

Market Enforcement Branch

Hot News
January 2012

LICENSE DENIALS

Lassen Ranch

624 Eastman Lane
Petaluma, CA 94952
License denied January 6, 2012

Farmers Processing Inc

PO Box 608
Watsonville, CA 95077
License denied January 9, 2012

Johnny Vargas

6701 Meadowlark Avenue
Winton, CA 95388
License denied January 19, 2012

ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS

Baker Walnut Inc

719 East Grayson Road
Modesto, CA 95358

On November 10, 2011, Baker Walnut Inc (BWI) was served with a Statement of Issues, Statement to Applicant, Request for Discovery and a blank Notice of Defense. BWI failed to file a Notice of Defense within the time specified and therefore waived its right to a hearing. As a result, BWI was in default.

Respondent's application for license under the Processors Law and Produce Dealers Act was therefore denied effective January 21, 2012.

Cardile Brothers Mushroom Pkg Inc

PO Box 707
Avondale, PA 19311-0707

On November 14, 2011, Cardile Brothers Mushroom Pkg Inc (CBMPI) was served with an Accusation, Statement to Respondent, Request for Discovery and a blank Notice of Defense. CBMPI failed to file a Notice of Defense within the time specified and therefore waived its right to a hearing. As a result, CBMPI was in default.

Respondent's license under the Produce Dealers Act was therefore revoked effective January 21, 2012.

PROSECUTION UPDATES

Martin Nonini – Madera, CA

The Madera County District Attorney filed a misdemeanor complaint against Mr. Nonini for operating without a license under the Food and Agricultural Code. Mr. Nonini is alleged to have purchased and sold pomegranates without having a dealer's license in his possession.

On December 28, 2011, Mr. Nonini was scheduled to be arraigned in the Madera County Superior Court, but failed to appear. A \$10,000 bench warrant was issued and held until the next arraignment scheduled for January 11, 2012.

On January 11, 2012, the hearing was rescheduled due to a court error. The next hearing is scheduled for February 29, 2012.

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.

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.

On December 12, 2011, Mr. Barber provided the final payment to growers and investigative costs to The Market Enforcement Branch. As per the terms of the settlement, case was dismissed on December 16, 2011 as final payments had been made.

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.

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 until December 14, 2011, at which time the case was dismissed.

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 December 9, 2011, Mr. Bowersox stipulated into a no contest plea for operating without a license and the judge found cause for grand theft. A discovery hearing was scheduled for January 6, 2012.

On January 6, 2012, Mr. Bowersox requested additional time to gather attorney fees and the hearing was re-scheduled for March 12, 2012.