

Market Enforcement Branch

Hot News

June 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

Gary's Produce

1963 83rd Avenue
Oakland, CA 94621
License denied June 2, 2011

Stone Garden Vineyards LLC

6138 Pacific Avenue
Stockton, CA 95207
License denied on June 3, 2011

Graves Winegrowers Inc

PO Box 577
Creston, CA 93432
License denied on June 2, 2011

Jorge Solis dba Jorge's Flowers

8723 Nye Road
Ventura, CA 93001
License denied on June 24, 2011

ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS

LA Fresh Cuts Inc

PO Box 785
Bell, CA 90201

On March 18, 2011, LA Fresh Cuts Inc (LAFC) was served with an Accusation, Statement to Respondent, Request for Discovery and a blank Notice of Defense. LAFC failed to file a Notice of Defense within the time specified and therefore waived its right to a hearing. As a result, LAFC was in default.

Respondent's license application under the Produce Dealers Act was therefore revoked effective June 3, 2011.

Camellia Cellars LLC

257 Front Street
Healdsburg, CA 95448

On April 18, 2011, Camellia Cellars LLC (CCL) was served with the Notice to Revoke Stay and a blank Notice of Defense. CCL failed to file a Notice of Defense within the time specified and therefore waived its right to a hearing. As a result, CCL was in default.

Respondent's license application under the Produce Dealers Act was therefore revoked effective June 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. Arraignment date pending.

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

On September 20th 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. The next court date was scheduled for July 11th at which time full payment is required.

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.

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. The preliminary hearing was re-scheduled for July 28, 2011.