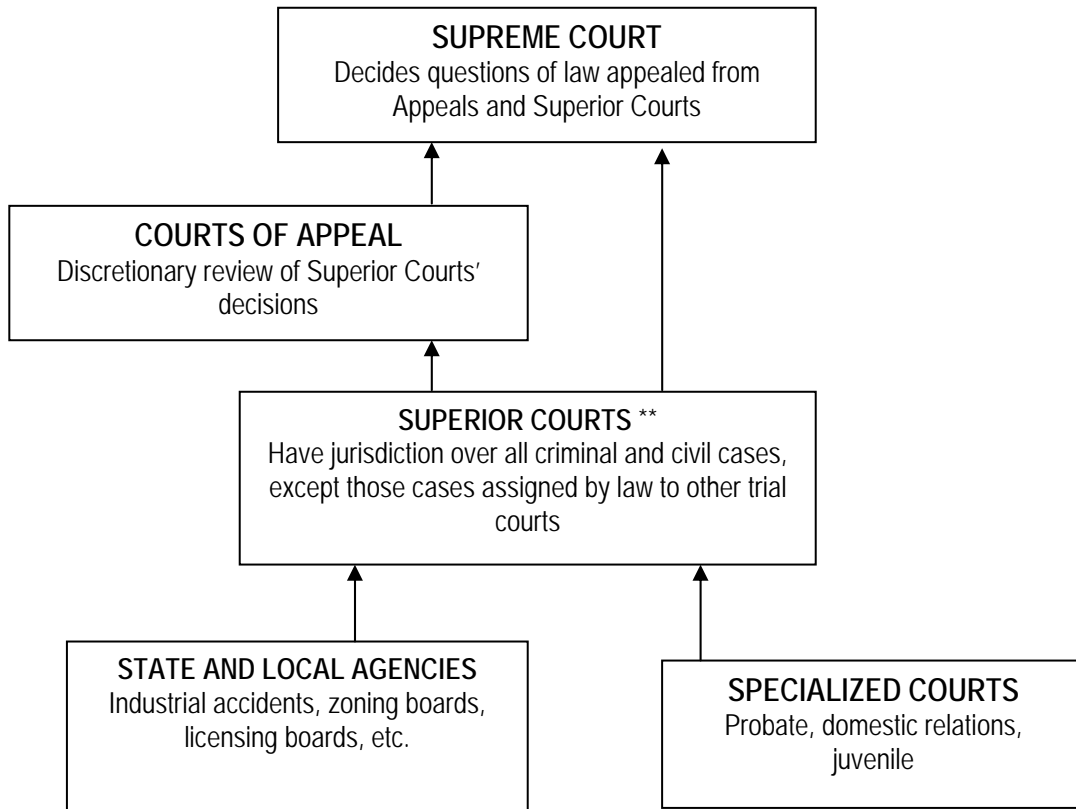
This manual contains information, methods, and procedures to assist weights and measures officials in their duties. It is not intended to supplant or supersede any law or regulation. Officials must check the cited reference prior to taking any enforcement actions. Direct any questions to the appropriate Division of Measurement Standards field office or Supervising Special Investigator or Branch Chief.

JUDICIAL SYSTEM

The Constitution of the State of California (Const., Art. and VI, Sec. 1) creates a judicial system with trial courts and courts of appeal. These courts may hear all cases except those that the United States Constitution assigns to the Federal Courts.¹

The following flow chart will provide you with a brief overview of our State's court system:

California's Court System



** Municipal and Justice Courts have been consolidated into Superior Courts.

¹ In Appendix A you will find suggested criteria for civil and criminal prosecution.

WEIGHTS AND MEASURES OFFICIALS

Section 12013 of the Business and Professions Code explains Weights and Measures Officials' power to arrest as a public officer. Sections 853.5 and 853.6 of the Penal Code explain the release of persons arrested for infractions or misdemeanors.

Business and Professions Code Section 12013. Sealers as Having Powers of Public Officer to Arrest: Procedure to be Followed: Liability, Service of Processes and Notices

- (a) Any sealer shall have the authority, as a public officer, to arrest, without a warrant, any person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this division, the violation of which is declared to be a public offense.

In any case which an arrest is made pursuant to this authority for an offense declared to be a misdemeanor or an infraction, the arresting officer may, instead of taking the person arrested before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 835.5) of Title 3 of Part 2 of the Penal Code, unless the arresting person demands to be taken before a magistrate. The provisions of such chapter shall thereafter apply with respect to any proceeding based upon the issuance of a citation pursuant to this authority.

This subdivision shall not be interpreted to prevent further restriction by the board of supervisors of a county of the authority of a county sealer or his deputies to make arrests.

- (b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer at the time of such arrest, has reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.
- (c) Any sealer may serve all processes and notices throughout the state; provided that county sealers and their deputies are authorized to serve processes and notices only within the boundaries of the county which employs them.

Penal Code Section 853.5: (extract)

Except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to the procedures set forth by this chapter for the release of persons arrested for an offense declared to be a misdemeanor. In all cases, except as specified in Sections 40302, 40303, 40305, and 40305.5 of the Vehicle Code, in which a person is arrested for an infraction, a peace officer shall only require the arrestee to present his driver's license or other satisfactory evidence of his identity for examination and to sign a written promise to appear. If the arrestee does not have a driver's license or other satisfactory evidence of identity in his or her possession, the officer may require the arrestee to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the promise to appear. This thumbprint or fingerprint shall not be used to create a data base. Only if the arrestee refuses to sign a written promise, has no satisfactory identification, or refuses to provide a thumbprint or fingerprint, may the arrestee be taken into custody.

Penal Code Section 853.6: (extract)

- (a) In any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the person is released, the officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court. If, pursuant to subdivision (i), the person is not released prior to being booked and the officer in charge of the booking or his or her superior determines that the person should be released, the officer or superior shall prepare a written notice to appear in a court.

In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, as defined in subdivision (b) of Section 13700, or arrested pursuant to a policy, as described in Section 13701, the person shall be taken before a magistrate instead of being released according to the procedures set forth in this chapter, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested. Prior to adopting these provisions, each city, county, or city and county shall develop a protocol to assist officers to determine when arrest and release is appropriate, rather than taking the arrested person before a magistrate. The county shall establish a committee to develop the protocol, consisting of, at a minimum, the police chief or county sheriff within the jurisdiction, the district attorney, county counsel, city attorney, representatives from domestic violence shelters, domestic violence councils, and other relevant community agencies.

Nothing in this subdivision shall be construed to affect a defendant's ability to be released on bail or on his or her own recognizance.

- (b) Unless waived by the person, the time specified in the notice to appear shall be at least 10 days after arrest if the duplicate notice is to be filed by the officer with the magistrate.
- (c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by that court to receive a deposit of bail.
- (d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his or her written promise to appear in court as specified in the notice by signing the duplicate notice which shall be retained by the officer, and the officer may require the arrested person, if he or she has no satisfactory identification, to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the promise to appear. This thumbprint or fingerprint shall not be used to create a data base. Upon the signing of the duplicate notice, the arresting officer shall immediately release the person arrested from custody.
- (e) The officer shall, as soon as practicable, file the duplicate notice, as follows:
 - (1) It shall be filed with the magistrate if the offense charged is an infraction.
 - (2) It shall be filed with the magistrate if the prosecuting attorney has previously directed the officer to do so.
 - (3) The duplicate notice and underlying police reports in support of the charge or charges shall be filed with the prosecuting attorney in cases other than those specified in paragraphs (1) and (2).

