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Attorneys for Plaintiff, PEOPLE OF THE STATE OF CALIFORNIA
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15 IN THE SUPERIOR COURT OF CALIFORNIA OF THE STATE OF CALIFORNIA
16 IN AND FOR THE COUNTY OF SAN JOAQUIN
17

18 PEOPLE OF THE STATE OF CALIFORNIA,)	No. CV032518
)	
19 Plaintiff,)	FIRST AMENDED
)	COMPLAINT FOR
20 v.)	INJUNCTIVE RELIEF
)	AND CIVIL PENALTIES
21 SHIRLEY ENVIRONMENTAL TESTING, LLC, a)	
Wisconsin limited liability corporation;)	
)	
22 Defendant(s).)	
)	
23)	

24
25 PLAINTIFF, PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

26 1. PLAINTIFF, PEOPLE OF THE STATE OF CALIFORNIA ("People"), brings its
27 actions by and through EDMUND G. BROWN JR., Attorney General of California ("Attorney
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FILED
CLERK OF SUPERIOR COURT - STOCKTON
07 MAY 15 PM 2:22
LORNA A. GUERRERO
BY DEPUTY

1 General”), and by and through JAMES P. WILLETT, District Attorney of San Joaquin County (“San
2 Joaquin D.A.”).

3 2. Pursuant to California Business and Professions Code sections 17203, 17204 and
4 17206, the Attorney General, and the San Joaquin County District Attorney may bring actions in the
5 name of the People of the State of California in a superior court for an injunction against any person
6 who engages, had engaged, or proposes to engage in unfair competition and for civil penalties for
7 each act of unfair competition.

8 JURISDICTION AND VENUE

9 3. The defendants transact business throughout the State of California. The alleged
10 violations of the law, hereinafter described, have been carried out throughout the State of California.
11 The alleged actions of the defendants and each of them, jointly and separately, as set out below, are
12 in violation of the law and public policy of the State of California. Unless enjoined and restrained by
13 an order of this court, the defendants will continue to retain the means to engage in unlawful action
14 and practices and courses of conduct set out below.

15 DEFENDANTS

16 4. Defendant SHIRLEY ENVIRONMENTAL TESTING, LLC, a Wisconsin limited
17 liability corporation (“Defendant”), is, and at all times relevant herein was, engaged in the business
18 of ELECTRONIC MONITOR CERTIFICATION OF UNDERGROUND STORAGE TANK
19 SYSTEMS throughout the State of California.

20 5. Whenever in this complaint reference is made to any act of defendants, such
21 allegation shall be deemed to mean that defendants and their officers, agents, employees, or
22 representatives, did or authorized acts while actively engaged in the management, direction, or
23 control of the affairs of said defendant, and while acting within the course and scope of their duties.

24 6. All defendants at all times acted as agents of one another. With regard to the conduct
25 and omissions alleged in this Complaint, each of the defendants ratified the actions of the other
26 defendants.

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1 FIRST CAUSE OF ACTION

2 VIOLATION OF BUSINESS AND PROFESSIONS
3 CODE SECTIONS 17200 - 17208
4 UNLAWFUL AND/OR UNFAIR COMPETITION

5 7. Paragraphs 1 through 6, above are incorporated herein by reference. Plaintiff is
6 informed and believes and based on such information and belief alleges that beginning at an exact
7 date that is unknown to plaintiff, but within four (4) years prior to the filing of this complaint,
8 defendants have engaged in acts of unlawful and/or unfair competition prohibited by Business and
9 Professions Code §17200 - §17208 by virtue of the acts described herein, each of which constitutes
10 an unfair and/or unlawful business practice.

11 8. The use of such unlawful and/or unfair business practices constitutes unfair
12 competition within the meaning of §17200 of the Business and Professions Code. The unlawful
13 and/or unfair business practices committed by the defendants include, but are not limited to:

14 a. Failing to correctly perform monitoring system certification inspections and testing as
15 required by the Health and Safety Code.

16 PRAYER

17 WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:

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

20 a. Engaging in any acts in violation of the Business and Professions Code,
21 including but not limited to:

22 1. Failing to correctly perform monitoring system certification
23 inspections and testing as required by the Health and Safety Code.

24 2. For violation of the First Cause of Action, that defendants herein be assessed a civil
25 penalty of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each act of unfair
26 competition, in an amount according to proof, pursuant to Business and Professions Code §17206;

27 3. Plaintiff recover its costs and agencies costs.

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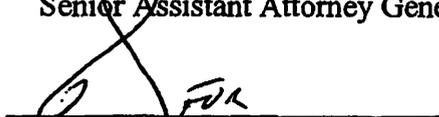
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4. Plaintiff have such other and further relief as the nature of the case may require and that the court deems proper to fully dissipate the effects of the unlawful and unfair acts complained of herein.

RESPECTFULLY SUBMITTED:

Dated: May 15, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California
THOMAS M. GREENE
Chief Assistant Attorney General
THEODORA P. BERGER
Senior Assistant Attorney General


SALLY MAGNANI KNOX
Deputy Attorney General,
Attorneys for Plaintiff, People of the State of
California

Dated: May 15, 2007

JAMES P. WILLETT, District Attorney
Of the County of San Joaquin

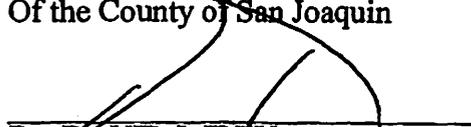

By: DAVID J. IREY
Supervising Deputy District Attorney
Environmental Prosecutions Unit
Attorneys for Plaintiff, People of the State of
California

EXHIBIT B

People v. Shirley Environmental Testing, LLC

Exhibit B to Consent Judgment for Civil Penalties and Injunctive Relief

Payment No.	Payment Date	Payee	Amount	Purpose	Instruction
1.	6/1/07	Treasurer of San Joaquin County	\$7,150.00	Reimbursement for San Joaquin District Attorney's Investigation/ Enforcement Costs	Settling Defendant shall deliver all four checks to: San Joaquin County District Attorney's Office Attention David J. Irey Supervising Deputy District Attorney San Joaquin County Courthouse, Room 2002 P.O. Box 990 Stockton, CA 95201. The District Attorney's Office shall immediately distribute the four checks.
	6/1/07	San Joaquin County Environmental Health Department	\$1,860.00	Reimbursement for San Joaquin County Environmental Health Department Investigation/ Enforcement Costs	
	6/1/07	California State Water Resources Control Board	\$15,947.20	Reimbursement for SWRQCB Investigation/ Enforcement Costs	
	6/1/07	California Department of Justice	\$2,000.00	Reimbursement for Dept. of Justice Investigation/Enforcement Costs	
2.	4/1/08	California State Water Resources Control Board	\$20,000.00	SWRCB Assessment/Penalty	Settling Defendant shall deliver check to San Joaquin County District Attorney's Office (Address Above.) District Attorney to record and deliver payment to the State Water Resources Control Board.
3.	4/1/09	California Department of Justice	\$20,000.00	Dept. of Justice Assessment/Penalty	Settling Defendant shall deliver check to: California Department of Justice Accounting Section – Cashiering Unit 1300 "T" Street, Suite 810 P.O. Box 944255 Sacramento, CA 94244-2550
4.	4/1/10	California State Water Resources Control Board	\$20,000.00	SWRCB Assessment/Penalty	Settling Defendant shall deliver check to San Joaquin County District Attorney's Office (Address Above.) District Attorney to record and deliver payment to the State Water Resources Control Board.
5.	4/1/11	Treasurer of San Joaquin County	\$20,000.00	San Joaquin District Attorney's Assessment/Penalty	Settling Defendant shall deliver check to: California Department of Justice Accounting Section – Cashiering Unit 1300 "T" Street, Suite 810 P.O. Box 944255 Sacramento, CA 94244-2550
6.	4/1/12	California State Water Resources Control Board	\$20,000.00	SWRCB Assessment/Penalty	Settling Defendant shall deliver check to San Joaquin County District Attorney's Office (Address Above.) District Attorney to record and deliver payment to the State Water Resources Control Board.

7.	4/1/13	Treasurer of San Joaquin County	\$12,500.00	San Joaquin District Attorney's Assessment/Penalty	Settling Defendant shall deliver check to San Joaquin County District Attorney's Office (Address Above.) District Attorney to record and deliver payment to the San Joaquin County Treasurer
8.	4/1/13	California Department of Justice	\$12,500.00	Dept. of Justice Assessment/Penalty	Settling Defendant shall deliver check to: California Department of Justice Accounting Section - Cashiering Unit 1300 "T" Street, Suite 810 P.O. Box 944255 Sacramento, CA 94244-2550