

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
SAN JOSE FACILITY

9/13/10
9:30 AM

COMPLAINT FOR CORPORATE SUMMONS FOR:
TUNG TAI GROUP, INC.
COMPLAINT FOR WARRANT(S):
JOSEPH CHEN EAK279
JOHN CHEN EAK278
JASON HUANG EAK277

C1085634

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

TUNG TAI GROUP, INC.,
1726 ROGERS AVE., SAN JOSE, CA 95112
JOSEPH CHEN (10/20/1940),
236 W. SANTAYNEZ AVE., HILLSBOROUGH, CA 94010
JOHN CHEN (08/13/1972),
545 W. SANTA YNEZ AVE, HILLSBOROUGH, CA 94010
JASON HUANG (10/28/1944),
697 VENUS COURT, FOSTER CITY, CA 94404
Defendant(s).

FELONY COMPLAINT

AGO NO: 2010900048

CEN

TT CORPORATE SUMMONS

* JC WARR **
* JC WARR **
* JH WARR **

FILED

AUG 19 2010

DAVID T. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of the County of Santa Clara
BY _____ DEPUTY

RITA ZAMORA

The undersigned is informed and believes that:

COUNT 1

On or about June 23, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN AND JOHN CHEN who did knowingly procure or offer a false or forged instrument, a Covered Electronic Waste Recycling Payment Claim, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 2

On or about June 23, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did knowingly procure or offer a false or forged instrument, a transfer receipt, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 3

On or about June 23, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did knowingly procure or offer a false or forged instrument, a transfer receipt, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 4

On or about June 30, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN AND JOHN CHEN who did knowingly procure or offer a false or forged instrument, a Covered Electronic Waste Recycling Payment Claim, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 5

On or about June 30, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did knowingly procure or offer a false or forged instrument, a transfer receipt, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 6

On or about June 30, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did knowingly procure or offer a false or forged instrument, a transfer receipt, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 7

On or about September 15, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN AND JOHN CHEN who did knowingly procure or offer a false or forged instrument, a Covered Electronic Waste Recycling Payment Claim, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 8

On or about September 15, 2008, in the County of Santa Clara, State of California, the crime of PROCURING OR OFFERING A FALSE INSTRUMENT, in violation of PENAL CODE SECTION 115, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did knowingly procure or offer a false or forged instrument, a transfer receipt, to be filed, registered or recorded in a public office within the State of California, which instrument if genuine, might be filed, registered or recorded under the laws of the State of California or of the United States.

COUNT 9

On or about June 23, 2008, in the County of Santa Clara, State of California, the crime of FALSE OR FRAUDULENT CLAIM TO GOVERNMENT OFFICE, in violation of PENAL CODE SECTION 72, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did, with the intent to defraud, present for allowance or for payment to a state board or officer authorized to allow or pay the same, if genuine, a false or fraudulent claim, bill, account, voucher, or writing.

COUNT 10

On or about June 30, 2008, in the County of Santa Clara, State of California, the crime of FALSE OR FRAUDULENT CLAIM TO GOVERNMENT OFFICE, in violation of PENAL CODE SECTION 72, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did, with the intent to defraud, present for allowance or for payment to a state board or officer authorized to allow or pay the same, if genuine, a false or fraudulent claim, bill, account, voucher, or writing.

COUNT 11

On or about September 15, 2008, in the County of Santa Clara, State of California, the crime of FALSE OR FRAUDULENT CLAIM TO GOVERNMENT OFFICE, in violation of PENAL CODE SECTION 72, a Felony, was committed by TUNG TAI GROUP, INC., JOSEPH CHEN, JOHN CHEN AND JASON HUANG who did, with the intent to defraud, present for allowance or for payment to a state board or officer authorized to allow or pay the same, if genuine, a false or fraudulent claim, bill, account, voucher, or writing.

COUNT 12

On or about May 19, 2008, in the County of Santa Clara, State of California, the crime of FORGERY OF A CHECK, REQUEST FOR THE PAYMENT OF MONEY, OR RECEIPT FOR MONEY OR GOODS, in violation of PENAL CODE SECTION 470(d), a Felony, was committed by TUNG TAI GROUP, INC., JOHN CHEN AND JASON HUANG who did, with the intent to defraud, falsely make, alter, forge or counterfeit, a request for the payment of money or a receipt for money or goods, and did utter, publish, pass, attempt to pass or offer to pass as true and genuine, the request for the payment of money or receipt for money or goods, knowing it to be false, altered, forged, or counterfeited.

COUNT 13

On or about June 5, 2008, in the County of Santa Clara, State of California, the crime of FORGERY OF A CHECK, REQUEST FOR THE PAYMENT OF MONEY, OR RECEIPT FOR MONEY OR GOODS, in violation of PENAL CODE SECTION 470(d), a Felony, was committed by TUNG TAI GROUP, INC., JOHN CHEN AND JASON HUANG who did, with the intent to defraud, falsely make, alter, forge or counterfeit, a request for the payment of money or a receipt for money or goods, and did utter, publish, pass, attempt to pass or offer to pass as true and genuine, the request for the payment of money or receipt for money or goods, knowing it to be false, altered, forged, or counterfeited.