If the duplicate notice is filed with the prosecuting attorney, he or she, within his or her discretion, may initiate prosecution by filing the notice or a formal complaint with the magistrate specified in the duplicate notice within 25 days from the time of arrest. If the prosecution is not to be initiated, the prosecutor shall send notice to the person arrested at the address on the notice to appear.

The failure by the prosecutor to file the notice or formal complaint within 25 days of the time of the arrest shall not bar further prosecution of the misdemeanor charged in the notice to appear. However, any further prosecution shall be preceded by a new and separate citation or an arrest warrant.

Upon the filing of the notice with the magistrate by the officer, or the filing of the notice or formal complaint by the prosecutor, the magistrate may fix the amount of bail that in his or her judgment, in accordance with Section 1275, is reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him or her in the form set forth in Section 815a.

The defendant may, prior to the date upon which he or she promised to appear in court, deposit with the magistrate the amount of bail set by the magistrate. At the time the case is called for arraignment before the magistrate, if the defendant does not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may, in his or her discretion, order that no further proceedings shall be had in the case, unless the defendant has been charged with a violation of Section 374.3 or 374.7 of this code or of Section 11357, 11360, or 13002 of the Health and Safety Code, or a violation punishable under Section 5008.7 of the Public Resources Code, and he or she has previously been convicted of a violation of that section or a violation that is punishable under that section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him or her to appear, the magistrate may declare the bail forfeited and order that no further proceedings be had in the case.

Upon the making of the order that no further proceedings be had, all sums deposited as bail shall immediately be paid into the county treasury for distribution pursuant to Section 1463.

- (f) No warrant shall be issued for the arrest of a person who has given a written promise to appear in court, unless and until he or she has violated that promise or has failed to deposit bail, to appear for arraignment, trial, or judgment or to comply with the terms and provisions of the judgment, as required by law.
- (g) The officer may book the arrested person prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested person appears in court.

If it is indicated on the citation that the arrested person shall be booked or fingerprinted prior to the date of the person's court appearance, the arresting agency at the time of booking or fingerprinting shall provide the arrested person with verification of the booking or fingerprinting by either making an entry on the citation or providing the arrested person a verification form established by the arresting agency. If it is indicated on the citation that the arrested person is to be booked or fingerprinted, the magistrate, judge, or court shall, before the proceedings begin, order the defendant to provide verification that he or she was booked or fingerprinted by the arresting agency. If the defendant cannot produce the verification, the magistrate, judge, or court shall require that the defendant be booked or fingerprinted by the arresting agency before the next court appearance, and that the defendant provide the verification at the next court appearance unless both parties stipulate that booking or fingerprinting is not necessary.

- (h) A peace officer shall use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person without a warrant pursuant to Section 836 or in which he or she has taken custody of a person pursuant to Section 847.
- (i) Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for non-release, in which case the arresting officer may release the person, or the arresting officer shall indicate, on a form to be established by his or her employing law enforcement agency, which of the following was a reason for the non-release:
 - (1) The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
 - (2) The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.
 - (3) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
 - (4) There were one or more outstanding arrest warrants for the person.
 - (5) The person could not provide satisfactory evidence of personal identification.
 - (6) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
 - (7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
 - (8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
 - (9) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him or her from custody before trial.

- (j) Once the arresting officer has prepared the written notice to appear and has delivered a copy to the person arrested, the officer shall deliver the remaining original and all copies as provided by subdivision (e).

Any person, including the arresting officer and any member of the officer's department or agency, or any peace officer, who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed, the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate to receive deposit of bail, is guilty of a misdemeanor.

If, after an arrested person has signed and received a copy of a notice to appear, the arresting officer determines that, in the interest of justice, the citation or notice should be dismissed, the arresting agency may recommend, in writing, to the magistrate that the charges be dismissed. The recommendation shall cite the reasons for the recommendation and shall be filed with the court.

If the magistrate makes a finding that there are grounds for dismissal, the finding shall be entered in the record and the charges dismissed.

Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for dismissal.

- (k) For purposes of this section, the term "arresting agency" includes any other agency designated by the arresting agency to provide booking or fingerprinting services.

If the violator identifies them self to be under the age of 18 years you should immediately contact your supervisor for guidance.

PROCEDURE FOR ISSUING A CITATION

I. OVERVIEW

The following four subsections: Miranda Warnings; Requesting Information; Filling out the Citation; and Arraignment and Booking, provide a framework for you to construct a mental checklist of points you should be concerned with when issuing a citation.

II. MIRANDA WARNING AND A WAIVER OF RIGHTS

The following is a warning required to be given by peace officers and public officers to persons who are in custody and being questioned about a crime.

Use it in accordance with Prosecutor's policy in the County involved.

Miranda Warning

- You have the right to remain silent.
- Anything you say, can and will be used against you in a Court of law.
- You have the right to talk to a lawyer and have him or her present with you while you are being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before questioning, if you wish one.

Expressed Waiver

- Do you understand each of these rights I have explained to you?
- Having these rights in mind, do you wish to talk now?

Answers to the following questions should be helpful in guiding the investigator in the use and application of the Miranda Warning:

- A. Question: Does the Miranda Warning have to be given every time a citation is issued?

Answer: No. Under normal circumstances, the Miranda Warning would not be required if you just issue the citation. However, if you then proceed to question the suspect regarding the violation and the statements could be used as evidence or testimony, you must use the Miranda Warning prior to the questioning.

- B. Question: When would this occur during an investigation?

Answer: Normally, it is not necessary when you are conducting a preliminary investigation. When you are satisfied that a violation has occurred and you are going to issue a citation or file a formal complaint and will be questioning the suspect further, you must use the Miranda Warning.

III. REQUESTING INFORMATION

When you are completely satisfied as to who will be issued the citation, request identification from that person. If identification is given, which you feel is reliable, obtain the personal information needed for the citation form (name, age, residence, and physical description). If no identification is available, ask the person for their name, age, address and other information necessary to complete the citation. Additionally, place the suspect's thumbprint on the reverse side of the court's copy. If the suspect refuses to furnish identification to you, you may have the suspect taken into custody pursuant to Penal Code Section 853.6(i)(5). You may also have the suspect taken into custody if he/she refuses to sign the Notice to Appear [Penal Code Section 853.6(i)(8)]. If either of the two contingencies previously stated occur, you should immediately contact the nearest law enforcement agency and request that the suspect be taken into custody. Remember, you are a public officer and not a peace officer. Do not use force. Call a peace officer when necessary.

If identification is presented to you in a wallet or case, do not accept it, but politely ask that it be removed. Explain fully the action you are taking and reason for this action.

Some common sources of identification include: Department of Motor Vehicle driver's license or identification card, or any other valid government issued identification containing a picture.

Explain to the suspect that signing the citation is not an admission of guilt but is only a promise to appear at the time and place noted. When you are unable to issue the citation to the suspect in person, certified mail may be used.

