



Alameda County
District Attorney's Office
John J. Meehan, District Attorney

90.FEB 29 AM 11:17

February 28, 1990

Lawrence V. Sausa
1746 13th Street
Oakland, CA 94607

Re: People v. Taylor Roof Structures, Incorporated, Everett Taylor, and Emeline Taylor, Lawrence V. Sausa, Michael McCracken

Dear Mr. Sausa,

This letter will confirm our discussion of February 26, 1990 in which you requested a continuance of our meeting, presently set for February 27, 1990. Our meeting has been rescheduled and shall be held at the office of the District Attorney, at 24405 Amador Street, Hayward, California on March 5, 1990 at 10 a.m.

If you have any questions, please feel free to contact me at (415) 670-5150.

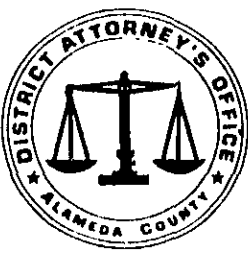
Very truly yours,

JOHN J. MEEHAN
DISTRICT ATTORNEY

By: *Margaret A. Ong*
Margaret A. Ong
Senior Deputy District Attorney

cc: Gil Wistar
Everett Taylor
Emeline Taylor
Michael McCracken
Ruben Yusi

JJM:MAO:shb



Alameda County
District Attorney's Office
John J. Meehan, District Attorney

February 22, 1990

Ruben Yusi, Secretary Treasurer
Taylor Roof Structures, Inc.
33871 Juliet Circle
Fremont, CA 94555

Re: People v. Taylor Roof Structures, Incorporated, Everett
Taylor, and Emeline Taylor, Lawrence V. Sausa, Michael
McCracken

Dear Mr. Yusi:

This letter will confirm our discussion of February 16, 1990
in which you requested a meeting to discuss the pending lawsuit.
Our meeting shall be held on February 28, 1990 at 10 a.m. at the
office of the District Attorney, at 24405 Amador Street, Hayward,
California.

If you have any questions, please feel free to contact me at
(415) 670-5150.

Very truly yours,

JOHN J. MEEHAN
DISTRICT ATTORNEY

By:


Margaret A. Ong
Senior Deputy District Attorney

cc: Gil Wistar
Everett Taylor
Emeline Taylor
Michael McCracken
Lawrence V. Sausa

JJM:MAO:shb



Alameda County
District Attorney's Office
John J. Meehan, District Attorney

February 8, 1990

5) *Lawrence Sausa*
Michael McCracken
1746-13th Street
Oakland, CA 94607

Re: People v. Taylor Roof Structures, Inc.
Everett Taylor, Emeline Taylor,
Lawrence V. Sausa and Michael McCracken

Dear Mr. McCracken:

This office is charged with enforcing the Hazardous Waste Control Act and the Underground Storage Hazardous Substances Act. This office also prosecutes businesses engaging in unfair business practices.

In February 1989, three underground storage tanks containing hazardous substances were removed from 1746-13th Street and 1750-14th Street, Oakland. Soil analytical results for the samples collected from the excavation site revealed contamination at levels deemed hazardous under California law. The data further showed that spillage/leakage of fuels and waste oils occurred in the tank pits on your property.

As the present owner of the land where the contamination is located, you are responsible for the remediation of the site.

Enclosed please find a copy of the complaint I intend to file on April 2, 1990. Although my office has both criminal and civil jurisdiction, this matter will be handled with a civil filing seeking monetary penalties, costs and injunctive relief. Should you or your legal representative wish to discuss this case prior to filing, I can be reached at (415) 670-5150.

Very truly yours,

JOHN J. MEEHAN
District Attorney

By: *Margaret A. Ong*
Margaret A. Ong
Senior Deputy District Attorney

JJM:MAO:rf

cc: Gil Wistar, Alameda County of Health Care Services



Alameda County
District Attorney's Office
John J. Meehan, District Attorney

February 8, 1990

*Taylor Roof Structures
Emeline*

Everett Taylor
205 El Pinto #23
Danville, CA 94526

Re: People v. Taylor Roof Structures, Inc.
Everett Taylor, Emeline Taylor,
Lawrence V. Sausa and Michael McCracken

Dear Mr. Taylor:

This office is charged with enforcing the Hazardous Waste Control Act and the Underground Storage Hazardous Substances Act. This office also prosecutes businesses engaging in unfair business practices.

