

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARK J. BRECKLER
Senior Assistant Attorney General
3 JON M. ICHINAGA
Supervising Deputy Attorney General
4 CAROLYN Y. LA
Deputy Attorney General
5 State Bar No. 162945
300 South Spring Street, Suite 1702
6 Los Angeles, CA 90013
Attorneys for Plaintiff
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF ALAMEDA
10
11

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA EX REL. EDMUND G.
14 BROWN JR., AS ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA,

15 Plaintiff,

16 v.
17

18 COUNTRY BUILDERS, INC. A
19 CALIFORNIA CORPORATION; WELDON
OFFILL, AN INDIVIDUAL; KEITH OFFILL,
20 AN INDIVIDUAL; KELLY OFFILL, AN
INDIVIDUAL; SANDRA R. OFFILL, AN
21 INDIVIDUAL; BRYAN OFFILL, AN
INDIVIDUAL, AND DOES 1 THROUGH
100, INCLUSIVE,

22 Defendants.
23

Case No.

**COMPLAINT FOR INJUNCTIVE
RELIEF, RESTITUTION, AND CIVIL
PENALTIES**

**(Business & Professions Code Sections
17200, et seq.)**

24 Plaintiff, the People of the State of California, by and through Edmund G. Brown Jr., as
25 Attorney General of the State of California alleges:
26

27 **INTRODUCTION**
28

1. This action is brought by Plaintiff, the People of the State of California, ex rel. Edmund G. Brown Jr., Attorney General of the State of California, against Country Builders, Inc., a construction company, Weldon Offill, the President of Country Builders, Inc., Keith Offill, the Chief Financial Officer and Controller of Country Builders, Inc., Kelly Offill, Sandra R. Offill, and Bryan Offill, agents of Country Builders, Inc., for engaging in unfair competition. Country Builders, Inc. and the Offills have engaged in a pattern and practice of violating state laws by failing to pay their employees the prevailing wage for public works projects, by submitting falsified certified payroll reports under penalty of perjury, and by misclassifying lower wage earners as higher wage earners on their workers' compensation insurance policy for the purpose of illegally lowering their workers' compensation premium. Country Builders, Inc. and the Offills' gained an unfair advantage over law-abiding construction companies by unlawfully under-paying their workers and by defrauding their workers' compensation carrier, the State Compensation Insurance Fund. This action seeks to compel Country Builders, Inc. and the Offills to cease engaging in unfair competition and to pay applicable penalties.

PARTIES

2. Plaintiff Edmund G. Brown Jr. is the Attorney General of the State of California and is the chief law officer of the State. (Cal. Const., art. V, § 13.) The Attorney General is empowered by the California Constitution to take whatever action is necessary to ensure that the laws of the State are uniformly and adequately enforced. He is statutorily authorized to bring actions in the name of the People of the State of California to enforce California's statutes governing unfair competition. (Bus. & Prof. Code, § 17204.)

3. Defendant Country Builders, Inc. is a California corporation authorized to do business in the State of California. At all relevant times within the past four years, Country Builders, Inc. operated a construction company at 5915 Graham Ct., Livermore, California, in the County of Alameda.

4. Defendant Weldon Offill is an individual and the President of Country Builders, Inc. At all relevant times within the past four years, Weldon Offill has worked for Country Builders, Inc., and resided in Livermore, California, in the County of Alameda.

5. Defendant Keith Offill is an individual, the son of Weldon Offill, and the Chief Financial Officer and Controller of Country Builders, Inc. At all relevant times within the past four years, Keith Offill has worked for Country Builders, Inc.

6. Defendant Kelly Offill is an individual, the son of Weldon Offill, and a foreman at Country Builders, Inc. At all relevant times within the past four years, Kelly Offill has worked for Country Builders, Inc., and resided in Livermore, California, in the County of Alameda.

7. Defendant Sandra Offill is an individual, married to Kelly Offill, and the Office Manager of Country Builders, Inc. At all relevant times within the past four years, Sandra Offill has worked for Country Builders, Inc. and resided in Livermore, California, in the County of Alameda.

8. Defendant Bryan Offill is an individual, the son of Weldon Offill, and a foreman at Country Builders, Inc. At all relevant times within the past four years, Bryan Offill has worked for Country Builders, Inc.

9. The true names and capacities of defendants sued in the complaint under the fictitious names DOES 1 through 100, inclusive, presently are unknown to plaintiff, who therefore sues such defendants by such fictitious names. Plaintiff will seek to amend this complaint to allege the true names of DOES 1 through 100 when the same have been ascertained. Plaintiff is informed and believes, and based thereon alleges, that each of the fictitiously named defendants participated in some or part of the acts alleged herein.

10. Whenever reference is made in this complaint to any act of Country Builders, Inc. such allegations shall mean that Country Builders, Inc. through its agents, employees, or representatives, performed or authorized such acts while they were acting within the actual or ostensible scope of their authority.

//

//

//

//

FIRST CAUSE OF ACTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2

3

4
56
7
8

9
10

11

12

13

14

15

16

17

18

19

20

21

22

23
24
25
26
27

28

1 to provide restitution to SCIF for any unpaid premiums, in a total amount of no less than
2 \$137,000 dollars, or as established at trial.

3 3. Pursuant to Business and Professions Code section 17203, that defendants be ordered
4 to provide restitution to Country Builders, Inc.'s employees of any unpaid wages, in a total
5 amount of no less than \$1 million dollars, or as established at trial.

6 4. Pursuant to Business and Professions Code section 17206, that the Court assess a civil
7 penalty of two thousand five hundred dollars (\$2,500) against Defendants for each violation of
8 Business and Professions Code section 17200, the total amount being no less than \$20 million
9 dollars or as proved at trial;

10 5. That the People recover their costs of suit; and

11 6. Such other and further relief that the Court deems appropriate and just.

12
13 Dated: March ___, 2010

Respectfully Submitted,

14 EDMUND G. BROWN JR.
15 Attorney General of California
16 MARK J. BRECKLER
17 Senior Assistant Attorney General
18 JON M. ICHINAGA
19 Supervising Deputy Attorney General

20 CAROLYN Y. LA
21 Deputy Attorney General
22 *Attorneys for Plaintiff*
23
24
25
26
27
28