

# Market Enforcement Branch

Hot News

November 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**

### **Vanessas Produce**

815 S. Kohler Street, Unit 1  
Los Angeles, CA 90021  
License denied November 7, 2011

### **Willow Produce**

1940 Wesley Drive  
Folsom, CA 95630  
License denied November 29, 2011

### **Valley Fresh Fruit**

1906 Meadow Avenue  
Delano, CA 93215  
License denied November 28, 2011

## **ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS**

### **Sevtap Winery**

PO Box 1148  
Buellton, CA 93427

Sevtap Winery, in lieu of an Administrative Hearing, stipulated that the license be placed on probation for a period of one year 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 November 2, 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 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.

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.

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. Currently, the hearing has been continued until December 14, 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. The hearing has been re-scheduled for December 9, 2011.