In February 1989, three underground storage tanks containing hazardous substances were removed from 1746-13th Street and 1750-14th Street, Oakland. Soil analytical results for the samples collected from the excavation site revealed contamination at levels deemed hazardous under California law. The data further showed that spillage/leakage of fuels and waste oils occurred in the tank pits on your property.

Repeated notices of violations to properly close your underground storage tanks sent to you by the Alameda County Health Care Services, Department of Environmental Health, Hazardous Materials Program have been ignored.

Enclosed please find a copy of the complaint I intend to file on April 2, 1990. Although my office has both criminal and civil jurisdiction, this matter will be handled with a civil filing seeking monetary penalties, costs and injunctive relief. Should you or your legal representative wish to discuss this case prior to filing, I can be reached at (415) 670-5150.

Very truly yours,

JOHN J. MEEHAN
District Attorney

By: *Margaret A. Ong*
Margaret A. Ong
Senior Deputy District Attorney

JJM:MAO:rF

cc: Gil Wistar, Alameda County of Health Care Services

105
2-13-90

1 JOHN J. MEEHAN
2 District Attorney
3 County of Alameda
4 MARGARET A. ONG
5 Senior Deputy District Attorney
6 Consumer & Environmental Protection Division
7 24405 Amador Street
8 Hayward, CA 94544
9 (415) 670-5150

6 Attorneys for Plaintiff

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF ALAMEDA

9 THE PEOPLE OF THE STATE OF CALIFORNIA,) No.

10 Plaintiff,)

11 v.)

12)
13 TAYLOR ROOF STRUCTURES, INC., a California) CORPORATION, EVERETT TAYLOR, as an
14 individual doing business as)
15 TAYLOR ROOF STRUCTURES, INC.,)
16 EMELINE TAYLOR as an individual doing)
17 business as TAYLOR ROOF STRUCTURES, INC.,)
18 MICHAEL McCRACKEN individually,)
19 LAWRENCE V. SAUSA individually, DOES ONE)
20 through TEN, Inclusive,)

COMPLAINT FOR
PERMANENT INJUNCTION;
CIVIL PENALTIES FOR
VIOLATIONS OF THE
UNDERGROUND STORAGE
OF HAZARDOUS SUBSTANCES
CHAPTER, UNFAIR
COMPETITION, AND OTHER
RELIEF

21 Defendants.)

22 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through John J. Meehan,
23 District Attorney of the County of Alameda, and Margaret A. Ong, Senior Deputy
24 District Attorney of the County of Alameda, hereby allege that:

25 JURISDICTION AND VENUE

26 1

27 John J. Meehan, District Attorney of Alameda County, acting to protect
28 the public from health and safety hazards and unfair and unlawful business
29 practices, brings this action in the public interest in the name of THE PEOPLE OF
30

1 THE STATE OF CALIFORNIA and behalf of the California Department of Health Services
2 through the Alameda County Department of Environmental Health pursuant to the
3 Hazardous Waste Control Act, as contained in Health and Safety Code Section 25100
4 et seq.; the Underground Storage of Hazardous Substances Chapter, as contained in
5 Health and Safety Code Section 25280 et seq., and pursuant to the statutory law
6 of the State of California prohibiting unfair and unlawful business practices.

7 2

8 The Alameda County Department of Environmental Health, having been
9 lawfully delegated the powers of the State of California Department of Health
10 Services, administers and enforces the provisions of:

- 11 (A) the Hazardous Waste Control Act, as contained in Health and
12 Safety Code Section 25100 et seq.,
13 (B) the Underground Storage of Hazardous Substances Chapter, as
14 contained in Health and Safety Code Section 25280 et seq.

15 3

16 John J. Meehan, the District Attorney of the County of Alameda, is
17 authorized to commence a civil action:

- 18 (A) pursuant to Section 25182 of the Health and Safety Code, under
19 Chapter 6.5 of Division 20 of the Health and Safety Code at the
20 request of the Department.
21 (B) pursuant to Section 25299.02 of the Health and Safety Code,
22 under Chapter 6.7 of Division 20 of the Health and Safety Code.
23 (C) pursuant to Section 17204 and 17206 of the Business and
24 Professions Code, under Chapter 5 of Part 2 in Division 7 of
25 the Business and Professions Code.
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Venue of this action of this County is mandated by Health and Safety Code Sections 25183, 26299.03 and Section 17204 of the Business and Professions Code.

