

Market Enforcement Branch

Hot News

November 2010

IMPORTANT CHANGES COMING

With the passage of AB 2240, effective January 1, 2011, there will be fee increases as follows:

- The principal license fee of those entities purchasing and/or handling an annual dollar volume of less than \$20,000 of California farm product, will be paying \$136 versus the previous \$100 application fee.
- An agent application fee will be increased to \$55.
- The complaint filing fee will be increased to \$100.

LICENSE DENIALS

Giammanco & Sons Produce
982 Montgomery Court
Thousand Oaks, CA 91360
License denied on November 8, 2010

Demetria Vineyards & Winery LLC
PO Box 836
Los Olivos, CA 93441
License denied on November 8, 2010

Luis O Guerrero
2098 Mallory Street
San Bernardino, CA 92407
License denied on November 8, 2010

Edelmira Moreno
3824 Lander Avenue
Turlock, CA 95830
License denied on November 17, 2010

ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS

Beaver Creek Vineyards
22000 Highway 29
Middletown, CA 95461

On July 12, 2010, Beaver Creek Vineyards (BCV) was served with a Statement of Issues. BCV filed a Notice of Defense within the time specified. Applicant failed to appear at the hearing and the case was remanded to the agency. As a result, BCV was in default.

Respondent's license application under the Processors Law was therefore denied effective November 11, 2010.

PROSECUTION UPDATES

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 8, 2011, which will be monitored by the DA's office. The next court date is scheduled for February 14, 2011 to monitor progress of the restitution payments.

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. The next court appearance is set for December 16, 2010 at 9:00 a.m.

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.

At his pre-trial hearing on May 24, 2010, a preliminary hearing was set for September 24, 2010, at which time the preliminary hearing was rescheduled for October 19, 2010. A trial date of January 26, 2010 has been set.