



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

December 3, 2009

TO: Leslie G. Bellamy, Chair  
Wayne Rew, Vice Chair  
Esther L. Valadez, Commissioner  
Harold V. Helsley, Commissioner  
Pat Modugno, Commissioner

FROM: Maria B. Masis *MBM*  
Supervising Planner, Zoning Permits II

SUBJECT: **CONDITIONAL USE PERMIT NO. 200800163 – PROJECT R2008-01962-(2)**  
**SCRAP METAL SORTING YARD AT 9113 ALAMEDA STREET**  
**AGENDA ITEM NO. 7**

Attached to this memorandum is additional correspondence received within the last week for the abovementioned conditional use permit application.

Should you have any questions regarding this case prior to the public hearing, please contact the case planner Mr. Andrew Svitek at (213) 974-6435 or via email at [asvitek@planning.lacounty.gov](mailto:asvitek@planning.lacounty.gov).

MM:

Attachments

The Department of Regional Planning  
320 West Temple Sreet  
Los Angeles Ca 90012

11/30/2009

RE. 9113 S. Alameda St. Project #R2008-01962-2

I am a local Alameda St. business owner and have been in the area for over 50 years. I was around when the CRV fraud was conducted on the proposed site and I do not want to see anything like that go on again, it only brings the area down. Because the CUP goes with the land and not the tenant, it is feasible to predict that the land owner/s (one of which is still wanted for the fraud) would kick the tenant out and resume their illegal operations.

Another concern is the size of the land. It is too small to support the inflow/outflow of traffic that a typical scrap yard has on a daily basis. It will most definitely be a detriment to Alameda St. Any business opening on such a busy corridor will have some sort of an impact on traffic and should be required to complete a traffic study.

9113 S. Alameda St. should not be approved for a CUP.

Regards,  
Lloyd Weinstein  
Victory Salvage

**Masis, Maria**

---

**From:** GWJOSEPH@aol.com  
**Sent:** Tuesday, December 01, 2009 12:36 PM  
**To:** Masis, Maria  
**Subject:** COMMISSIONERS HEARING APPLICATION #R2008-00163

Dear Ms. Masis,

Please include the below letter in the packet for the above hearing.  
Thank you,  
Gary Weisenberg

The Department of Regional Planning  
320 West Temple Street  
Los Angeles, Ca 90012

12/01/2009

Re: 9113 S. Alameda Street Project #R2008-01962-2

I am the owner of a business on Alameda St. and have been in business here for 43 years. I am well aware of the CRV fraud that was conducted on the proposed site and I am worried that the same thing will happen again if this application is approved. The CUP goes with the land and not the tenant. I believe the land owners (one of whom is still wanted for the fraud committed) will remove the tenant and resume their illegal operations.

My other concern is for the size of the property . Having been in this business for over 43 years I know that the property is too small to support the inflow and outflow of traffic that scrap yards have on a daily basis. The traffic congestion that will be created by this operation will be a detriment to Alameda Street and the flow of traffic on it.  
9113 S. Alameda Street should not be approved for a CUP.

Regards,  
Gary Weisenberg  
Atlas Iron & Metal Co..

November 23, 2009

City of Los Angeles  
Department of Regional Planning  
Attn: Phillip Chung  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

City of Los Angeles  
Department of Regional Planning  
Attn: Andrew Svitek  
320 W. Temple Street, 1348  
Los Angeles, CA 90012

**Subject: Comments on CUP Application # R2008-01962,**

Dear Mr. Chung and Svitek:

This letter is being written in regards to the State Wide Metals Co. Inc. CUP application # R2008-01962. SA Recycling currently operates over 40 recycling facilities throughout the South West including multiple yards in the Los Angeles area.

After reviewing the application and initial study we have serious concerns regarding the environmental and land use issues created by this project. Both the application and the initial study are extremely vague and fail to address many issues. Traffic, storm water and hazardous materials are just three environmental issues crucial to this industry that are not adequately addressed in the application. There are also a number of permits that are not identified as well as information that simply appears to be incomplete or incorrect.

The County land use ordinance categorizes scrap metal yard as a conditional use because this type of use requires closer scrutiny than a permitted use. The planning department has the option of denying the use or imposing conditions but this application does not provide a complete description of the operation thereby denying you the opportunity to fully review and make an informed decision.

Scrap yards can take make different shapes and sizes and depending on the type of operations they can have many different impacts. Without adequately defining the operations and materials handled at the yard it is nearly impossible to adequately address the impacts it will have on the surrounding environment. The project description merely states that this will be a scrap yard buying and selling scrap metal and does not address the materials handled or who will be bringing it in.

Appliances, automobiles and CRV all require special permits and handling procedures because of potential hazardous materials and fraud. Cars and appliance must be de-polluted and drained of all hazardous materials including oil, fuel, mercury switches, batteries and freon before they can be shipped or processed. All of these materials are considered hazardous and must be properly handles and stored. Handling appliances requires the operator to have a Certified Appliance Recyclers (CAR) permit issued from the DTSC. Generally the purchase and processing of automobiles requires an Auto Dismantlers license from the DMV. The application

makes no reference to how they plan on dealing with hazardous materials that will be used or disposed of on site. A plan should be included identifying the material they will be bringing on the premises and detailing how any hazardous materials will be safely handled, stored and disposed of in order to ensure that they do not harm the environment or the community. All necessary state permits should be acquired before allowing this to move forward.

The application mentions that scrap metal will be sold from this site. It needs to be defining how the yard will be selling scrap. Will it be only to a large processor or will they have retail sales of scrap and automobile parts to the general public? Retail sales to the general public create additional traffic, require more parking and create other operational issues that could be health and safety hazards.

Traffic is not studied or discussed at any point in this application. Due to the nature of this operation it is a very heavy traffic use, involving numerous trips and lines of incoming trucks waiting to weigh and unload their material. In addition large trucks will also be coming onto the site to pick up and weigh the material for transport. This could have significant impact on the traffic of the surrounding area. The site is very small and only has one scale which causes many traffic issues. The application has no explanation of traffic flow or how they will avoid a back up into the street. In order to understand how this project affects the traffic in the surrounding area a traffic study is needed as well as a facility traffic plan showing how they handle their traffic.

The application and initial study do not make reference to how they will deal with storm water. The site plan refers to a filter on the one site storm water collection basin, with no explanation of the adequacy of the system in light to the type of material that will be on the premises. There are many potential contaminants present at a scrap metal recycling facility and it is important that storm water is properly treated and handled to prevent pollution of the environment. It is crucial that application addresses how it will handle the management and treatment of all storm water that comes onto their property to prevent contaminants from leaving the site. All scrap metal recycling facilities are also required to obtain a storm water permit from the State Water Resources Control Board and develop a Storm Water Pollution Protection Plan, which include best management practices.

The issues identified above are industry standards and regulations that have to be met in order for scrap metal recycling facilities to be environmentally safe and good for the community. This application is incomplete and fails to provide adequate information to properly evaluate this use and make an informed recommendation or create appropriate conditions. Based on the information in the current application the Los Angeles County Planning Department does not have sufficient information to allow this application to move forward without the issues identified above first being properly addressed. Thank you very much for the opportunity to comment on this application. Please contact me at any time if you have any questions or would further information.

Thank you,

Jeff Farano  
Special Project Director  
SA Recycling

LAW OFFICES OF

**Robert David Ciaccio**

also Admitted in New York

CITY NATIONAL BANK BUILDING  
3424 CARSON STREET, SUITE 500  
TORRANCE, CALIFORNIA 90503-5701

(310) 214-1477 Ext: 109

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Email: rdc@robertdciacciolaw.com

December 3, 2009

Our File No. 10005.01

Via e-mail [mmasis@planning.lacounty.gov](mailto:mmasis@planning.lacounty.gov)

CORRECTED APPLICATION NUMBER

City of Los Angeles  
Department of Regional Planning  
Attn: Maria Masis  
320 W. Temple Street, 1348  
Los Angeles, CA 90012

Re: CUP Application No. R2008-01962-(2)

Dear Ms. Masis:

I am writing to you in the absence of Andy Svitek regarding CUP Application No. R2008-01962-(2). I am e-mailing to your attention which appears to have been glossed over the Felony Complaint, photographs and print story from the Los Angeles Times regarding the prior use of this property and the plants owner, D. Robert Schwartz. There is concern regarding the future use of the property as scrap metals and recyclables.

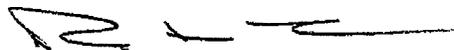
Please give this matter your immediate attention, and it is requested that all of this material be forwarded to the hearing officers for their consideration in light of the fact that it has been given limited visibility in the draft analysis and draft findings.

In addition, I am sending a copy of correspondence prepared by an environmental consultant, Chater & Associates LLC per my request. Once again, the undersigned represents parties opposed to the Negative Declaration.

This matter is scheduled for hearing on December 9, 2009, and we would appreciate you giving this matter your immediate attention.

Very truly yours,

**LAW OFFICES OF ROBERT DAVID CIACCIO**



Robert David Ciaccio  
Attachments: As stated herein  
RDC:mjb

November 27, 2009

Law Offices of  
Robert David Ciaccio  
City National Bank Building  
3424 Carson Street, Suite 500  
Torrance, CA 90503

**Re: 9113 S. Alameda S t. Los Angeles  
Project # 2008-01962 - (2) and CUP # 2008- 00163**

Dear Mr. Ciaccio:

After extensive review of the application and the Initial Study prepared by the Planning Department, I have serious concerns regarding CUP#2008-0163. The Project has been determined to qualify for a Negative Declaration under the California Environmental Quality Act despite the inadequacies and incomplete regulatory and environmental evaluation as described below.

The Applicant in the Zoning Permit Application dated September 10, 2008, Section 13 (h), responded **No** to the question of hazardous substances such as oil, pesticides, chemicals, paints or radioactive materials. According to the Project Description in the R200801962 Hearing Notice prepared by the Los Angeles County Departmental Regional Planning, it states that "Scrap metals will be unloaded from trucks using a Bobcat loader and a ramp. Scrap metals will be loaded into a cargo shipping container using an excavator." Equipment such as an excavator and a Bobcat loader require use of lubricating oils and diesel for their operation. In addition, these equipment require routine maintenance which will result in generating waste oil. The Applicant would be required to purchase and store diesel in an aboveground or an underground storage tank to fuel its equipment for unloading, stockpiling and loading scrap metals into containers. Therefore, the Zoning Permit Application submitted by the Applicant is not factual and accurate.

It is not clear from the application that the Applicant is planning to receive and process appliances. Furthermore, the Applicant has failed to address materials that require special handling ("MRSH") as per Department of Toxic Substances Control when removed from discarded appliances. Unless the applicant is barred from receiving unprocessed appliances, the following materials must be removed from an appliance prior to the appliance being crushed, baled, shredded, sawed or sheared apart, disposed of, or otherwise processed in a manner that could result in the release or prevent the removal of these materials, including but not limited to:

- Mercury, found in switches and temperature control devices.
- Used oil, from compressors and transmissions.
- Chlorofluorocarbons (CFCs), Hydrochlorofluorocarbons (HCFCs), and other non-CFC replacement refrigerants injected in air-conditioning/refrigerant units.
- All metal-encased capacitors
- Any parts that contain encapsulated polychlorinated biphenyls (PCBs) or Diethylhexylphthalate (DEHP).
- Any other material that is a regulated hazardous waste. The person removing these materials is considered a hazardous waste generator and must comply with applicable laws for generators of hazardous waste. Some materials removed from appliances are hazardous wastes; some of these hazardous wastes have reduced handling standards under the Universal Waste Rule. (CCR, Title 22, §66273.1 et seq.)

Any mismanagement of MRSH, engine blocks, transmission and other hazardous substances by the Applicant increase the risk of impacting storm water runoff.

The Initial Study dated September 15, 2009, prepared by the Los Angeles County Department of Regional Planning did not reveal comments from the LARWQCB or the LA County Department Public Works, Environmental Program Division regarding their assessment of environmental impacts associated with the project. Furthermore, in the July 28, 2009 letter, the Los Angeles County DPW did not concur with a Negative Declaration rather it stated that a Mitigated Negative Declaration would be a more appropriate determination. Yet, the Los Angeles County Department of Regional Planning is contemplating a Negative Declaration.