5

Health and Safety Code Section 25299.01 provides that when any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of Health and Safety Code Chapter 6.7, of any rule, regulation or order issued thereunder, a permanent or temporary injunction, restraining order, or other order may be granted.

6

Health and Safety Code Section 25299.04 provides that in any civil action brought pursuant to the Act in which a temporary restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any state of the proceeding that irreparable injury will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued or that the remedy at law is inadequate.

7

Business and Professions Code Section 17203 provides that any person performing or proposing to perform an act of unfair competition with this State may be enjoined in any Court of competent jurisdiction.

8

Defendants, and each of them, transacts business within the County of Alameda. Violations of the law hereinafter described have been carried out within Alameda County. The actions of defendants, and each of them, jointly and

1 severally, as set out below, are in violation of the laws and public policy of the
2 State of California and inimical to the rights and interests of the general
3 public.

4 DEFENDANTS

5 9

6 Defendant TAYLOR ROOF STRUCTURES, INC., is, and was, at all times
7 mentioned herein, a Corporation duly organized, created and existing under the
8 laws of the State of California, and is authorized to do, and is doing, business
9 in the State of California.

10 10

11 Plaintiff is informed and believes and therefore alleges that
12 beginning at a date unknown to plaintiff, but within three years from the date of
13 the filing of this complaint, defendants TAYLOR ROOF STRUCTURES, INC., EVERETT
14 TAYLOR and EMELINE TAYLOR owned and operated three underground storage tanks
15 containing hazardous substances at 1746-13th Street and 1750-14th Street, City of
16 Oakland, County of Alameda, State of California.

17 11

18 Plaintiff is informed and believes and thereon alleges that defendant
19 EVERETT TAYLOR, was, and continues to be, at all times mentioned herein, the
20 President, manager and owner of TAYLOR ROOF STRUCTURES, INC., and is an individual
21 doing business as TAYLOR ROOF STRUCTURES, INC. In such capacity he has been and
22 is responsible for the control, operation, direction, and management of defendant
23 TAYLOR ROOF STRUCTURES, INC.

24 12

25 Plaintiff is informed and believes and thereon alleges that defendant
26 EMELINE TAYLOR was, and continues to be, at all times mentioned herein, manager
27 and owner of TAYLOR ROOF STRUCTURES, INC. In such capacity she has been and is
28

1 responsible for the control, operation, direction and management of defendant
2 TAYLOR ROOF STRUCTURES, INC.

3 13

4 Plaintiff is informed and believes and thereon alleges that defendant
5 TAYLOR ROOF STRUCTURES, INC., is and was, at all times mentioned herein, a mere
6 shell, instrumentality and conduit through which defendants EVERETT TAYLOR and
7 EMELINE TAYLOR conducted business under the company name, while exercising control
8 and dominance over such business and to such an extent that any individuality or
9 separateness of the defendants named in this paragraph does not, and at all times
10 mentioned herein, did not exist. Adherence to the fiction of a separate existence
11 between defendant TAYLOR ROOF STRUCTURES, INC. and defendants EVERETT TAYLOR, and
12 EMELINE TAYLOR would provoke injustice and sanction fraud in that said defendants
13 by their conduct as individuals and managers of TAYLOR ROOF STRUCTURES, INC.
14 cannot be separated or distinguished from said company. Defendants EVERETT TAYLOR
15 and EMELINE TAYLOR are the alter ego of defendant TAYLOR ROOF STRUCTURES, INC.,
16 who while operating the business of said company aided, abetted and conspired with
17 DOES ONE through TEN to commit the acts complained of herein. Defendants EVERETT
18 TAYLOR and EMELINE TAYLOR are responsible and liable for their own conduct and for
19 the conduct of TAYLOR ROOF STRUCTURES, INC. as alleged herein.