IV. COMPLETING THE CITATION FORM

A citation issued to an individual is a notification to appear in court and to answer charges for an alleged misdemeanor or infraction violation (see example of a completed citation in Appendix B). Complete the form as follows to the extent the information can be obtained:

- A. Date (in XX/XX/XXXX format), time (a.m. /p.m.), and day of week of the violation.
- B. Offender's full name (first, middle, and last).
- C. Mailing address, city, and zip code.
- D. Business address, city, and zip code.
- E. Driver's license number, state, age, and birth date.
- F. Description of offender (sex, hair, eyes, height, weight, etc.).
- G. Code, code section, and description of offense.
- H. Infraction, misdemeanor (circle appropriate one), and booking required (check box).
- I. Evidence seized.
- J. Location where violation was committed.
- K. City/county of occurrence.
- L. Check box if offense not committed in officer's presence.
- M. Signature of issuing officer and badge number.
- N. Date of issuance and name of arresting officer (if different from citing officer).
- O. Obtain the offender's signature. (If the offender will not sign the citation, advise the offender you are required to ask the police or sheriff for assistance. If the arrest cannot be consummated with the aid of the police or sheriff, report to your supervisor, who will contact the district attorney and request a warrant for arrest.
- P. Superior Court name.
- Q. Division, address, and telephone number.
- R. The date set for appearance. (This date shall be at least ten (10) days from date of citation; keeping in mind that Saturdays, Sundays and holidays are legal court holidays and are not to be counted when setting court days.) Check the "to be notified box" if unsure of date.
- S. Distribute copies of the citation form as follows:
 - 1. *First copy* – (Court copy) shall be delivered or mailed with investigator's report attached, immediately to the clerk of Superior Court where arraignment is to be held.
 - 2. *Second copy* – (Agency copy) is to be retained by citing officer for the agency's file.
 - 3. *Third copy* – (Prosecutor's copy) is to be forwarded to the prosecuting attorney's office within two (2) days, along with package information necessary for prosecuting in court.
 - 4. *Fourth copy* – (Defendant's copy) shall be given to offender.

The information should be carefully prepared, complete, accurate and in a format meeting the prosecuting attorney's requirements. List offense, person or persons involved, time, date, circumstances, witnesses, physical evidence and other relevant material. Give address and telephone number where you can be reached for the judge's information. Explain the importance of the offense.

If you are unable to obtain a picture identification of the violator, obtain verbal information from the violator and place a thumbprint on the reverse side of the court's copy. Identify if it is the right or left thumb.

On the reverse side of the defendant's copy of the citation, there is information explaining the penalty for failure to appear.

Each officer should have a list of the types of courts, their locations and times of arraignments in their area.

Cite the offender into the Superior Court having responsibility for the area.

If you do not know what time the defendant will be required to appear, write in 0900. The clerk should notify you and the defendant if the time changes.

V. ARRAIGNMENT

The arraignment is when the alleged offender enters his/her plea before the Court. The alleged offender will plead either guilty, not guilty, or nolo contendere (no contest). In addition to entering a plea, the defendant may request a jury trial if he/she has been charged with a misdemeanor. If the charge is only an infraction, the defendant may not have a trial by jury.

AFTER THE CITATION IS ISSUED

I. THE INVESTIGATION REPORT

An investigation report must be completed for every Notice to Appear issued (citation). Always check with the district attorney or court clerk for specific procedures for filing documents prior to issuing a citation. A minimum of three copies of the report are needed; one copy is kept by the issuing agency, one goes to the District Attorney, and one to the judge. The following guidelines will be used for filling out the reports.

- A. Citation Number – The number that appears in red in the upper right hand corner of the Notice to Appear.
- B. Location Offense – Same as shown on Notice to Appear, “Location of Violation(s)”.
- C. Code Section Violated – Same section as shown on Notice to Appear.
- D. Witnesses – Identify any witnesses to the violation.
- E. Evidence Seized – Identify any evidence taken in connection with the violation (what is it, where is it).
- F. Prior Record – Include written notice of violation, office hearing or convictions.
- G. Reasons for Investigation – May be in response to complaint, follow-up due to previous record or routine random sampling.
- H. Statement of Issuing Officer – Should include a brief, but complete description of the violation. Show proof of a violation being committed. Give only the facts and not your conclusions. When describing the events of the violation, write in the first person (I saw, I did, etc.).

II. OFFICE PROCEDURES FOR THE CITATION

The supervisor receives three (3) copies of the completed citation and investigative case report, which are then reviewed for accuracy and completeness. The Court copy (original-white) and prosecutor’s copy of the citation along with copies of the investigation report should be delivered or mailed immediately to the court clerk and prosecutor’s office with transmittal letter in duplicate. (Penal Code Sections 853.5 and 853.6)

In case of a prior record, a letter to the court clerk listing the prior record and requesting a mandatory court appearance should accompany the citation.

ENFORCEMENT ACTION POINT GUIDELINES

The following guidelines are to be used in determining the enforcement actions to be taken against violators of weights and measurements statutes. If an officer encounters a situation where conditions exist that create a doubt in their mind as to whether or not a citation is the appropriate action, they should contact their supervisor for consultation and guidance. In applying the guidelines for enforcement action, a Notice of Violation is appropriate for any violations that fall below the action points. Additionally, repeated violations of less than the action levels may indicate negligence or willfulness, resulting in a need for appropriate enforcement action. Consult with your supervisor to determine what action should be taken.

Violation Action Abbreviations:

Cite	=	Citation
Cite (Misd)	=	Citation Misdemeanor
Cite (Infr)	=	Citation infraction
ACP	=	Administrative Civil Penalty – Penalty imposed by use of a Notice of Proposed Action (NOPA)
NOV	=	Notice of Violation

QUANTITY CONTROL

B&P CODE	VIOLATION	ACTION
12016	Hindering or obstructing sealer	*
12021	Marking or stamping false or short weight or measure on containers: Taking false tare (knowingly)	Cite or ACP
12022.5	Fresh meats or roasts: Advertising/selling on basis of net weight, not including added fat	NOV, Cite or ACP
12023	Selling according to gross weight or measure	NOV, Cite or ACP
12024 <i>(Prepacked product – Labeled and sold, but not packed on the same premises)</i>	Selling in less quantity than represented: Prepackaged – Labeled and sold, but not packed on the same premises	
	- Single Lot:	
	Overcharge less than 50¢	NOV, ACP
	Overcharge 50¢ to \$2.00	NOV, Cite or ACP
	Overcharge more than \$2.00	Cite or ACP
	- Total of All Lots:	
	Overcharge less than \$2.00	NOV
	Overcharge \$2.00 to \$10.00	NOV, Cite or ACP
	Overcharge \$10.00 or more	Cite or ACP
12024 <i>Firewood</i>	Short Measure bulk wood deliveries Note: (Other firewood dealer violations see B&P Code 12026)	Cite or ACP
12024 <i>Prepacked product – Packed, labeled, and sold on the same premises)</i>	Selling in less quantity than represented (per BPC §12024.3 criteria) Prepackaged – Packed, labeled, and sold on the same premises	
	- Single Lot (unknowingly):	
	Overcharge of \$2.00 or less	NOV, Cite (Infr) or ACP
	Overcharge more than \$2.00	Cite (Misd) or ACP
	- Total of Multiple Lots (unknowingly):	
	Overcharge of less than \$2.00	NOV
	Overcharge \$2.00 to \$10.00	NOV, Cite (Infr) or ACP
	Overcharge more than \$10.00	Cite (Misd) or ACP

***Check with Supervisor for appropriate enforcement action.**

QUANTITY CONTROL

B&P CODE	VIOLATION	ACTION
12024 <i>(Wholesale or retail lots – not packed or labeled by retailer)</i>	Selling in less quantity than represented: Prepacked – Wholesale or retail lots – Not packed or labeled by retailer.	
	Overcharge not more than \$50.00	NOV or ACP
	Overcharge more than \$50.00	Cite or ACP
12024.1	Misrepresenting charge for service rendered (willfully).	NOV/Cite or ACP
12024.2	Unlawful computation of value.	
	(A) Test purchase of commodities by weight, measure, or count determined at time of sale: (Applies to any number of items purchased or inspected for pricing integrity)	
	- Overcharged on One item: Overcharge equals 15¢ or more and is 5% or more of correct value for that item.	NOV/Cite or ACP
	- Overcharged on Two or More Items: Total Overcharge equals 15¢ or more and is 3% or more of correct total value for those items.	Cite ² or ACP
	(B) Scanning/Automated and Other Check stand Inspections.	
	- Overcharged on fewer than 10% of items purchased or inspected for pricing integrity or total overcharge is less than 2% of correct total price of all items purchased or inspected.	NOV
	- Overcharged on 10% or more but fewer than 12% of items purchased or inspected for pricing integrity.	NOV/Cite ² or ACP
	- Total overcharge 2% or more but less than 4% of correct total price of all items purchased or inspected.	NOV/Cite ² or ACP
	- Overcharged on 12% or more of items purchased or inspected for pricing integrity.	Cite ² or ACP
	- Total overcharge 4% or more of the correct total price of all items purchased or inspected.	Cite ² or ACP

² **Misdemeanor** if value of a commodity overcharges more than \$1.00; **infraction** up to and including \$1.00. Each item that overcharges can be considered a separate count for ACP or citation.

QUANTITY CONTROL

B&P CODE	VIOLATION	ACTION
<i>12024.2</i>	Test Sample Size of 10 or Fewer Items ("Initial Standard Inspections" as defined by BPC §13350 or "Special Inspections" as defined by BPC §13356):	
	- Overcharge on any item does not exceed 8% of the correct price of that item	NOV/Cite ³ or ACP
	- Overcharge on any item is greater than 8% but does not exceed 15% of the correct price of that item	NOV/Cite ³ or ACP
	- Overcharge on any item is greater than 15% of the correct price of that item	NOV/Cite ³ or ACP
<i>12024.5</i>	Sale of fowl, meat, or fish other than by weight; ready-to-eat items.	NOV/Cite or ACP
<i>12024.55</i>	Door-to-door salespersons; failure to provide price per pound statements on packages.	Cite or ACP
<i>12024.6</i>	Prohibition of advertising intended to entice customer into transaction other than represented.	*
<i>12024.7</i>	Failure to provide: A statement of weight and type of cuts of meat sold; itemized statement showing quantity of fruits, vegetables, and other food products delivered in connection with meat sale.	NOV/Cite or ACP
<i>12024.9</i>	Failure to provide a statement of weights supplied to consumer upon direct sale of meat on basis of primal cuts or carcass weight.	NOV/Cite or ACP
<i>12024.10</i>	Failure to retain a document stating weight and cut of meat sold.	NOV/Cite or ACP
<i>12025</i>	Refusal to exhibit commodity being sold at given weight or quantity.	*
<i>12025.5</i>	Identification of commodity or container ordered "off sale" under §§ 12211 or 12607.	Cite or ACP
<i>12107.1</i>	Establishment of commodity standards, weights, measures, and counts: Procedure: Unlawful sales.	NOV/Cite or ACP

³ **Misdemeanor** if value of a commodity overlaps more than \$1.00; **infraction** up to and including \$1.00.

QUANTITY CONTROL

<i>12602</i>	Distributing commodity contained in nonconforming package: Exception for wholesale or retail distributors not engaged in packaging or labeling.	NOV/Cite or ACP
<i>12603</i>	Regulations to be established by Secretary: Required provisions of regulations.	
	- Identity of commodity and/or name and place of business of packer/distributor/manufacturere.	NOV/Cite or ACP
	- Net quantity of contents not on container or label.	NOV/Cite or ACP
<i>12605</i>	Prohibition of distribution of packaged commodity containing qualifying words in separate statement of net quantity of contents: Supplemental statements: Prohibited qualifications.	NOV/Cite or ACP
<i>12606</i>	Containers not to be constructed or filled as to facilitate fraud.	NOV/Cite or ACP
<i>12606.2</i>	Misleading food containers, prohibited.	NOV/Cite or ACP
<i>12611</i>	Selling commodity in nonconforming container or with nonconforming label: Required information not prominently displayed.	NOV/Cite or ACP
<i>13300</i>	Customer display and indicator requirements.	NOV/Cite (Infr) or ACP

***Check with supervisor for appropriate enforcement action.**

Unless otherwise noted, all cites are misdemeanors.

DEVICES

B&P CODE	VIOLATION	ACTION
<i>12107</i>	Violation of tolerances and specifications for commercial weighing and measuring apparatus.	NOV/Cite or ACP
<i>12107.1</i>	Establishment of commodity standards, weights, measures, and counts: Procedure: Unlawful sales.	NOV/Cite or ACP
<i>12500.5</i>	Approval and certification of commercial instruments: Sale or use for commercial purposes of non-approved instruments.	NOV/Cite or ACP
<i>12501</i>	Sealing instruments before sale.	NOV/Cite or ACP
<i>12501.1</i>	Use for remainder of prescribed period where sealed before sale.	NOV/Cite or ACP
<i>12507</i>	Repair of "out of order" instruments: Time: Disuse: Effect of refusal or neglect to repair: Disposition of seized instruments.	Cite or ACP
<i>12508</i>	Removal or obliteration of sealer's tag or device.	Cite or ACP
<i>12509</i>	Placing instrument in service pending re-inspection.	NOV/Cite or ACP
<i>12510(a)</i>	Presumption of intent to violate law:	
	(1) Using an incorrect device.	NOV/Cite or ACP
	(2) Sells commercial device not sealed within last year.	NOV/Cite or ACP
	(3) Using a condemned device contrary to law.	Cite or ACP
	(4) Uses for commercial purposes an unsealed, incorrect device not kept at fixed location.	NOV/Cite or ACP
	(5) Used to falsify.	Cite or ACP
	(6) Location of retail scale.	NOV/Cite or ACP
	(7) False computation of price.	NOV/Cite or ACP
	(8) Return to zero (knowingly).	Cite or ACP
	(9) Deliver for test.	NOV/Cite or ACP
(10) Sells, uses, rents, loans incorrect device.	NOV/Cite or ACP	
<i>12512</i>	Purchase of less than true quantity.	Cite or ACP

Unless otherwise noted, all cites are misdemeanors.

DEVICES

B&P CODE	VIOLATION	ACTION
<i>12515</i>	(a) Repair, sale, or installation of instrument: Failure to notify county sealer.	NOV/Cite or ACP
<i>12516</i>	Location of scale when auctioning livestock.	NOV/Cite or ACP
<i>12532</i>	Responsibilities of a Service Agency	
	(a) Engaging in business as a service agency when not registered with the Secretary of Food and Agriculture.	NOV/Cite or ACP
	(c) Failure to forward names of employed agents to the department.	NOV/Cite or ACP
	(d) Placing device into service by other than a service agency or sealer.	NOV/Cite or ACP
	(g) Failure to notify department of change in legal status of service agency.	NOV/Cite or ACP
<i>12533</i>	(a) (1) Not possessing or having available necessary standards and testing equipment (2) Standards and testing equipment shall meet specifications and tolerances in NIST 105 Series Handbooks.	NOV/Cite or ACP
	(b) Ensure every service agent has a current service agent license	NOV/Cite or ACP
	(c) Possess a current copy of Title 4 of the California Code of Regulations, Field Reference Manual	NOV/Cite or ACP
<i>12534</i>	Use suitable and sufficient standards, permanently and uniquely identified and have a current certificate of accuracy	NOV/Cite or ACP
<i>12540</i>	Service agent examination and licensing.	NOV/Cite or ACP

Unless otherwise noted, all cites are misdemeanors.

