

Market Enforcement Branch

Hot News
October 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

Alfredo Bedolla
37425 Millwood
Woodlake, CA 93286
License denied October 3, 2011

Fresh Express Produce Inc
PO Box 2125
Anaheim, CA 92814
License denied October 6, 2011

ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS

Newport International Services Inc
620 Newport Center Drive, Suite 1100
Newport Beach, CA 92660

On August 23, 2011, Newport International Services Inc (NIS) was served with an Accusation, Statement to Respondent, Request for Discovery and a blank Notice of Defense. NIS failed to file a Notice of Defense within the time specified and therefore waived its right to a hearing. As a result, NIS was in default.

Respondent's license application under the Produce Dealers Act was therefore revoked effective October 23, 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.

On October 7, 2011, Mr. Sutton plead guilty to operating without a license. He was sentenced to pay restitution to the victim, pay fines and investigative costs and perform community service.

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

On October 24, 2011, Mr. Barber's attorney presented to the District Attorney a restitution update of payments totaling \$5,440.83. The settlement agreement was extended in order for restitution to be completed. The next hearing is scheduled for December 12, 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 8th and a bench warrant was issued. Mr. Lynch appeared in court on September 16th 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.

On October 7, 2011, the case was continued until November 16, 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