

LEGAL ACTION REPORT, FORM 42-038

This report is used to summarize the basic facts of any legal case: e.g., investigations or complaints resulting in, or that could result in, enforcement action, office or district attorney hearings, citations, and criminal or civil complaints. It replaced the Violation Hearing Report (40-002) and the court case status file card (49-027). The form is printed on 8 x 10 stock without a heading so it may be folded and filed directly in a 5 x 8 status card file box used for permanent records or simply placed in a file for legal actions.

At the beginning of any investigation that could result in some type of legal action, a report should be filled out and a copy sent to your area Price and Quantity Verification Investigator. Updates may be added as necessary to keep the information up to date. Upon completion, a copy of the report along with copies of any dispositions, judgments or injunctions should be sent to the Area Specialist.

Information received from counties and area offices is combined into a central file at DMS-Sacramento. It is used to provide a history of actions against individuals or companies and to coordinate actions by different jurisdictions.

If you wish information about previous action against an individual or company, contact your area Price and Quantity Verification Investigator.

LEGAL ACTION REPORT INSTRUCTIONS

BUSINESS NAME, ADDRESS: The name and address of the party responsible for the violation(s). If this is an individual (e.g., Mary Jones selling firewood), list the business name as Jones, Mary Firewood. If the business is owned by another entity, list the parent company under Remarks. In many cases, a corporation or parent company will assume responsibility for the violations. If this occurs, do not change the original name, but list the details under Activities.

TYPE LIC. & NO.: If a business license or seller's permit is relevant to the legal action, enter the type and number here.

PRODUCT/TYPE: The commodity under investigation (e.g., Big Chicken fryers, or Acme soap). If this action is a result of violations found during a compliance test, list the type of inspection, meat counter, scanning, etc.

SUBJECT: The name of the individual party being held responsible for the violation or the name of the individual representing a business or corporation.

ADDRESS: The address to be entered for an individual is his or her home address, not the business address. If the subject is representing the business or corporation, the address should be the home company or corporate address.

TITLE/OCCUPATION: The SUBJECT'S title or occupation (e.g., Department Manager, Owner, CEO, etc.).

DR. LIC. NO., D.O.B.: The SUBJECT'S driver's license number (and state if other than California) and date of birth.

REMARKS: Any other useful information.

PROGRAM: QC for all Price and Quantity Verification cases.

COUNTY, REGION: Name of the county taking the action. Please do not abbreviate. SB could be Santa Barbara, San Benito, or San Bernardino. Region is the number used by DMS to identify the area of the State.

COURT DISTRICT: Name of the local court where the violation occurred or where the citation or the case will be filed.

TYPE OF LEGAL ACTION: Check the appropriate box. If a Notice to Appear (Citation or Cite) was issued, fill in the number. "Other" includes an investigation, DA's review, administrative hearing/NOPA, probation violation, etc.

CASE NUMBER: Identification number used by the agency or the prosecutor.

DOCKET NUMBER: File number issued by the court clerk.

DATE: The date the investigation began (opened), the citation was issued, or the case was given to the prosecutor (presented).

VIOLATION(S): The abbreviation for the code and the section numbers, followed by the number of counts for each section (e.g., B&P 12024.3a, 4 counts).

IQ: Prosecutor's name and title. For direct citations, write in "court" to indicate the subject was cited directly into court for arraignment.

BY: Investigator's name.

DISPOSITION

DATE: The date the case is settled, completed, or closed.

TRIAL or HEARING: Check the appropriate box:

If a hearing, state the type: office, administrative, DA's, pretrial conference, arraignment, etc.

If a trial, check the box for the plea entered.

The findings of the court or the type of agreement between parties (e.g., guilty, stipulated judgment, civil compromise, etc.).

List the names of the judge, prosecutor, defense attorney, and any other party.

FINE/PENALTY: Circle the one that applies, and follow with the dollar amount of the fine (criminal) or penalty (civil).

PENALTY ASSESSMENT: The dollar amount of any court imposed assessment in addition to the FINE\PENALTY.

COST RECOVERY: The dollar amount of investigative or other costs awarded by the court. Restitution may be listed here.

TOTAL: The total of the dollar amounts listed above.

SUSPENDED: May be the dollar amount of any fine or penalty suspended by the court or may be all or part of a jail term suspended by the court.

PROBATION: The length of time a subject is placed on probation by the court, or the length of time an injunction (civil) remains in place. If the injunction does not have a termination date, state "permanent injunction."

ACTIVITIES

This space is for listing progress during the investigation or action (e.g., arraignments, conferences, details of settlements, etc.).

BUSINESS NAME: SPECTER FOODS, LTD. PROGRAM: QC
 ADDRESS: 1015 MONUMENT BLVD COUNTY: MISSION REGION: 9
HILL PARK, CA 91999 COURT DISTRICT: SO. MISSION MUNI
 TYPE LIC. & NO.: N/A CIVIL CRIMINAL, CITE NO.: _____
 PRODUCT/TYPE (e.g. ACME Soap, bakery, meat counter, etc.): MEAT COUNTER, TEST PURCHASE, SCANNING OTHER: _____
 SUBJECT: E. A. MARTIN CASE NO.: 84-47-008 DOCKET NO.: MA 012-9
 ADDRESS: 384 EL DORADO BLVD DATE (opened/issued/presented): 11-28-96
WESTFIELD, CA 98812 VIOLATIONS: 12023, 12024, 12024.2 (b),
12024.3 (a), 17200, 17500
 TITLE/OCCUPATION: CEO
 DR. LIC. NO.: UNAVAILABLE D.O.B.: 10-31-67 TO (court/D.A.'s name/etc.): DDA D. FIELDING
 REMARKS: _____ BY Investigator: ROGER MACEY

DISPOSITION DATE: 12-29-96 TRIAL HEARING, TYPE: PRE TRIAL
 PLEA: GUILTY NOT GUILTY NO CONTEST FINE/PENALTY: \$ 54,000.00
 JUDGEMENT/SETTLEMENT: PLEA CHANGED TO NO CONTEST PENALTY ASSESSMENT: NA
 JUDGE: H. STONE COST RECOVERY: 5,940.68
 PROSECUTOR: D. FIELDING TOTAL: 59,940.68
 DEFENSE REPRESENTATIVE: M. SULLIVAN SUSPENDED: NA
 OTHER REPRESENTATIVE: _____ PROBATION TERMS: PERMIT INJUNCTION

ACTIVITIES CONSUMER COMPLAINT, UNDER INVESTIGATION, ARRAIGNMENT, TRIAL, ETC.

DATE	ACTION
<u>10-26-96</u>	<u>CITE #12264 ISSUED TO SUPER DUPER #4 FOR GROSS WEIGHT & SHORT WEIGHT MEAT COUNTER DURING ROUTINE SURVEY</u>
<u>11-7-96</u>	<u>CITE #12385 ISSUED TO SUPER DUPER #8, SCANNING OVERCHARGES, TEST PURCHASE OVERCHARGES</u>
<u>11-28-96</u>	<u>CITABLE VIOLATIONS, SCANNING CONSUMER COMPLAINT INVESTIGATION AT SUPER DUPER DISCOUNT MART</u>
<u>11-28-96</u>	<u>CONF DDA, CIVIL COMPLAINT WILL BE FILED AGAINST SPECTER FOODS, PARENT CORP OF SUPER DUPER</u>

CONTINUE ON REVERSE SIDE IF NECESSARY