WEIGHMASTER

B&P CODE	VIOLATION	ACTION
12703	Weighmaster License, fee and/or penalty required.	NOV/Cite or ACP
12704	Weighmaster License fee.	NOV/Cite or ACP
12705	Change in legal entity of weighmaster licensee.	NOV/Cite or ACP
12707	Weighmaster License renewal; failure to pay fee when due.	NOV/Cite or ACP
12710	Weighmasters responsible for acts of deputy.	Cite or ACP
12710.5	(b) Failure to notify of replacement/deletion of deputy weighmaster.	NOV/Cite (Infr) or ACP
12711	When weighmaster certificate to be issued.	NOV/Cite or ACP
12712	Issuance of certificate by one other than weighmaster making determination; transfer of weight or measure to other certificate.	
	(a) Weighmaster certificates issued based on information from another weighmaster.	NOV/Cite or ACP
	(b) Transfer of weight from one certificate to another.	NOV/Cite or ACP
12713	(a) Responsibility for completeness of the weighmaster certificate.	NOV/Cite or ACP
	(b) Omitted information on the weighmaster certificate.	NOV/Cite or ACP
12714	Weighmaster certificate legend/principal licensee name.	NOV/Cite (Infr) or ACP
12714.5	Information on certificate to be legible; consecutive numbering.	NOV/Cite (Infr) or ACP
12715	Contents of weighmaster certificate.	NOV/Cite (Infr) or ACP
12716	Weighmaster recordkeeping; inspection.	NOV/Cite or ACP
12716.5	Correction of errors (weighmaster certificate).	NOV/Cite or ACP
12717	Approval, testing, and sealing of weighing or measuring device.	NOV/Cite or ACP
12718	Acts constituting misdemeanors.	
	(a) Requests a person to weigh, measure, or count falsely.	Cite or ACP
	(b) Requests a false or incorrect weighmaster certificate.	Cite or ACP
	(c) Furnishes or gives false information to a weighmaster.	Cite or ACP
	(d) Knowingly presents for payment a false weighmaster certificate.	Cite or ACP
	(e) Knowingly issues a false weighmaster certificate.	Cite or ACP
	(f) Alters a weighmaster certificate resulting in a false weight, measure, or count.	Cite or ACP
	(g) Possesses blank weighmaster certificates if not licensed.	Cite or ACP
(h) Issues a weighmaster certificate with alterations or omissions of gross, net, tare weights, net only weights, or measurements.	Cite or ACP	

Unless otherwise noted, all cites are misdemeanors.

WEIGHMASTER

B&P CODE	VIOLATION	ACTION
12719	Change of net contents after recordation of weight.	Cite or ACP
12720	Alteration of tare weight of vehicle prior to determining net weight of commodity.	Cite or ACP
12721	Weighing for purposes of certification.	Cite or ACP
12722	Use of predetermined tare weight; exemption for specified rock products.	
	(a) Violation of tare regulations.	Cite or ACP
	(b) Rock, sand, and gravel predetermined tares.	Cite or ACP
12724	Determination of gross and tare weights by a weighmaster; requirement that all persons be off scale and vehicle; exceptions.	NOV/Cite or ACP
12725	Conditions under which gross weight not to be certified.	NOV/Cite or ACP
12727	Verification of weight, measure or count.	Cite or ACP
12728	Requirement that entire vehicle rest on scale.	NOV/Cite or ACP
12729(C)	Tomato cab card tare weight. (See also B&P Section 12729)	Cite (Inf.) or ACP
12730	Farm products.	NOV/Cite or ACP
12731	Livestock.	NOV/Cite or ACP
12732	Adjustments to load; commodity weights determined at other than site where vehicle was loaded.	NOV/Cite or ACP
12733	Scrap metal and salvage materials.	NOV/Cite or ACP
12734	Squid or anchovy.	NOV/Cite or ACP

Unless otherwise noted, all cites are misdemeanors.

PETROLEUM AND AUTOMOTIVE PRODUCTS

B&P CODE	VIOLATION	ACTION
13411	Sale of petroleum products contingent upon additional purchase.	NOV/Cite or ACP
13413	Deceptive, false, or misleading statements (Chapter 14) Petroleum Products.	Cite or ACP
13420 13421 13422	Operators of petroleum dealerships required to make monthly update of advertising medium indicating hours of sale and turn off lights when not open for business.	NOV/Cite or ACP
13431	Motor oil assessment fee.	NOV/Cite
13441	Sale or delivery of nonstandard product.	Cite or ACP
13442	Sale or delivery of nonstandard product as motor fuel to be labeled "not gasoline".	Cite or ACP
13451	Sale or delivery of nonstandard diesel, kerosene, or fuel oil.	Cite or ACP
13460	Sale of engine oil which fails to meet specifications.	*
13461	Sale of transmission or gear oil which fails to meet specifications.	*
13470	Display of price sign on dispensing apparatus: Contents of sign.	NOV/Cite or ACP
13470.5	Gallon-to-liter conversion table.	NOV/Cite or ACP
13471	Placement of signs.	NOV/Cite or ACP
13472	Dual pricing.	NOV/Cite or ACP
13480	Sale, etc., of petroleum products from unlabeled containers, etc., unlawful: Viscosity rating: Containers with net content of gallon or less.	NOV/Cite or ACP
	(d) Sale of unlabeled or mislabeled gasoline containing alcohol.	NOV/Cite
13482	Sale of lubricant without SAE/API service classification.	NOV/Cite or ACP
13484	Placement of signs on pumps.	NOV/Cite or ACP
13486	Filling of tanks with product other than that identified on container label.	Cite or ACP

***Check with your supervisor for appropriate enforcement action.**

Unless otherwise noted, all cites are misdemeanors

PETROLEUM AND AUTOMOTIVE PRODUCTS

B&P CODE	VIOLATION	ACTION
<i>13500</i>	Labeling:	NOV/Cite or ACP
	(a) No product and/or grade on delivery vehicle (cite driver and the owner, and file criminal complaint on corporations).	
<i>13501</i>	Commingling of product.	Cite or ACP
<i>13502</i>	Deliveries into storage tanks.	Cite or ACP
<i>13520</i>	Temperature-corrected gallonage.	NOV/Cite or ACP
<i>13530</i>	Application of article; display of price per liter or per gallon.	
	(a) Advertising a price that is not identical with the dispenser.	NOV/Cite or ACP
<i>13531</i>	Display requirements; exemption of specified geographic areas; violations.	
	(a) Failure to advertise motor fuel prices.	NOV/Cite or ACP
<i>13532</i>	Motor fuel; contents of display:	
	(a) Advertising price signs.	NOV/Cite or ACP
	(b) Violation of discount advertising.	NOV/Cite or ACP
	(c) Advertising lower price only. (See also § 13413)	NOV/Cite or ACP
	(d) Failure to advertise price in same form.	NOV/Cite or ACP
<i>13534</i>	Additional advertising matter.	NOV/Cite or ACP
<i>13562</i>	Change of designation under which product purchased: Authorization.	*
<i>13568</i>	Written authorizations; furnishing copies.	NOV/Cite or ACP

***Check with your supervisor for appropriate enforcement action.**

Unless otherwise noted, all cites are misdemeanors.

