

1 BILL LOCKYER, Attorney General  
of the State of California  
2 RICHARD M. FRANK  
Chief Assistant Attorney General  
3 THEODORA P. BERGER  
Senior Assistant Attorney General  
4 SALLY MAGNANI KNOX, SBN 161677  
Deputy Attorney General  
5 P.O. Box 944255  
Sacramento, California 94244-2550  
6 Telephone: (916) 322-1802  
Facsimile: (916) 327-2319

7 Attorneys for Plaintiff, PEOPLE OF THE STATE OF CALIFORNIA  
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9  
10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF SANTA BARBARA

12 PEOPLE OF THE STATE OF  
CALIFORNIA,

13 Plaintiff,

14 v.

15 ROBERT HANKENSON, BASELINE  
16 ENTERPRISES dba CENTRAL COAST  
TANK TESTING,

17 Defendants,

No.

COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES  
(Health and Safety Code section  
25284.4.(g)(2); Business and Professions  
Code section 17200 et seq.)

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19 PLAINTIFF, PEOPLE OF THE STATE OF CALIFORNIA, allege as follows:

20 **PLAINTIFF**

- 21 1. Plaintiff, PEOPLE OF THE STATE OF CALIFORNIA (“People”), brings its actions by  
22 and through Bill Lockyer, Attorney General of the State of California (“Attorney General”).  
23 2. Pursuant to California Business and Professions Code sections 17203, 17204, and  
24 17206, the Attorney General may bring actions in the name of the People of the State of  
25 California in a superior court for an injunction against any person who engages, had engaged, or  
26 proposes to engage in unfair competition and for civil penalties for each act of unfair  
27 competition.

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1 3. Pursuant to California Health and Safety Code section 25284.4, civil liability may be  
2 imposed by a superior court at the request of the State Water Resources Control Board ("State  
3 Board").

4 4. The Attorney General brings this action following an investigation coordinated by the  
5 State Board.

6 **DEFENDANTS**

7 5. Defendant, ROBERT HANKENSON is an individual who possesses a tank tester license  
8 issued by the State Board pursuant to California Health and Safety Code section 25284.4.

9 6. Defendant BASELINE ENTERPRISES, is a California corporation with a business  
10 address of P.O. Box 2155, Santa Barbara, California 93120. Defendant BASELINE  
11 ENTERPRISES is doing business as Central Coast Tank Testing. Plaintiff alleges on  
12 information and belief that Defendant HANKENSON owns or manages BASELINE  
13 ENTERPRISES.

14 7. In this complaint, when reference is made to any act of BASELINE ENTERPRISES  
15 such allegations shall mean that the owners, officers, directors, agents, employees or  
16 representatives of BASELINE ENTERPRISES authorized or ratified such acts, or negligently  
17 failed and omitted to adequately or properly supervise, control or direct its employees and agents  
18 while engaged in the management, direction, operation or control of the affairs of the business  
19 organization and did so while acting within the course and scope of its employment or agency.

20 **VENUE**

21 8. Venue is proper in this county in that the Defendants reside in or have an office in the  
22 County of Santa Barbara.

23 **STATEMENT OF THE ACTION**

24 9. Plaintiff alleges on information and belief that in the course of doing business as a tank  
25 tester in performing three (3) tank integrity tests on November 7, 2005 at the High Desert Oil  
26 gas station located at 23950 Lyons Road, Newhall, Defendant HANKENSON did not perform  
27 the integrity tests nor did he exercise direct personal supervision over an unlicensed employee,  
28 associate, assistant or agent during the tests that resulted in aiding and abetting an unlicensed

1 tank tester. Furthermore, Defendant HANKENSON signed and submitted a fraudulent integrity  
2 test report to the local agency identifying that Defendant HANKENSON personally performed  
3 the integrity tests or provided direct personal supervision over an unlicensed employee,  
4 associate, assistant or agent during the tests. Defendant HANKENSON's conduct violated  
5 Health and Safety Code sections 25284.4(a), (e)(2) and (e)(5), and California Code of  
6 Regulations, Title 23 sections 2750 & 2773(b), (e) & (k).

7 10. Plaintiff alleges on information and belief that Defendant HANKENSON did not  
8 perform other UST tests nor did he exercise direct personal supervision over an unlicensed  
9 employee, associate, assistant or agent during testing of underground storage tanks ("USTs").  
10 Furthermore, Defendant HANKENSON signed and submitted UST reports to the local agency  
11 identifying that he personally performed the UST tests or provided direct personal supervision  
12 over an unlicensed employee, associate, assistant or agent during the tests. Defendant  
13 HANKENSON's conduct violated Health and Safety Code section 25284.4(e)(5) and California  
14 Code of Regulations, Title 23, section 2773(e).

15 11. Defendants HANKENSON and BASELINE ENTERPRISES failed to adequately submit  
16 UST test schedules and reports in violation of California Code of Regulations, Title 23 section  
17 2772.

#### 18 **FIRST CAUSE OF ACTION**

19 12. Plaintiff realleges Paragraphs 1 through 11, inclusive.

20 13. Pursuant to California Health and Safety Code section 25284.4 (g)(2), civil liability for a  
21 violation of 25284.4(a) or (e) may be imposed by a superior court in an amount not to exceed  
22 two thousand five hundred dollars (\$2,500) for each day in which a violation occurs. Defendant  
23 HANKENSON is liable for such civil penalties according to proof.

24 14. The Court should immediately and permanently enjoin Defendant HANKENSON from  
25 engaging in conduct which violates Health and Safety Code section 25284.4(a) or (e).

#### 26 **SECOND CAUSE OF ACTION**

27 15. Plaintiff realleges Paragraphs 1 through 14, inclusive.

28 16. By the acts described herein, HANKENSON and BASELINE ENTERPRISES engaged

1 in daily acts of unlawful and/or unfair competition prohibited by California Business and  
2 Professions Code sections 17200-17208. Each act constitutes an unlawful and/or unfair  
3 business practice.

4 17. Pursuant to California Business and Professions Code section 17206, HANKENSON  
5 and BASELINE ENTERPRISES, and each of them, are liable for civil penalties for each  
6 violation.

7 18. HANKENSON and BASELINE ENTERPRISES must immediately and permanently be  
8 enjoined from engaging in activity that violates California Health and Safety Code section  
9 25284.4 (a) and (e) which thereby constitutes unfair competition within the meaning of  
10 California Business and Professions Code section 17200.

11 WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:

12 1. An injunction requiring Defendants to comply with the applicable provisions of  
13 California Health and Safety Code section 25284.4 and for the suspension of Defendant  
14 Hankenson's tank tester license;

15 2. Civil penalties according to proof against Defendants pursuant to California  
16 Health and Safety Code section 25284.4;

17 3. Civil penalties according to proof against Defendants pursuant to California  
18 Business and Professions Code §17206 for each act of unfair competition engaged in by  
19 Defendants arising out of violations of California Health and Safety Code section 25284.4;

20 4. Grant the Plaintiff its cost of inspection, investigation, attorneys fees,  
21 enforcement, prosecution, and suit, herein; and

22 5. Grant such other and further relief as the Court deems just and proper.

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1 RESPECTFULLY REQUESTED:

2 Dated: July 18, 2006

BILL LOCKYER, Attorney General  
of the State of California  
TOM GREENE  
Chief Assistant Attorney General  
THEODORA P. BERGER  
Senior Assistant Attorney General

*Sally Magnani Knox*

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

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