COUNT 14

On or about June 6, 2008, in the County of Santa Clara, State of California, the crime of FORGERY OF A CHECK, REQUEST FOR THE PAYMENT OF MONEY, OR RECEIPT FOR MONEY OR GOODS, in violation of PENAL CODE SECTION 470(d), a Felony, was committed by TUNG TAI GROUP, INC., JOHN CHEN AND JASON HUANG who did, with the intent to defraud, falsely make, alter, forge or counterfeit, a request for the payment of money or a receipt for money or goods, and did utter, publish, pass, attempt to pass or offer to pass as true and genuine, the request for the payment of money or receipt for money or goods, knowing it to be false, altered, forged, or counterfeited.

COUNT 15

On or about August 26, 2009, in the County of Santa Clara, State of California, the crime of VIOLATION OF A PROVISION, PERMIT, RULE, REGULATION, STANDARD AND REQUIREMENT ISSUED AND ADOPTED PURSUANT TO THE HAZARDOUS WASTE CONTROL CHAPTER, in violation of HEALTH & SAFETY CODE SECTION 25190, a Misdemeanor, was committed by TUNG TAI GROUP, INC., JOHN CHEN AND JASON HUANG who did unlawfully violate a provision and permit, rule, regulation, standard, and requirement issued and adopted pursuant to Chapter 6.5 [Hazardous Waste Control] of the Health and Safety Code, who failed to label or mark each waste battery or container of waste batteries with the required labels, markings, or phrases, which based on duplicate conduct that had been observed during prior inspections are repeat violations of section 66273.34 of Title 22 of the California Code of Regulations.

COUNT 16

On or about August 26, 2009, in the County of Santa Clara, State of California, the crime of VIOLATION OF A PROVISION, PERMIT, RULE, REGULATION, STANDARD AND REQUIREMENT ISSUED AND ADOPTED PURSUANT TO THE HAZARDOUS WASTE CONTROL CHAPTER, in violation of HEALTH & SAFETY CODE SECTION 25190, a Misdemeanor, was committed by TUNG TAI GROUP, INC., JOHN CHEN AND JASON HUANG who did unlawfully violate a provision and permit, rule, regulation, standard, and requirement issued and adopted pursuant to Chapter 6.5 [Hazardous Waste Control] of the Health and Safety Code, who failed to dismantle electronic devices or remove yokes from CRTs over, on, or in a containment device sufficient to contain any universal waste or component of such waste which based on duplicate conduct that had been observed during prior inspection is a repeat violation of section 66273.72(c)(2)(C) of Title 22 of the California Code of Regulations.

COUNT 17

On or about August 26, 2009, in the County of Santa Clara, State of California, the crime of VIOLATION OF A PROVISION, PERMIT, RULE, REGULATION, STANDARD AND REQUIREMENT ISSUED AND ADOPTED PURSUANT TO THE HAZARDOUS WASTE CONTROL CHAPTER, in violation of HEALTH & SAFETY CODE SECTION 25190, a Misdemeanor, was committed by TUNG TAI GROUP, INC., JOHN CHEN AND JASON HUANG who did unlawfully violate a provision and permit, rule, regulation, standard, and requirement issued and adopted pursuant to Chapter 6.5 [Hazardous Waste Control] of the Health and Safety Code, who failed to mark the accumulation date or demonstrate the length of time in which universal waste electronic devices had been accumulated as waste which based on duplicate conduct that had been observed during prior inspections are repeat violations of section 66273.35(b) of Title 22 of the California Code of Regulations.

Any defendant, including a juvenile, who is convicted of and pleads guilty or no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the issuance of a Summons for TUNG TAI GROUP, INC., for the above-listed crimes. Wherefore, A CORPORATE SUMMONS IS REQUESTED.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant JOSEPH CHEN, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED for each defendant.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant JOHN CHEN, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED for each defendant.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant JASON HUANG, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED for each defendant.

Complainant therefore requests that the defendant(s) be dealt with according to law.

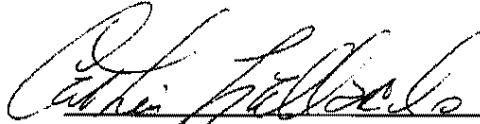
I certify under penalty of perjury that the above is true and correct.

Executed on August 19, 2010, in SANTA CLARA County, California.

Warrant received for service by:

on _____

Cash or Bond \$ _____



Criminal Investigator C. Gallardo
(OCI #003)

DTSC (510) 540-3748 EPA#CAL02200448
MORRIS/ D02/ FELONY/

JUDGE OF THE SUPERIOR COURT