

1 **CAROL SHIPLEY**
Stanislaus County Assistant District Attorney
2 **GLORIA M. MAS (SBN 132429)**
Deputy District Attorney
3 11th and I Streets, Room 200 2nd Floor
4 Modesto, California 95353
(209) 525-5550
5 Attorneys for People

FILED

2005 DEC 27 AM 10:06

CLERK OF SUPERIOR COURT
STANISLAUS COUNTY
BY _____
DEPUTY

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF STANISLAUS
9

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA
12 Plaintiff,
13 vs.
14 ARCO MINI MART
15 Defendant.

CASE NO. 376752

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF

17 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their
18 complaint herein, CAROL SHIPLEY, Assistant District Attorney of Stanislaus County, by and
19 through GLORIA M. MAS , Deputy District Attorney of Stanislaus County, and defendant
20 ARCO MINIMART hereby stipulate and consent to the entry of the Permanent Injunction and
21 Final Judgment Pursuant to Stipulation. By signing this stipulation, this named defendant
22 hereby admits the allegations of the complaint. This stipulation is entered into based in part on
23 representations made and reaffirmed by this named defendant herein, that certain penalty
24 payments will be made according to the terms of the Stipulated Final Judgment. This Stipulated
25 Final Judgment shall constitute evidence of admission or concession by this named defendant
26 regarding all allegations of law and fact alleged in the complaint on file herein.
27
28

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 Upon the consent of the parties hereto, and it appearing to the court that there is good
2 cause for the entry of this Stipulated Final Judgment,

3 **IT IS ORDERED, ADJUDGED AND DECREED** as follows:

4 1. This court has jurisdiction of the subject matter of this action and each of the
5 parties hereto.

6
7 2. The injunctive provisions of this Final Judgment are applicable to defendant,
8 its subsidiaries and divisions, and any agent, employee, representative and all persons, partners,
9 corporations, or other entities acting by, through, under, or on behalf of defendant and all
10 persons in concert with or participating with said defendant with actual or constructive
11 knowledge of this injunction, only insofar as they are doing business in the State of California
12 and confined to defendant's business operations in the County of STANISLAUS and
13 throughout the State of California.

14
15 3. Pursuant to Business and Professions Code § 17203, Defendant must comply
16 with the following conditions:

17
18 a) Defendant shall not commit any environmental offenses or violate any environmental
19 statutes, including but not limited to §25299 of the Health and Safety Code; and

20
21 b) Defendant shall submit proof of January through May, 2005 Designated Operator
22 Inspection forms within fourteen (14) days of the filing of this injunction.

23
24 4. Defendant shall pay the sum of TWENTY THOUSAND DOLLARS
25 (\$20,000.00) in civil penalties to be paid as follows:

26
27 a) Defendant shall pay the sum of TWENTY THOUSAND DOLLARS (\$20,000.00),
28

1 as civil penalties, including partial cost recovery, pursuant to Health and Safety Code
2 § 25299. This civil penalty amount shall be made payable to the Stanislaus County
3 Treasurer Department of Environmental Resources. This penalty is **STAYED** on the
4 condition that Defendant complies with the terms outlined in Section 3(b).

5
6 5. Defendant shall pay the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in
7 civil penalties to be paid as follows:

8
9 a) Defendant shall pay FIVE THOUSAND DOLLARS (\$5,000.00) as civil penalties,
10 including partial cost recovery, pursuant to Health and Safety Code § 25299. This civil
11 penalty amount shall be made payable to the Stanislaus County Treasurer Department
12 of Environmental Resources. These penalties shall be **STAYED** for a period of one (1)
13 year, beginning with the filing of this Stipulated Judgment, on the condition that no
14 violations occur pursuant to this agreement. It is understood that this stayed \$5,000.00
15 portion of the civil penalty shall immediately be due and owed on this case if any future
16 violations occur. If no violations occur during the one-year period, the stay will
17 become permanent.

18
19 6. In addition, defendant shall pay the sum of FIVE HUNDRED DOLLAR
20 (\$500.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:

21
22 a) Defendant shall pay the sum of ONE HUNDRED DOLLARS (\$100.00), payable
23 to the Secretary of the California Environmental Protection Agency. This money shall
24 be deposited into the Environmental Enforcement and Training Account established by
25 Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.

26 ///

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28

1 b) Defendant shall pay the sum of TWO HUNDRED DOLLARS (\$200), payable to
2 the Stanislaus County Department of Environmental Resources. Such money is to be used
3 for environmental offenses to conduct investigation, prosecution and remediation.
4

5 c) Defendant shall pay the sum of TWO HUNDRED DOLLARS (\$200), payable to
6 the California State Water Resources Control Board State Water and Pollution Cleanup
7 and Abatement Account.
8

9 7. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND
10 THIRTY CENTS (\$580.30) payable to the Stanislaus County Superior Court for filing fees.
11

12 8. Defendants waive all objections to, employees from the CSWRCB and the
13 Department of Environmental Resources, entering upon their business operations in Stanislaus,
14 CA, for the purpose of inspection and enforcement of the terms of this agreement.
15

16 9. All checks shall be sent to the Stanislaus County District Attorney's Office,
17 attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353.
18 All amounts, except the filing fee, are due within sixty (60) of the filing of this Final Judgment.
19 **The filing fee is due with the signed Stipulated Judgment.**
20

21 10. This Judgment shall go into effect immediately upon entry hereof. Entry is
22 authorized immediately upon filing.
23

24
25 Dated: 6/29/05
26

27 By: [Signature]
28 On Behalf of ARCO MINI MART

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

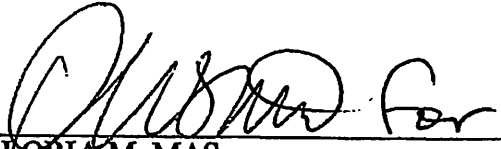
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Dated: _____

By: _____
ATTORNEY FOR DEFENDANT

CAROL SHIPLEY
Stanislaus County Assistant District Attorney

Dated: 11/18/05

By: 
GLORIA M. MAS
DEPUTY DISTRICT ATTORNEY

IT IS ORDERED, ADJUDGED AND DECREED.

Dated: DEC 23 2005

ROGER M. BEAUCHESNE

JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF