

FILED  
MERCED COUNTY

07 JUL 16 PM 3:29

CLERK OF THE SUPERIOR COURT

~~MARYA PHANETHONG~~

1 **LARRY D. MORSE II**  
2 **MERCED COUNTY DISTRICT ATTORNEY**  
3 **MATTHEW C. MACLEAR (SBN 209228)**  
4 Deputy District Attorney  
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5 Attorneys for People

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF MERCED

9 THE PEOPLE OF THE STATE OF  
10 CALIFORNIA

11 Plaintiff,

12 vs.

13 **TECHLAND TESTING, INC.; BRUCE**  
**HOAGLAND and DOES 1-10 inclusive,**

14 Defendants

CASE NO. **150479**

COMPLAINT FOR CIVIL  
PENALTIES AND OTHER RELIEF

[Business and Professions Code  
Sections 17200-17208; Title 23  
California Code of Regulations Section  
2715]

15  
16 The People of the State of California, by and through LARRY D. MORSE II, District Attorney  
17 for the County of MERCED, by and through Deputy District Attorney MATTHEW C. MACLEAR,  
18 allege as follows:

19 JURISDICTION AND VENUE

20  
21 1. The authority of the District Attorney of Merced County to bring this action is  
22 derived from the statutory laws of the State of California, specifically Business and Professions  
23 Code § 17200 *et seq.*

24 2. Defendants transacted business within the County of Merced. The alleged violations  
25 of law hereinafter described were carried out within said County and within the State of California.  
26 Unless enjoined and restrained by an order of this court, the defendants will continue to retain the  
27 means to engage in unlawful action and practices and courses of conduct set out below.  
28

DEFENDANTS

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

4. Defendant TECHLAND TESTING INC. at all times relevant herein were engaged in the owning and operating an underground storage tank monitoring and certification business, located at 3515 Hardstand Avenue, Suite D, Atwater, California 95301.

5. Defendant BRUCE HOAGLAND at all times relevant herein was the owner and operator of the underground storage tank monitoring and certification business, located at 3515 Hardstand Avenue, Suite D, Atwater, California 95301.

6. The true names and capacities of those Defendant(s) sued herein under Section 474 of the Code of Civil Procedure as Does 1 through 10, inclusive, are presently unknown to Plaintiff and are therefore sued by fictitious names. Plaintiff will timely seek to amend this Complaint and include those Doe Defendant(s) by their true names and capacities when they are ascertained. Each fictitiously-named Defendant(s) is responsible in some manner for the illegal conduct alleged herein.

FIRST CAUSE OF ACTION

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

7. Plaintiff incorporates by reference paragraphs 1 through 6, above.

8. Plaintiff is informed and believes and based on such information and belief alleges that on or about August 1, 2005, and continuing, Defendant(s) engaged in acts of unlawful and/or unfair competition prohibited by California Business and Professions Code §17200 - §17208 by virtue of the acts described herein, each of which constitutes an unfair and/or unlawful business practice.

These acts include but are not limited to:

- (a) Violation of Title 23, Section 2715 of California Code of Regulations.

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

1. For violations of the First Cause of Action, pursuant to Business & Professions Code 17200, that Defendant(s) herein be assessed a civil penalty in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each day of violation, according to proof;

3. Defendant(s) 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 or acts of unfair competition set forth in the Second 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 Title 23, Section 2715 of California Code of Regulations.

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 12<sup>th</sup> day of July, in the year 2007, at Merced, California

Respectfully submitted,

Larry D. Morse II  
District Attorney



MATTHEW C. MACLEAR  
Deputy District Attorney