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2 ASSISTANT DISTRICT ATTORNEY
3 STANISLAUS COUNTY
4 **MATTHEW C. MACLEAR, SBN 209228**
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Attorneys for People

FILED

2006 JUN 30 AM 9:19

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

HARVEY RIDENHOUR, Individually

Defendant.

CASE NO. 381546 - ..

COMPLAINT FOR CIVIL
PENALTIES AND OTHER
RELIEF

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

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through CAROL SHIPLEY,
Assistant District Attorney for the County of STANISLAUS, by and through Deputy District
Attorney MATTHEW C. MACLEAR, allege as follows:

JURISDICTION AND VENUE

1. The authority of the District Attorney of Stanislaus County to bring this action is
derived from the statutory laws of the State of California, specifically Health and Safety Code
section 25299 and Business and Professions Code section 17200 et seq.

2. Defendant transacted business within the County of Stanislaus. The alleged
violations of law hereinafter described were carried out within said County and within the State of
California. Unless enjoined and restrained by an order of this court, the defendants will
continue to retain the means to engage in unlawful action and practices and courses of conduct set
out below.

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DEFENDANT

3. Whenever in this complaint reference is made to any act of defendant, such allegation shall be deemed to mean that defendant, his agents, employees, or representatives, did or authorized such acts while actively engaged in the management, direction, or control of the affairs of Q-Plus Shell and defendant, and while acting within the course and scope of their duties.

4. Defendant HARVEY RIDENHOUR, doing business under the name of Q-Plus Shell, at all times relevant herein was engaged in the business of operating a businesses, located at 22160 Highway 33, Crows Landing, CA 95313.

FIRST CAUSE OF ACTION

VIOLATION OF HEALTH AND SAFETY CODE
SECTION 25299

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

6. Plaintiff is informed and believes and based upon such information and belief alleges that on or around March 30, 2005 and continuing, and within three (3) years of filing this complaint, defendant engaged in acts in violation of Health and Safety Code section 25299.

7. The violations of Health and Safety Code section 25299 include but are not limited to the following:

(a) The violation of Health and Safety Code section 25299(b)(5) by failing to perform any applicable requirement of this chapter or regulation; and

(b) The violation of Health and Safety Code section 25299(b)(6) by failing to perform any monitoring, testing or reporting as required by this chapter or any regulation.

SECOND CAUSE OF ACTION

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

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

9. Plaintiff is informed and believes and based on such information and belief alleges that on or about March 30, 2005 and continuing, defendants engaged in acts of unlawful and/or unfair competition prohibited by California Business and Professions Code sections 17200

1 - 17208 by virtue of the acts described herein, each of which constitutes an unfair and/or unlawful
2 business practice. These acts include but are not limited to:

3 (a) Violation of Health and Safety Code section 25299 by failing to perform
4 investigation, monitoring and submittal of workplans;

5 (b) Violation of California Code of Regulations, Title 23, Division 3, Chapter 16,
6 section 2672(e) by failing to comply with corrective action requirements; and

7 (c) Violation of California Code of Regulations, Title 23, Division 3, Chapter 16,
8 sections 2729 and 2729.1 by failing to comply with requirements for electronic submission of
9 laboratory data for UST reports.

10 PRAYER

11 WHEREFORE, Plaintiff prays for judgment as follows:

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

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

17 (b) Violating any environmental offenses including but not limited to California
18 Health and Safety Code sections 25296 and 26299

19 2. For violations of the First Cause of Action, that defendants herein be assessed a
20 civil penalty in the amount of SIX MILLION DOLLARS (\$6,000,000.00) for each violation, for a
21 total of TWELVE MILLION DOLLARS (\$12,000,000.00), according to proof;

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

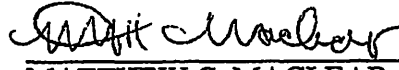
25 4. Plaintiff recover its costs and attorney fees.

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

1 Dated this 28TH day of June 2006, at Modesto, California.
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3 Respectfully submitted,

4 CAROL SHIPLEY
5 Assistant District Attorney
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8 MATTHEW C. MACLEAR
9 Deputy District Attorney
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