PETROLEUM AND AUTOMOTIVE PRODUCTS

B&P CODE	VIOLATION	ACTION
<i>13570</i>	Percentage of alcohol to be stated on normal business records. Certification of antiknock index.	NOV/Cite or ACP
<i>13571</i>	Not providing documentation when requested.	NOV/Cite or ACP
<i>13593</i>	Refusal to permit sampling.	Cite or ACP
<i>13595</i>	Selling product which does not meet specifications. (See also §§ 13413, 13441, 13451)	Cite or ACP
	Selling from unlabeled or mislabeled containers. (See also §§ 13413, 13480)	NOV/Cite or ACP
<i>13600</i>	Unauthorized breaking, etc., of seal.	Cite or ACP
<i>13651(d)</i>	Provisions for air, water, and pressure gauge.	NOV/Cite or ACP
<i>13660(d)</i>	Posting disabled service sign.	NOV/Refer to Local Law Enforcement
<i>13740</i>	Sale or distribution of adulterated or mislabeled product.	Cite or ACP
<i>13741</i>	Deceptive, false, misleading statement (Chapter 15) Automotive Products	Cite or ACP

***Check with your supervisor for appropriate enforcement action.**

Unless otherwise noted, all cites are misdemeanors.

NOTE: Follow-up 10 working days after a NOV is issued.

CONCLUSION

Remember you are a public officer and not a peace officer. Do not use force. Call a peace officer when necessary.

Division supervisors and County Sealers should issue instructions as to the control measures to be implemented in the issuance and accounting of the citation forms.

Such instructions will include:

- A. Procedure for issuance, accounting and audit (per policy manual).
- B. Supervisory user responsibility.
- C. Individual user responsibility.
- D. Training of all personnel: Legal knowledge of applicable laws, local court's jurisdiction, policies, requirements and convening periods. Requirements or restrictions of enforcement responsibilities determined by State and local law enforcement agencies limit areas of responsibilities, laws, rules, and regulations.

Supervisors must ensure that PRIOR to issuing a book of citation forms to subordinates, who may have to prepare such citations, that they have full knowledge of the above.

APPENDIX A

CRITERIA FOR CIVIL OR CRIMINAL PROSECUTION

I. INTRODUCTION: COMPARISON OF CRIMINAL VS. CIVIL PROSECUTION

A. Typical criminal prosecutions in this area involve:

1. infraction and/or misdemeanor charges only;
2. beyond a reasonable doubt proof burden;
3. fines in the \$50-\$1,000 range (occasionally more);
4. possible imprisonment in the county jail (up to one year);
5. agency costs recovered (B&P Code 12015.5);
6. probation, usually summary probation, with a maximum term of three years; and
7. relatively modest resources needed for investigation and prosecution.

B. Typical civil prosecution of unlawful business practices involve:

1. deceptive practices and unfair competition allegations, under Business and Professions Code Sections 17200 and 17500;
2. preponderance of evidence proof burden;
3. a permanent injunction prohibiting the unlawful practices and, as appropriate, ordering affirmative efforts to correct harm from past violations;
4. potential civil penalties of \$2,500-\$500,000, or more;
5. agency cost recovered (for both investigative and prosecutorial agencies);
6. restitution for injured consumers or businesses; and
7. substantial investment of resources in relatively complex civil litigation process. Most cases are settled through negotiations, but litigated cases require extensive discovery and trial preparation.

II. FACTORS FAVORING CRIMINAL (MISDEMEANOR) PROSECUTION

A. Nature of Violation

1. First-time violations where defendant may not have fully understood the legal standard or obligation.
2. Small-scale or isolated violation, with little or no indication of a widespread pattern of illegality.
3. Unintentional or accidental violations, not accompanied by evidence or fraudulent motive.

B. Nature of Defendant

1. Size of firm is not necessarily controlling in criminal/civil decision, as misdemeanor prosecution may be appropriate for either. Misdemeanor sanctions (other than remote possibility of jail) will have less effect on large firm.
2. Smaller firms, with limited sales or resources, are often more appropriate as misdemeanor cases (large monetary judgments not appropriate or available). Modest sanctions are sufficient to deter small firms.

C. Injury to Consumers

1. Small-scale harm to consumers, or no actual or provable consumer injury.
2. Restitution is not an issue, or is not quantifiable in any meaningful way.

D. Injury to Competition

1. Modest harm, if any, to competition or to competitors.
2. No significant competitive advantage is involved.

E. Legal Theories

1. If cases involve an individual defendant, the necessary intent or knowledge is required. Corporate liability only, or civil prosecution, should be considered if no clear individual liability.
2. Chain of liability or responsibility is reasonably clear, especially if individuals are to be charged.

F. Evidence

1. Typically, evidence of one or a few violations only. No clear pattern of wrongful business practices.
2. Evidence re: individuals must support necessary intent of knowledge allegations (see Legal Theories above).

G. Remedies

1. Small fines (often \$50-\$1,000) and misdemeanor or probation (maximum of three years) will be sufficient to punish and deter defendant(s) and others.
2. Restitution generally not an issue.
3. Agency costs are modest and can be recovered. (B&P Code 12015.5)

H. Resources

1. Case is sufficiently small that only modest resources are needed for investigation and prosecution.
2. Case is not large enough to warrant complex civil litigation process.

III. FACTORS FAVORING CIVIL PROSECUTION

A. Nature of Violation

1. Widespread violations or large-scale business practice warrant large civil penalties and may require complex injunctive relief and restitution.
2. Flagrant violation or clear disregard for agency standards (as expressed in notices, warnings, prior violations, etc.) also warrants civil remedies.

B. Nature of Defendant

1. Defendant has continued violations, despite prior misdemeanor cases, and/or prior notices and warnings.
2. Large business defendant for which modest \$500 fine is only a “cost of doing business.”

C. Injury to Consumers

1. Large-scale harm or consumer injury (e.g. overcharges) for which large penalties and/or restitution is needed.

D. Injury to Competition

1. Illegal practices confer significant competitive advantage on defendant, requiring careful restoration of competitive equality by permanent injunctive relief.
2. Defendant enjoys dominant market position; adding importance to an immediate and comprehensive solution (e.g., preliminary injunction pending trial).

E. Legal Theories

1. Individual or just corporate responsibility is present. Clear chain of responsibility, or personal involvement of officials, is not necessarily present.
2. Unfair competition theory (i.e., Section 17200 of the Business and Professions Code, “unlawful business practice”) is applicable. No knowledge or intent element need be present.

F. Evidence

1. Civil preponderance proof burden can be met, even if evidence might not sustain guilty “beyond reasonable doubt”, as required in criminal proceeding.

G. Remedies

1. Large-scale, serious or flagrant violation warranting one or more of the following:
 - a. Permanent injunctive relief, including, where appropriate, mandatory provisions as well as prohibitory provisions.
 - b. Large civil penalties--\$2,500 to \$500,000, or more.
 - c. Restitution for consumers, especially where restitution is large-scale or complex.
 - d. Agency cost recovery; necessitated by extensive investigative or prosecutorial costs.

H. Resources

1. Case is large and important enough to warrant greater expenditure of resources often (but not always) involved in process of civil litigation.

APPENDIX B

California Department of Food and Agriculture
Division of Measurement Standards

MISDEMEANOR **22504**

NOTICE TO APPEAR NONTRAFFIC

Date of Violation	Time	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week Saturday	Case Number
-------------------	------	---	--------------------------------	-------------

Name (First, Middle, Last) _____

Mailin Address _____

City **Bishop** State **CA** ZIP Code **93514**

Business Address _____

City **Bishop** State **CA** ZIP Code **93514**

Driver Lic. No. _____

State **CA** Age _____ Birth Date _____

Sex	Hair	Eyes	Height	Weight	Other Description
-----	------	------	--------	--------	-------------------

Code	Ordinance	Description	Misdemeanor or Infraction (Circle)
BPC	12718(e)	Issued false weight certificate	<input checked="" type="radio"/> M <input type="radio"/> I
BPC	12721	Inserted tare weight w/o weighing empty vehicle	<input checked="" type="radio"/> M <input type="radio"/> I
BPC	12724(a)	Issued gross weight with person in vehicle	<input checked="" type="radio"/> M <input type="radio"/> I
			M I
			M I
			M I

Evidence Seized **Weighmaster certificate # 12443** Booking Required

Location of Violation(s) **Rt. 4 Hwy 6 - 2.2 miles No. of Bishop** City/County of Occurrence **Inyo Co.**

Comments _____

Violations not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California the forgoing is true and correct.