The Los Angeles County Department of Regional Planning has noted in its Initial Study, Resources. 1- Water Quality, that "Applicant shall comply with National Pollutant Discharge Elimination System requirements" and that "The proposed project will be conditioned to comply with National Pollutant Discharge Elimination System and other requirements by DPW and RWQCB in order to prevent water pollution. A consultation is being requested with the Los Angeles RWQCB and the Los Angeles County DPW." The Los Angeles County Regional Planning has not disclosed to the public its findings since there is no evidence that the site drainage is designed to handle storm water

runoff which would be impacted with heavy metals, oil and grease, and other hazardous substances. Furthermore, the Los Angeles County DPW has approved conceptually the site plan, drainage plan on July 21, 2009 without considering how an impacted storm water runoff would be managed at the project site. This suggests that consultation with never reached the Los Angeles Count DPW's desk for consideration.

Furthermore, to handle potentially impacted storm water runoff, the site plan-drainage plan has to be modified to accommodate storage and treatment of storm water runoff. This potentially could change the site elevations through the project site exposing potentially impacted soil from historical industrial uses including scrap metal at the project site, unless the Applicant is contemplating an elaborate above ground storage and treatment system for storm water runoff. Regardless, the Los Angeles County Department of Regional Planning has failed to take these issues into consideration in their analysis and determination for a Negative Declaration.

It should be noted that for some unknown reason the Los Angeles County Department of Regional Planning has failed to check the box (Industrial Waste Permit) in the Initial Study, Respources.1-Water Quality. The Applicant would be required to secure an Industrial Waste Permit from the Los Angeles County DPW, Environmental Management Division.

Other recycling yards currently in business want to be assured that they are not being disadvantaged by a Negative Declaration determination and issuance of a CUP without restrictions, mitigation and mechanism for compliance of the stated conditions by the Los Angeles County Department of Regional Planning. Furthermore, by granting a CUP to the Applicant in the absence of those controls, the Los Angeles County Department of Regional Planning is opening the door to the Applicant to circumvent the NPDES, hazardous waste, appliance recycling, and other regulatory and permitting requirements.

Your reconsideration of a Negative Declaration would be appreciated.

Sincerely,  
AS Chater  
Chater & Associates, LLC

## **Recyclers in state case not Palmdale firm**

*This story appeared in the Antelope Valley Press on Friday, March 3, 2006.*

**By VALLEY PRESS STAFF**

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Two men from a Los Angeles-based recycling company were arrested Wednesday in an alleged fraud scheme. The company, Alameda Metals Recycling, was incorrectly named in the Antelope Valley Press as Palmdale-based Alameda Metals.

The Palmdale company originally identified by the state attorney general's office has no connection whatsoever to the company named and the individuals actually charged by the state.

Initial versions of the story, posted on the City News Service wire, named the company as Alameda Metals, a Palmdale-based company, based on charges filed by state Attorney General Bill Lockyer.

A subsequent CNS story included a correction: "Lockyer's office NOW says business involved was Alameda Metal Recycling, NOT Alameda Metals."

The Antelope Valley Press published the erroneous early version of the CNS story whose assumption of facts were attributed to Attorney General Lockyer.

David Kramer, owner and president of Alameda Metals in Palmdale, said he discovered the error at 6 a.m. Thursday.

"You jumped the gun and assumed a lot of things," he told the newspaper Thursday.

Kramer emphasized the two companies have no connection beyond a similar name.

His company, Alameda Metals Corp., has operated in Palmdale for 13 years.

"We have absolutely no ties to any Los Angeles company of any kind," Kramer said. "I don't even know who they are. I don't know the principals at all."

Kramer also worried that his general manager, Jose Estrada, could easily be mistaken for one of the suspects in the fraud case, either Jose F. "Freddie" De Luna, 23, or his father, also named Jose.

"He's very public," Kramer said of Estrada. "A lot of people may not know his last name, and they may assume that was him."