20 14

21 Plaintiff is informed and believes and thereon alleges that defendant
22 TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and EMELINE TAYLOR sold 1746-13th
23 Street and 1750-14th Street to defendants MICHAEL McCracken, a single man, and
24 LAWRENCE V. SAUSA, a single man, as joint tenants, on or about April 10, 1989.

25 15

26 Plaintiff is informed and believes and thereon alleges that beginning
27 at a date unknown to plaintiff, but within three years from the date of the filing
28 of this complaint, and including April 10, 1989, defendants MICHAEL McCracken, a

1 single man, and LAWRENCE V. SAUSA, a single man, are doing business at 1746-13th
2 Street, and 1750-14th Street, City of Oakland, County of Alameda, State of
3 California.

4 16

5 The true names or capacities, whether individual, corporate,
6 associate, or otherwise, of defendants DOES ONE through TEN are unknown to
7 plaintiffs who therefore sue such defendants by such fictitious names, and will
8 amend this Complaint to show their true names and capacities when ascertained.
9 plaintiffs are informed and believe and thereupon allege that each of the
10 defendants designated herein as DOE is legally responsible in some manner for the
11 event and happenings alleged in this Complaint.

12 17

13 When, in the Complaint, reference is made to any act of defendants,
14 such allegations shall be deemed to mean that the officers, directors, agents,
15 employees or representatives of said defendants, did, or authorized such acts, or
16 recklessly and carelessly failed and omitted to adequately or properly supervise,
17 control or direct their employees while engaged in the management, direction,
18 operation or control of the affairs of said business organizations, and did so
19 while acting within the course and scope of their employment or agency.

20 18

21 Defendants are all "persons" within the meaning of the Health and
22 Safety Code, Section 25118 thereof.

23 19

24 Whenever an allegation regarding any act of the defendants is made
25 herein, such allegation shall be deemed to mean the act of each defendant acting
26 individually, jointly and severally.

ACTS OF DEFENDANTS

20

Plaintiff is informed and believes and thereon alleges that defendants, TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR, and EMELINE TAYLOR, beginning at a date unknown to plaintiff, but within three years from the date of the filing of this complaint, and continuing through April 10, 1989, have owned and operated three underground storage tanks containing hazardous substances located at 1746-13th Street and 1750-14th Street, City of Oakland, County of Alameda, State of California in violation of the laws of the State of California as set forth more fully herein.

21

Plaintiff is informed and believes and thereon alleges that defendants, MICHAEL McCracken and LAWRENCE V. SAUSA, beginning on a date unknown to plaintiff, but within three years from the date of the filing of this complaint, and starting on or about April 10, 1989, have owned and/operated the above property, knowing the above property contained hazardous wastes.

22

Plaintiff is informed and believes and thereon alleges that defendants conduct includes, but is not limited to, the following:

- A. Beginning at a date unknown to plaintiff, but within three years from the date of the filing of this complaint, and continuing through April 10, 1989, defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and EMELINE TAYLOR have owned and operated three underground storage tanks containing hazardous substances located at 1746-13th Street and 1750-14th Street, City of Oakland, County of Alameda, State of California.

1 B. On or about January 17, 1989, defendants TAYLOR ROOF
2 STRUCTURES, INC., EVERETT TAYLOR and EMELINE TAYLOR submitted
3 an application with the Alameda County Health Care Services,
4 Department of Environmental Health, Hazardous Materials Program
5 to remove three underground storage tanks containing hazardous
6 substances from their premises at 1746-13th Street and 1750-
7 14th Street, City of Oakland, County of Alameda, State of
8 California.

9 C. On or about February 6, 1989 said three underground storage
10 tanks containing hazardous substances were removed from the
11 ground at 1746-13th Street and 1750-14th Street, City of
12 Oakland, County of Alameda, State of California.

13 D. On or about February 6, 1989 soil samples were taken from the
14 area directly surrounding the three underground storage tanks
15 containing hazardous substances.

16 E. On or about March 8, 1989 the results from the soil samples
17 were reported to the County. Said results indicated an
18 unauthorized release/leak contamination in the soil where the
19 three underground storage tanks were located, to wit:
20 including, but not limited to, 2300 ppm of hydrocarbons in the
21 soil.