D.R. [Signature] Arresting or Citing Officer **101** Badge or I.D. Number

09/30/2003 Date Name of Arresting Officer, if different from Citing Officer **101** Badge or I.D. Number

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X Signature _____

WHEN: DATE **9/30/2003** TIME **9:00** AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE: Court **Mono County Superior Court**
Section/Division _____
Address **Courthouse Main St., Bridgeport**
Telephone Number **(760) 932-5203**

22504

To be notified

Notice to Appear form approved by the Judicial Council of California. Rev. 08-29-02 (Pen. Code §853.9)



COURT'S COPY
SEE REVERSE SIDE
TR-120

APPENDIX C

Prepare the investigation report using approved departmental letterhead.

INVESTIGATION REPORT Citation No. 22504

Investigation of: Chicken Coop Ranch, Jane Doe
Title: Co-Owner

Investigator: Chuck Cheese
Title: Sr. Special Investigator

Address:
Rt. X Box XX
Bishop, CA 93614

Address:
6790 Florin-Perkins Rd., Ste. 100
Sacramento, CA 95828

Misdemeanor: X

Code Section(s) Violated: California Business and Professions Code Sections
1 Count - 12718(e)
1 Count - 12721
1 Count - 12724(a)
(12710 strict liability)

Witness: Happy Camper
Supervising Special Investigator

Evidence: Weighmaster certificate #12443 and copy of single transaction report.

Reason for Investigation: Routine

STATEMENT OF ISSUING OFFICER

During a routine investigation on September XX, 20XX, Deputy Weighmaster Jane Doe issued a weighmaster certificate, number 12443, certifying to a false gross weight of a vehicle by weighing a loaded vehicle with a person in the vehicle. A violation of California Business and Professions Code (BPC) Section 12718(e). Deputy Weighmaster Jane Doe also certified to a tare weight of the vehicle without weighing the vehicle. A violation of BPC Section 12721. Deputy Weighmaster Jane Doe also certified to the gross weight of the vehicle without requiring all persons to be off the vehicle. A violation of BPC Section 12724(a). Deputy Weighmaster Jane Doe was acting on behalf of Chicken Coop Ranch, who is responsible for her acts as specified in Business and Professions Code Section 12710.

APPENDIX D

SUGGESTED BAIL

Only the court may determine the amount of bail imposed, up to the maximum provided for under the law. Additionally, the amount of bail may vary from county to county as in other phases of law enforcement. Bail is explained on the reverse side of the defendant's copy of the Notice to Appear form.

B&P CODE	VIOLATION	BAIL
12016	Hindering or obstructing sealer.	\$500
12021	Marking or stamping false or short weight or measure on containers: Taking false tare.	\$500
12022	Adding substance to increase weight.	\$500
12022.5	Fresh meats or roasts: Advertising or selling on basis of net weight, not including added fat.	\$500
12023	Selling according to gross weight or measure.	\$500
12024	Selling in less quantity than represented.	\$500
12024.1	Misrepresenting charge for service rendered.	\$500
12024.2	Unlawful computation of value.	
	(a) Misdemeanor.	\$500
	(b) Infraction.	\$100
12024.3	(a) Selling prepackaged commodities in less quantity than represented (Misdemeanor).	\$500
	(b) Selling prepackaged commodities in less quantity than represented (Infraction).	\$100
12024.5	Sale of fowl, meat, or fish other than by weight; ready-to-eat items.	\$500
12024.55	Door-to-door salespersons; failure to provide price per pound statements on packages.	\$500
12024.6	Prohibition of advertising intended to entice customer into transaction other than represented.	\$500
12024.7	A statement of weight and type of cuts of meat sold; itemized statement showing quantity of fruits, vegetables, and other food products delivered in connection with meat sale.	\$500
12024.9	Failure to provide a statement of weights supplied to consumer upon direct sale of meat on basis of primal cuts or carcass weight.	\$500

B&P CODE	VIOLATION	BAIL
<i>12024.10</i>	Failure to retain a document stating weight and cut of meat sold.	\$500
<i>12025</i>	Refusal to exhibit commodity being sold at given weight or quantity.	\$500
<i>12025.5</i>	Identification of commodity or container ordered "off sale" under §12211 or §12607.	\$500
<i>12107</i>	Violation of tolerances and specifications for commercial weighing and measuring apparatus.	\$200
<i>12107.1</i>	Establishment of commodity standards, weights, measures and counts: Procedure: Unlawful sales.	\$500
<i>12500.5</i>	Approval and certification of commercial instruments: Sale or use for commercial purposes of non-approved instruments.	\$500
<i>12501</i>	Sealing instruments before sale.	\$200
<i>12501.1</i>	Use for remainder of prescribed period where sealed before sale.	\$400
<i>12507</i>	Repair of "out-of-order" instruments: Time: Disuse: Effect of refusal or neglect to repair: Disposition of seized instruments.	\$500
<i>12508</i>	Removal or obliteration of sealer's tag or device.	\$500
<i>12509</i>	Placing instrument in service pending reinspection.	\$500
<i>12510(a)</i>	Presumption of intent to violate law.	
	(1) Using an incorrect device.	\$500
	(2) Sells commercial device not sealed within last year.	\$200
	(3) Using a condemned device contrary to law.	\$500
	(4) Uses for commercial purposes an unsealed, incorrect device not kept at fixed location.	\$200
	(5) Used to falsify.	\$500
	(6) Location of retail scale.	\$200
	(7) False computation of price.	\$500
	(8) Return to zero (knowingly).	\$500
	(9) Deliver for test.	\$200
	(10) Sells, uses, rents, loans incorrect device.	\$200

B&P CODE	VIOLATION	BAIL
12512	Purchase of less than true quantity.	\$500
12515	Repair, sale, or installation of instrument: Failure to notify county sealer.	\$200
12516	Location of scale when auctioning livestock.	\$200
12532	Responsibilities of a Service Agency	
	(a) Engaging in business as a service agency when not registered with the Secretary of Food and Agriculture.	\$500
	(c) Failure to forward names of employed agents to the department.	\$100
	(d) Placing device into service by other than a service agency or sealer.	\$500
	(g) Failure to notify department of change in legal status of service agency.	\$500
12533	(a)(1) Not possessing or having available necessary standards and testing equipment. (2) Standards and testing equipment shall meet specifications and tolerances in NIST 105 Series Handbooks.	\$200
	(b) Ensure every service agent has a current service agent license.	
	(c) Possess a current copy of Title 4 of the California Code of Regulations, Field Reference Manual.	
12534	Use suitable and sufficient standards, permanently and uniquely identified and have a current certificate of accuracy	\$500
12540	Service agent examination and licensing.	\$500
12602	Distributing commodity contained in nonconforming package: Exception for wholesale or retail distributors not engaged in packaging or labeling.	\$200
12603	Regulations to be established by the Secretary: Required provisions of regulations.	\$200
12605	Prohibition of distribution of packaged commodity containing qualifying words in separate statement of net quantity of contents: Supplemental statements: Prohibited qualifications.	\$250
12606	Containers not to be constructed or filled as to facilitate fraud.	\$250
12606.2	Misleading food containers, prohibited.	\$250
12611	Selling commodity in nonconforming container or with nonconforming label: Required information not prominently displayed.	\$500
12703	Weighmaster license, fee and/or penalty required.	\$500
12704	Weighmaster license fee.	\$500
12705	Change in legal entity of weighmaster licensee.	\$500
12707	Weighmaster license renewal; penalty for failure to pay fee when due.	\$500
12710	Weighmaster responsible for acts of deputy.	\$500
12710.5	Failure to notify of replacement/deletion of deputy weighmaster.	\$100