The final version of the story posted on City News Service made a corrected reference to Alameda Metal Recycling as a Los Angeles-based company owned by D. Robert Schwartz and run by three other men, including De Luna and his father.

The later story says Schwartz and company ran a recycling center on South Alameda Street, where they allegedly collected bottles and cans ineligible for refunds, according to CNS, who cited state authorities.

Kramer asserted that it was paramount that people understand his company had no connection to the people charged by the state.

"We've been a staple in the community for all this time," Kramer said. "There's no way that could have been us."

Kramer said he is proud of the reputation of his company and that he works with other major companies in the Valley, including as a vendor for the Antelope Valley Press.

editor@avpress.com

Los Angeles Times  
**latimes.com.**



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From the Los Angeles Times

## **\$6-Million Recycling Fraud Case Revealed**

An L.A. firm's owner and three workers illegally redeemed cans, bottles, authorities say.

By Nancy Wride  
Times Staff Writer

March 2, 2006

The owner of Alameda Metal Recycling in Los Angeles and three workers have been charged with defrauding the state out of \$6 million with illegally claimed recyclables, the California attorney general's office said Wednesday.

Arrest warrants charged plant owner D. Robert Schwartz and the employees with four felony counts of grand theft, recycling fraud and conspiracy in an alleged scheme in which "staggering amounts" of cans and bottles were either counted twice or were redeemed illegally because they were trucked in from outside of California, said attorney general spokeswoman Teresa Schilling.

Schwartz and one of the workers, Jose DeLuna, remain fugitives, she said.

On Monday, authorities arrested DeLuna's son, Jose F. "Freddie" DeLuna, 23, of Desert Hot Springs, and Santos Saenz, 38, of Los Angeles.

Schilling said Saenz was taken to Los Angeles County Jail, and DeLuna to the Riverside County Jail in Indio.

Agents from the state Department of Justice, the police arm of the attorney general's office, and the state Department of Conservation launched the investigation into Alameda Metal Recycling in 2004.

In addition to the arrests, authorities seized numerous semi-trucks, trailers, two handguns and \$50,000 cash from different locations, Schilling said.

"These guys made so much money off of scamming the system" that bail for the younger DeLuna and Saenz was set at \$5 million each, Schilling said, "because we were afraid they would flee."

The Department of Conservation administers the state's cash-for-recyclables program, through which 65% of the 20 billion containers purchased yearly are redeemed, spokesman Mark Oldfield said.

The volume of recycling by the suspects drew the attention of inspectors because it was so large for the size of the business' property, Oldfield said.

The \$6-million sum is the largest in any such case prosecuted to date, he said.

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PARTNERS:



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To print this article open the file menu and choose Print.

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Article published Mar 2, 2006

## Two SoCal men arrested in alleged recycling scam

The Associated Press

**LOS ANGELES** Two men who ran a Los Angeles recycling center were in jail Wednesday, facing charges that they bilked the state's recycling program of \$6 million in refunds for bottles and cans that were not sold in California.

Santos Saenz, 38, and Jose F. De Luna, 23, were arrested Monday and charged with recycling fraud, grand theft and filing false or forged documents, the state Attorney General's office said in a statement.

De Luna's father, Jose, and D. Robert Schwartz, owner of Alameda Metal Recycling center, were being sought on similar charges.

Authorities say the men transported out-of-state bottles and cans that were ineligible for California Redemption Value to the downtown facility and submitted them for refunds. They allegedly brought previously redeemed items to another recycling center for a second, illegal reimbursement.

"This kind of fraud endangers the program's great success, and I will prosecute lawbreakers to the fullest extent," said Attorney General Bill Lockyer.

Saez was being held at the Los Angeles County Jail on \$5 million bail, and faced up to eight years in prison if convicted, said Teresa Schilling, a spokeswoman from Lockyer's office.

De Luna, who was being held in Riverside County Jail on \$5 million bail, faced up to 14 years in prison if convicted. He faced a stiffer penalty because at the time of his arrest he was on probation for his involvement in a similar scheme that's being prosecuted by the Los Angeles County district attorney's office, Schilling said.