22 F. On or about April 10, 1989 defendants TAYLOR ROOF STRUCTURES,
23 INC., EVERETT TAYLOR and EMELINE TAYLOR sold 1746-13th Street
24 and 1750-14th Street, City of Oakland, County of Alameda, State
25 of California to MICHAEL McCracken and LAWRENCE V. SAUSA.

26 G. Since on or before November 16, 1988, defendants MICHAEL
27 McCracken and LAWRENCE V. SAUSA knew the above property
28 contained hazardous wastes when negotiations for the sale of

1 the above property commenced with TAYLOR ROOF STRUCTURES, INC.,
2 EVERETT TAYLOR and EMELINE TAYLOR.

3 H. Knowing the above property still contained hazardous waste on
4 April 10, 1989, MICHAEL McCracken and LAWRENCE V. SAUSA closed
5 escrow for the purchase of the above property with the
6 defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
7 EMELINE TAYLOR.

8 I. Defendants have improperly closed the above three underground
9 storage tanks of hazardous substances by not undertaking all of
10 the following actions:

11 (1) demonstrating to the local agency that all residual
12 amounts of the hazardous substance which were stored in
13 the tank prior to its closure have been removed, properly
14 disposed of, and neutralized.

15 (2) demonstrating to the local agency that there has been no
16 significant soil contamination resulting from a discharge
17 in the area surrounding the underground storage tank or
18 facility.

19 J. Defendants have failed to demonstrate to the satisfaction of
20 the local agency that no unauthorized release has occurred
21 prior to proper closure.

22 K. Defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
23 EMELINE TAYLOR failed to report to the local administering
24 agency of an unauthorized release (leak)/contamination within
25 twenty-four hours after the release had been detected or should
26 have been detected.

27 L. Defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
28 EMELINE TAYLOR failed to file with the local administering

1 agency a written underground storage tank unauthorized release
2 (leak)/contamination site report within five working days from
3 the occurrence of a release.

4 23

5 Plaintiff is informed and believes and thereon alleges that despite
6 repeated notices and requests by the Alameda County Environmental Health
7 Department, defendants have improperly closed said tanks, in violation of the laws
8 of the State of California.

9 FIRST CAUSE OF ACTION

10 California Hazardous Waste Control Act

11 (Health and Safety Code Section 25100 et seq.)

12 24

13 Plaintiff realleges and incorporates by reference as though set forth
14 in full herein paragraphs 1 through 23, inclusive.

15 25

16 Hazardous wastes possessed, stored, handled and disposed of by the
17 defendants and referred to herein meet the definition of hazardous waste as
18 defined in Health and Safety Code Section 25117.

19 26

20 Plaintiff is informed and believes and therefore alleges that,
21 beginning on a date unknown, but within three years from the filing of this
22 complaint, defendants and each of them did violate Health and Safety Code Section
23 25189(c) in that their intentional or negligent acts as set forth in paragraph 22
24 of this complaint caused the disposal of hazardous waste at a point not authorized
25 by the Hazardous Waste Control Act.

1
2 Plaintiff is informed and believes and therefore alleges that,
3 beginning on a date unknown, but within three years from the filing of this
4 complaint, defendants and each of them did violate the following:

5 A. Defendants violated Health and Safety Code Section 25298 and
6 25299 in that they improperly closed three underground storage
7 tanks located at 1746-13th Street and 1750-14th Street by not
8 undertaking all of the following actions:

9 (1) demonstrating to the local agency that all residual
10 amounts of the hazardous substance which were stored in
11 the tank prior to its closure have been removed, properly
12 disposed of and neutralized.

13 (2) demonstrating to the local agency that there has been no
14 significant soil contamination resulting from a discharge
15 in the area surrounding the underground storage tank or
16 facility.

17 B. Defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
18 EMELINE TAYLOR violated Health and Safety Code Section 25295
19 and 25299 in that defendants failed to report to the local
20 administering agency of an unauthorized release
21 (leak)/contamination within twenty-four hours after the release
22 had been detected or should have been detected.

23 C. Defendant TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
24 EMELINE TAYLOR violated Health and Safety Code Section 25295
25 and 25299 in that defendants failed to file with the local
26 administering agency a written underground storage tank
27 unauthorized release (leak)/contamination site report within
28 five working days from the occurrence of a release.