12711	When weighmaster certificate to be issued.	\$500
	(b) Omitted information on certificate.	\$500
12712	Issuance of certificate by one other than weighmaster making determination; transfer of weight or measure to other certificate.	\$500
	(a) Weighmaster certificates issued based on information from another weighmaster.	\$500
	(b) Transfer of weight from one certificate to another.	
12713	(a) Responsibility for completeness of weighmaster certificate.	\$500
	(b) Omitted information on weighmaster certificate.	\$500
12714	Weighmaster certificate legend/principal licensee name.	**
12714.5	Information on certificate to be legible; consecutive numbering.	**
12715	Contents of weighmaster certificate.	**
12716	Weighmaster recordkeeping; inspection.	\$500
12716.5	Correction of errors (weighmaster certificate).	\$500
12717	Approval, testing, and sealing of weighing or measuring device. (Cite § 12501.1)	\$500

- ** Reference § 12729(b) - First Offense - \$100
Reference § 12729(b) - Second Offense - \$200
Reference § 12729(b) - Third Offense - \$500

B&P CODE	VIOLATION	BAIL
12718	Acts constituting misdemeanors.	
	(a) Requests a person to weigh, measure or count falsely.	\$500
	(b) Requests a false or incorrect weighmaster certificate.	\$500
	(c) Furnishes or gives false information to a weighmaster.	\$500
	(d) Knowingly presents for payment a false weighmaster certificate.	\$500
	(e) Knowingly issues a false weighmaster certificate.	\$500
	(f) Alters a weighmaster certificate resulting in a false weight, measure, or count.	\$500
	(g) Possesses blank weighmaster certificates if not licensed.	\$500
	(h) Issues a weighmaster certificate with alterations or omissions of gross, net, tare weights, net only weights, or measurements.	\$500
12719	Change of net contents after recordation of weight.	\$500
12720	Alteration of tare weight of vehicle prior to determining net weight of commodity.	\$500
12721	Weighing for purposes of certification.	\$500
12722	Use of predetermined tare weight; exemption for specified rock products.	
	(a) Violation of tare regulations.	\$500
	(b) Rock, sand, and gravel predetermined tares.	\$500
12724	Determination of gross and tare weights; requirement that all persons be off scale and vehicle; exceptions.	\$500
12725	Conditions under which gross weight not to be certified.	\$500
12727	Verification of weight, measure, or count.	\$500
12728	Requirement that entire vehicle rest on scale; exemption for seed cotton, multiple rail cars containing grain/grain products.	\$500

B&P CODE	VIOLATION	BAIL
<i>12729(c)</i>	Infractions involving tomato cab card tare weights:	
	Reference § 12729(c)(1) exceeds tolerance less than 50%.	\$200
	Reference § 12729(c)(2) exceeds tolerance 50% to 100%.	\$400
	Reference § 12729(c)(3) exceeds tolerance more than 100%.	\$800
<i>12730</i>	Farm products.	\$500
<i>12731</i>	Livestock.	\$500
<i>12732</i>	Adjustments to load; commodity weights determined at other than site where vehicle was loaded.	\$500
<i>12733</i>	Scrap metal and salvage materials.	\$500
<i>12734</i>	Squid or anchovy.	\$500
<i>13411</i>	Sale of petroleum products contingent upon additional purchase.	\$500
<i>13413</i>	Deceptive, false, or misleading statements (Chapter 14) Petroleum Products.	\$500
<i>13420</i> <i>13421</i> <i>13422</i>	Operators of petroleum dealerships required to make monthly update of advertising medium indicating hours of sale. Operators of petroleum dealerships required to turn off outdoor lighted advertising medium when not open for business. Punishment for violations.	\$100
<i>13441</i>	Sale or delivery of nonstandard product.	\$500
<i>13442</i>	Sale or delivery of nonstandard product as motor fuel, to be labeled - "not gasoline".	\$500
<i>13451</i>	Sale or delivery of nonstandard diesel fuel, kerosene or fuel oil.	\$500
<i>13460</i>	Sale of engine oil which fails to meet specifications.	\$500
<i>13461</i>	Sale of transmission or gear oil which fails to meet specifications.	\$200
<i>13470</i>	Display of price sign on dispensing apparatus: Contents of sign.	\$200
<i>13470.5</i>	Gallon-to-liter conversion table.	\$200
<i>13472</i>	Dual pricing.	\$200
<i>13480</i>	Sale, etc., of petroleum products from unlabeled containers, etc., unlawful: Viscosity rating. Containers with net content of gallon or less.	\$500
	(d) Sale of unlabeled or mislabeled gasoline containing alcohol.	\$500

B&P CODE	VIOLATION	BAIL
<i>13482</i>	Sale of lubricant without SAE/API service classification.	\$200
<i>13486</i>	Filling of tanks, pumps, containers, etc., with, or delivery of, product other than the product identified on the container label.	\$500
<i>13500</i>	Labeling: (a) No product and/or grade on delivery vehicle.	\$200
<i>13501</i>	Commingling of products.	\$500
<i>13502</i>	Deliveries into storage tanks.	\$500
<i>13503</i>	Deliveries to aircraft.	\$200
<i>13520</i>	Temperature-corrected gallonage.	\$200
<i>13530</i>	Application of article; display of price per liter or per gallon:	
	(a) Advertising a price that is not identical with the dispenser.	\$500
<i>13531</i>	Display requirements; exemption of specified geographic areas; violations; enforcement.	
	(a) Failure to advertise motor fuel prices:	
	Reference § 13531(c) 1st offense - Infraction.	\$100
	Reference § 13531(c) 2nd offense - Infraction.	\$200
	Reference § 13531(c) Misdemeanor.	\$500
<i>13532</i>	Motor fuel; contents of display:	
	(a) Advertising price signs.	\$200
	(b) Violation of discount advertising.	\$200
	(c) Advertising lower price only. (See also Section 13413)	\$200
	(d) Failure to advertise price in same form.	\$200
<i>13534</i>	Additional advertising matter.	\$200
<i>13535</i>	Motor fuel or motor oil with no brand designation.	\$200
<i>13562</i>	Change of designation under which product purchased: Authorization.	\$500
<i>13568</i>	Written authorizations: Furnishing copies.	\$200

B&P CODE	VIOLATION	BAIL
<i>13570</i>	Percentage of alcohol to be stated on normal business records - Certification of antiknock index.	\$500
<i>13571</i>	Not providing documentation when requested.	\$500
<i>13593</i>	Refusal to permit sampling.	\$500
<i>13595</i>	Selling any petroleum product which fails to meet specifications - Selling from an unlabeled or mislabeled device.	\$500
<i>13600</i>	Unauthorized breaking, etc., of seal.	\$500
<i>13651(d)</i>	Provisions for air, water, and pressure gauge.	\$250
<i>13740</i>	Sale or distribution of adulterated or mislabeled product.	\$500
<i>13741</i>	Deceptive false misleading statement (Chapter 15) Automotive Products.	\$500