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1 BILL LOCKYER  
Attorney General of the State of California  
2 MARY E. HACKENBRACHT  
Senior Assistant Attorney General  
3 DIANA CALLAGHAN,  
Deputy Attorney General  
4 300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
5  
6 Attorneys for Recycling Fraud Prosecution

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES  
10

11  
12 **THE PEOPLE OF THE STATE OF CALIFORNIA**  
Plaintiff,  
13  
14 v.  
15 **01 SANTOS SAENZ (6/27/1968)**  
aka SANTOS SAENZ AMAYA  
16 **02 DANA ROBERT SCHWARTZ (3/9/1959)**  
**03 JOSE CLARO DELUNA (9/21/1960)**  
aka BALTAZAR ALVAREZ GALINDO  
17 aka JOSE CLARO DELUNA LUJON  
**04 JOSE FREDDY DELUNA (1/12/1980)**  
18  
19 Defendants.

Case No. BA255379  
**FELONY COMPLAINT**

20 The undersigned is informed and believes that:

21  
22 **COUNT 1**

23 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime  
24 of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION  
25 182(a)(1), a Felony, was committed by **SANTOS SAENZ, DANA ROBERT SCHWARTZ,**  
26 **JOSE CLARO DELUNA, and JOSE FREDDY DELUNA,** who did unlawfully conspire  
27 together and with another person and persons whose identity is unknown to commit the crime of  
28 conspiracy, a felony that pursuant to and for the purpose of carrying out the objects and purposes

1 of aforesaid conspiracy, the said defendants committed the following overt act and acts at and in  
2 the County of Los Angeles:

3  
4 **COUNT 2**

5 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime  
6 of GRAND THEFT OF PERSONAL PROPERTY, in violation of Penal Code section 487(a), a  
7 Felony was committed by **SANTOS SAENZ, DANA ROBERT SCHWARTZ, JOSE CLARO**  
8 **DELUNA, and JOSE FREDDY DELUNA**, who did unlawfully take money and personal  
9 property of a value exceeding Four Hundred Dollars (\$400), to wit: the property of the State of  
10 California.

11  
12 **COUNT 3**

13 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime  
14 of UNLAWFUL RECYCLING, in violation of PUBLIC RESOURCES CODE SECTION  
15 14591(b)(1)(d), a felony, was committed by **SANTOS SAENZ, DANA ROBERT**  
16 **SCHWARTZ, JOSE CLARO DELUNA, and JOSE FREDDY DELUNA**, who with the  
17 intent to defraud the State of California did redeem out-of state containers, rejected containers,  
18 line breakage and containers that have already been redeemed.

19  
20 **COUNT 4**

21 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime  
22 of UNLAWFUL RECYCLING, in violation of PUBLIC RESOURCES CODE SECTION  
23 14591(b)(1)(f), a felony, was committed by **SANTOS SAENZ, DANA ROBERT**  
24 **SCHWARTZ, JOSE CLARO DELUNA, and JOSE FREDDY DELUNA**, who with the  
25 intent to defraud the State of California did bring out-of state containers, rejected containers, line  
26 breakage to the market place for redemption.

27  
28 It is further alleged as to counts 1 and 2 that the above offense is a theft of over \$100,000,

1 within the meaning of Penal Code section 1203.045(a)

2

3 It is further alleged that in the commission of the above offenses the said defendants,  
4 **SANTOS SAENZ, DANA ROBERT SCHWARTZ, JOSE CLARO DELUNA, and JOSE**  
5 **FREDDY DELUNA**, with the intent to do so, took, damaged, and destroyed property of a value  
6 exceeding \$2.5 million, within the meaning of Penal Code section 12022.6(a)(4).

7

8 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
9 CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA , CONSISTS OF 4  
10 COUNTS.

