

Market Enforcement Branch

Hot News

October 2009

LICENSE DENIALS

Nothing to report this month

ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS

Z & S FRESH, INC.

PO Box 27467

Fresno, CA 93729

On August 18, 2009, Z & S was served with an Accusation and failed to file a Notice of Defense within the time specified by statute. Therefore, respondent has waived its rights to a hearing to contest the merits of the pleadings. As a result, respondent is in default.

Respondent's license under the Produce Dealers Act was revoked effective October 26, 2009.

PROSECUTION UPDATES

Dale E. McMihelk – Valley Springs, CA

In 2008, Dale McMihelk was convicted of Grand Theft and operating without a license. He was sentenced to 90 days in jail, ordered to pay restitution to growers and handlers and placed on 4 years probation. Evidence was presented to the Yolo County District Attorney's office that McMihelk was in violation of the provisions of his probation. A court date was set for September 17, 2009 and had been re-scheduled for September 28, 2009. That date was moved to October 2, 2009. After a hearing, the court found that Mr. McMihelk had violated provisions of his probation and he was taken into custody. His sentencing hearing is scheduled for October 29, 2009.

Christopher Cisneros dba Sun Ripe Produce – Delano, CA

A criminal complaint was filed against Mr. Cisneros with the Kern County District Attorney's Office alleging that while unlicensed under the Produce Dealers Act, he purchased California grown farm product for resale. The amount alleged owed to handlers is in excess of \$32,000. An arrest warrant has been issued in the amount of \$20,000. The case is pending.

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 dealers 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 has been 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. The case is pending.