1 D. Defendants violated California Administrative Code Title 23,
2 Section 2672(d), implemented pursuant to Health and Safety Code
3 Section 25299.3(a), in that they failed to demonstrate to the
4 satisfaction of the local agency that no unauthorized release
5 has occurred prior to proper closure.

6 F. Defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
7 EMELINE TAYLOR violated California Administrative Code, Title
8 23, Section 2562(b), implemented pursuant to Health and Safety
9 Code Section 25299.3(a), in that they failed to report to the
10 local regulating agency within twenty-four hours, the
11 unauthorized release of a hazardous substance.

12 G. Defendants TAYLOR ROOF STRUCTURES, INC., EVERETT TAYLOR and
13 EMELINE TAYLOR violated California Administrative Code, Title
14 23, Section 2562(c) implemented pursuant to Health and Safety
15 Code Section 2529.3(a), in that they failed to submit to the
16 local regulating agency within five working days, a full
17 written report of the unauthorized release of a hazardous
18 substance.

19 FOURTH CAUSE OF ACTION

20 Unlawful Business Practices

21 (Business and Profession Code Section 17200)

22 33

23 Plaintiff realleges and reincorporates by reference as though set
24 forth in full herein paragraphs 1 through 23, inclusive.

25 34

26 Plaintiff is informed and believes and therefore alleges that,
27 beginning on a date unknown, but within three years from the filing of this
28 Complaint, defendants and each of them engaged in conduct, and continue to engage

1 in conduct, by agents, employees, officer, or directors or owners, which is
2 unlawful. Such repeated violations of California law constitute unfair
3 competition within the meaning of Business and Professions Code Section 17200,
4 which, in part, defines unfair competition as any "unlawful, unfair or fraudulent
5 business practice." Defendants' acts of unfair competition include, but are not
6 necessarily limited to, the following:

7 A. Violations of the Hazardous Waste Control Act, Chapter 6.5 of
8 the Health and Safety Code.

9 (1) Defendants committed the acts prohibited by the Act as
10 more particularly alleged in paragraph 26 of this
11 complaint, incorporated herein by reference as if set
12 forth in full herein.

13 (2) Defendants committed the acts prohibited by the Act as
14 more particularly alleged in paragraph 29 of this
15 complaint, incorporated herein by reference as if set
16 forth in full herein.

17 B. Violations of the Substances Act, Chapter 6.7 of the Hazardous
18 Substances Act, Chapter 6.7 of the Health and Safety Code.

19 (1) Defendants committed the acts prohibited by the Chapter
20 as more particularly alleged in paragraph 32 of this
21 complaint, incorporated herein by reference as if set
22 forth in full herein.

23 C. Violations of the Water Code.

24 (1) Defendant violated Section 13267 of the Water Code in
25 that they failed or refused to furnish technical or
26 monitoring program reports, in violation of Section 13268
27 of the Water Code.
28

PRAYER

WHEREFORE, plaintiff prays judgment against defendants and each of them as follows:

A. With respect to the First, Second, Third and Fourth Cause of Action, a permanent injunction enjoining defendants, and each of them, from violating the provisions of the law alleged therein.

B. That civil penalties be awarded as follows:

(1) With respect to the First Cause of Action, for a civil penalty pursuant to Health and Safety Code Section 25189(c) of Twenty-Five Thousand Dollars (\$25,000.00) for each violation.

(2) With respect to the Second Cause of Action, for a civil penalty pursuant to Health and Safety Code Section 25189.2(c) of Ten Thousand Dollars (\$10,000.00) for each violation.

(3) With respect to the Third Cause of Action, for a civil penalty pursuant to Health and Safety Code Sections 25299 of Five Thousand Dollars (\$5,000.00) per day per violation.

(4) With respect to the Fourth Cause of Action, for a civil penalty pursuant to Business and Professions Code Section 17206 not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

C. That investigative costs to the Alameda County Health Department be paid in an amount to be determined;

D. That plaintiff recover its costs incurred in this action; and

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E. That the Court award such other relief as it deems appropriate to fully and successfully dissipate the effects of the unlawful acts complained of herein.

Dated: _____

JOHN J. MEEHAN
District Attorney

By: _____
Margaret A. Ong
Senior Deputy District Attorney

Attorneys for Plaintiff

100