11

12 Executed at LOS ANGELES, County of Los Angeles, on February 23, 2006.

13

14

15

\_\_\_\_\_  
John Lay  
DECLARANT AND COMPLAINANT

16

.....  
BILL LOCKYER, ATTORNEY GENERAL

17

18

19

BY: \_\_\_\_\_  
DIANA L. CALLAGHAN,  
DEPUTY ATTORNEY GENERAL

20

21

AGENCY: CALIFORNIA BUREAU  
OF INVESTIGATION

22

PRELIM. TIME. EST.: ONE WEEK

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28

<u>DEFENDANT</u>	<u>CII</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY RTN DATE</u>
SANTOS SAENZ		6/27/1968		\$5,000,000	
DANA ROBERT SCHWARTZ		3/9/1959		\$5,000,000	
JOSE CLARO DELUNA		9/21/1960		\$5,000,000	
JOSE FREDDY DELUNA		1/12/1980		\$5,000,000	

Pursuant to Penal Code section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code section 1054.3.

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1 IT APPEARING TO ME FROM THE EVIDENCE PRESENTED THAT THE FOLLOWING  
2 OFFENSE(S) HAS/HAVE BEEN COMMITTED AND THAT THERE IS SUFFICIENT  
3 CAUSE TO BELIEVE THAT THE FOLLOWING DEFENDANTS GUILTY THEREOF, TO  
4 WIT:

5 (STRIKE OUT OR ADD AS APPLICABLE)

6 SANTOS SAENZ

7	Count	Charge	Charge	Special	Alleg.
8	<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
9	1	PC 182	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
10	2	PC 487(a)	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
11	3	PR 14591(b)(1)(d)	16-2-3		
12	4	PR 14591(b)(1)(f)	16-2-3		

13  
14 DANA ROBERT SCHWARTZ

15	Count	Charge	Charge	Special	Alleg.
16	<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
17	1	PC 182	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
18	2	PC 487(a)	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
19	3	PR 14591(b)(1)(d)	16-2-3		
20	4	PR 14591(b)(1)(f)	16-2-3		

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28 JOSE CLARO DELUNA

Count No.	Charge	Charge Range	Special Allegation	Alleg. Effect
1	PC 182	16-2-3	PC 1203.045(a)	PSP
2	PC 487(a)	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
3	PR 14591(b)(1)(d)	16-2-3		
4	PR 14591(b)(1)(f)	16-2-3		

JOSE FREDDY DELUNA

Count No.	Charge	Charge Range	Special Allegation	Alleg. Effect
1	PC 182	16-2-3	PC 1203.045(a)	PSP
2	PC 487(a)	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
3	PR 14591(b)(1)(d)	16-2-3		
4	PR 14591(b)(1)(f)	16-2-3		

I order that the defendant(s) be held to answer therefor and be admitted to bail in the sum of:

1 SANTOS SAENZ \_\_\_\_\_ DOLLARS  
2 DANA ROBERT SCHWARTZ \_\_\_\_\_ DOLLARS  
3 JOSE CLARO DELUNA \_\_\_\_\_ DOLLARS  
4 JOSE FREDDY DELUNA \_\_\_\_\_ DOLLARS

5

6 and be committed to the custody of the Sheriff of Los Angeles County until such bail is given.  
Date of arraignment is Superior Court will be:

7

8 SANTOS SAENZ \_\_\_\_\_ in Dept \_\_\_\_\_  
9 DANA ROBERT SCHWARTZ \_\_\_\_\_ in Dept \_\_\_\_\_  
10 JOSE CLARO DELUNA \_\_\_\_\_ in Dept \_\_\_\_\_  
11 JOSE FREDDY DELUNA \_\_\_\_\_ in Dept \_\_\_\_\_

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13 at: \_\_\_\_\_ A.M.

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17 Date \_\_\_\_\_

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*Committing Magistrate*

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OVERT ACTS

I

On or about September 10, 2003, in the County of Los Angeles, Santos Saenz drove in tandem with a Peterbuilt truck away from Alameda Metals Recycling.

II

On or about December 18, 2003, in the County of Los Angeles, Santos Saenz drove to the Alameda Petroleum truck scales where he met with the driver of a Peterbuilt truck.

III

On or about April 4, 2004, in the County of Los Angeles, glass was being moved by unknown persons within the lot at Alameda Metals.

IV

On or about April 26, 2004, Jose Claro Deluna left Alameda Metals driving a J.C. transport truck.

V

On or about April 26, 2004, Jose Claro Deluna met Santos Saenz at the Alameda truck scales.

