

Market Enforcement Branch

Hot News

December 2010

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

Tiffany Bailey

2567 Elden Avenue
Costa Mesa, CA 92627

License denied on December 13, 2010

Taste of Adelaida LLC

9988 Chimney Rock Road
Paso Robles, CA 93446

License denied on December 28, 2010

Cal-AG Products LLC

PO Box 3103
Turlock, CA 95381

License denied on December 15, 2010

Manuel Ortiz Jr

Db a Manuel Ortiz Jr Real Estate
212 E Wilson Avenue
Tulare, CA 93274

License denied on December 29, 2010

ADMINISTRATIVE PROCEEDINGS / LICENSE REVOCATIONS

None

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 9, 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. Mr. Lynch appeared for the pre-trial conference on December 16, 2010, which was continued to February 7, 2011 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 March 3, 2011 has been set.