

1 **JAMES C. BRAZELTON**
2 **STANISLAUS COUNTY DISTRICT ATTORNEY**
3 **GLORIA M. MAS (SBN 132429)**
4 Deputy District Attorney
11th and I Streets, Room 200 2nd Floor
Modesto, California 95353
(209) 525-5550

5 Attorneys for People

FILED

2005 JUN 21 AM 8:11

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

DEPUTY

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF STANISLAUS

9 THE PEOPLE OF THE STATE OF CALIFORNIA

10 Plaintiff,

11 vs.

12
13 FRED FRIAS, dba
FRED FRIAS UNION SERVICE

14 Defendants.

CASE NO.

372387

COMPLAINT FOR CIVIL
PENALTIES AND OTHER
RELIEF

[Health and Safety Code Section
25299; Business and Professions
Code Sections 17200-17208]

15 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through JAMES C.
16 BRAZELTON, District Attorney for the County of STANISLAUS, by and through Deputy
17 District Attorney GLORIA M. MAS, allege as follows:

18 JURISDICTION AND VENUE

- 19
- 20 1. The authority of the District Attorney of Stanislaus County to bring this action is
21 derived from the statutory laws of the State of California, specifically Health and Safety Code
22 §25299 and Business and Professions Code sections 17206 et seq.
 - 23 2. Defendant transacted business within the County of Stanislaus. The alleged
24 violations of law hereinafter described were carried out within said County and within the State of
25 California. Unless enjoined and restrained by an order of this court, the defendants will
26 continue to retain the means to engage in unlawful action and practices and courses of conduct set
27 out below.

28 DEFENDANTS

3. Whenever in this complaint reference is made to any act of defendant, such allegation shall be deemed to mean that defendants, and its officers, agents, employees, or representatives,

1 did or authorized acts while actively engaged in the management, direction, or control of the
2 affairs of said defendant, and while acting within the course and scope of their duties.

3
4 4. Defendants FRED FRIAS UNION SERVICE (DBA) and FRED FRIAS at all times
5 relevant herein was engaged in the business of operating a businesses, located at 226 North
6 Second Street, Patterson, California, 95363.

7
8 FIRST CAUSE OF ACTION

9 VIOLATION OF HEALTH AND SAFETY CODE
10 SECTION 25299 (DESIGNATED OPERATOR)

11 5. Plaintiff hereby incorporates by reference paragraphs 1 through 4 above.

12 6. Plaintiff is informed and believes and based upon such information and belief
13 alleges that on or around January 1, 2005 and continuing, and within three (3) years of filing this
14 complaint, defendant engaged in acts in violation of Health and Safety Code '25299.

15 7. The violations of Health and Safety Code include but are not limited to the
16 following:

17 (a) The violation of Health and Safety Code ' 25299 by failing to file a designated
18 operator pursuant to California Code of Regulations, title 23, § 2715.

19 SECOND CAUSE OF ACTION

20 VIOLATION OF BUSINESS AND PROFESSIONS CODE
21 SECTIONS 17200 - 17208 (UNLAWFUL AND/OR UNFAIR COMPETITION)

22 8. Plaintiff incorporates by reference paragraphs 1 - 7, above.

23 9. Plaintiff is informed and believes and based on such information and belief alleges that
24 on or about January 1, 2005 and continuing, defendants engaged in acts of unlawful and/or unfair
25 competition prohibited by California Business and Professions Code §17200 - §17208 by virtue
26 of the acts described herein, each of which constitutes an unfair and/or unlawful business practice.
27 These acts include but are not limited to:

28 (a) Violation of Health and Safety Code § 25299.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

1. Defendants be permanently restrained and enjoined from engaging in or performing, directly or indirectly, any and all of the following acts:

(a) Engaging in any of the unlawful acts of unfair competition set forth in the First Cause of Action of this complaint, as well as any other violations of Business and Professions Code §17200 - §17208.

(b) Violating any environmental offenses including but not limited to California Health and Safety Code § 25299.

2. For violations of the First Cause of Action, that defendants herein be assessed a civil penalty in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for each violation, according to proof;

3. For violations of the Second Cause of Action, that defendants herein be assessed a civil penalty in the amount of TWO THOUSAND DOLLARS FIVE HUNDRED (\$2,500.00) for each violation, according to proof;

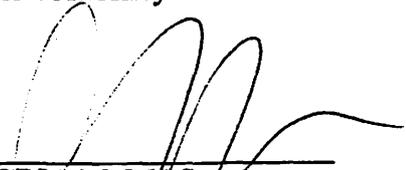
4. Plaintiff recover its costs and attorney fees.

5. Plaintiff have such other and further relief as the nature of the case may require and that the court deems proper to fully dissipate the effects of the unlawful and unfair acts complained of herein.

Dated this Thirteenth day of April, in the year 2005, at Modesto, California.

Respectfully submitted,

JAMES C. BRAZELTON
District Attorney



GLORIA M. MAS
Deputy District Attorney