

# Market Enforcement Branch

Hot News

July 2011

## **CHANGES NOW IN EFFECT**

With the passage of AB 2240, effective January 1, 2011, the following increases have been implemented:

- The principal license fee of those entities purchasing and/or handling an annual dollar volume of less than \$20,000 of California farm product, is now \$136 versus the previous \$100 application fee.
- An agent application fee has been increased to \$55.
- The complaint filing fee has been increased to \$100.

## **LICENSE DENIALS**

**Jose Gomez dba PY Produce LLC**  
125 Golden Gate Produce Terminal #62  
So. San Francisco, CA 94080  
License denied July 5, 2011

**Green Valley Vegetables Inc**  
2640 East Washington Blvd #27  
Los Angeles, CA 90023  
License denied July 26, 2011

**Manuel P Gutierrez dba MP Produce**  
9212 Kauffman Avenue  
South Gate, CA 90280  
License denied July 11, 2011

## **ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS**

**Vino Tabi Inc**  
334 Ingalls Street #C  
Santa Cruz, CA 95060

Vino Tabi Inc, in lieu of an Administrative Hearing, stipulated that its license be placed on probation for a period of two years and is subject to the compliance of the terms and conditions set forth in the Stipulation.

The Stipulation was adopted as the Decision & Order effective as of July 14, 2011.

## **PROSECUTION UPDATES**

### **Carl Edward Sutton dba Sutton Cellars – Mendocino, CA**

The Mendocino County District Attorney filed a misdemeanor complaint against Mr. Sutton for felony grand theft under the Penal Code (Section 487) and for operating without a license under the Food and Agricultural Code (Section 55521). On June 24, 2011, an arrest warrant was issued against Mr. Sutton for said violations and he was arrested on June 29, 2011. The arraignment was scheduled for August 1, 2011.

On August 1, 2011, Mr. Sutton appeared with his attorney for arraignment and requested additional time to review the case. The next court date was scheduled for August 31, 2011.

### **Jonathan M. Barber & Lorraine Shmulik dba Barber Cellars – Petaluma, CA**

The Sonoma County District Attorney filed a misdemeanor complaint against Mr. Barber and Ms. Shmulik for operating without a license under the Food and Agricultural Code. Mr. Barber and Ms. Shmulik are alleged to have purchased wine grapes from producers in Sonoma County for the purpose of processing. The arraignment was scheduled for September 7, 2010 at the Sonoma County Superior Court.

On September 7<sup>th</sup> the defendants appeared for arraignment, but no plea was made. The next court date was scheduled for September 20<sup>th</sup> to allow them additional time to obtain an attorney.

On September 20<sup>th</sup> the defendants appeared with their attorney, but no plea was made. On November 8, 2010, Mr. Barber agreed to pay restitution to two victims and investigative costs by May 9, 2011, which will be monitored by the DA's office.

On February 28, 2011, Mr. Barber appeared in court and presented a payment to the District Attorney. At the July 11<sup>th</sup> hearing, it was determined that partial payments have been made to the victims. The next hearing is scheduled for October 24, 2011.

### **Robert Lynch dba Irish Monkey Cellars – Oakland, CA**

The Alameda County District Attorney filed a misdemeanor complaint against Mr. Lynch for operating without a license under the Food and Agricultural Code. Mr. Lynch is alleged to have purchased California Farm product for the purpose of processing. His court date has been scheduled for September 8, 2010 at the Alameda County Superior Court.

Mr. Lynch failed to appear for the arraignment on September 8<sup>th</sup> and a bench warrant was issued. Mr. Lynch appeared in court on September 16<sup>th</sup> and pled not guilty. Mr. Lynch appeared for a motion's hearing on February 2, 2011, and the case was continued until May 4, 2011, to monitor the status of restitution. On

May 4, 2011, Mr. Lynch's attorney requested a continuance and the hearing was rescheduled for October 7, 2011.

**Ignazio Robert Ugenti (Quality First Distribution, Inc.) – San Jose, CA**

The Merced County District Attorney accepted a complaint against Mr. Ugenti for operating without a license under the Produce Dealers Act. Mr. Ugenti is alleged to have purchased California farm products for resale without having a dealer's license in his possession. Mr. Ugenti failed to appear at his arraignment on October 20, 2009 at the Merced County Superior Court. The judge issued a bench warrant in the amount of \$25,000. The case is pending.

**John Bowersox dba High Point Raisin and Nor Cal Raisin – Chowchilla, CA**

A criminal complaint was filed against John Bowersox with the Madera County District Attorney's office alleging Grand Theft under the Penal Code and operating without a license under the Food and Agricultural Code. On September 29, 2009, an arrest warrant was issued against Mr. Bowersox for Grand Theft (PC 487 (b) (1) (A)), a felony; and operating without a license under the Food and Agricultural Code (56632), a misdemeanor. Mr. Bowersox was arrested on October 20, 2009 and posted bail.

On April 1, 2011, a preliminary hearing was scheduled in the Madera Superior Court. On July 28, 2011, the preliminary hearing was re-scheduled for November 10, 2011.