

ORIGINAL

FILED

ORANGE COUNTY SUPERIOR COURT

JUL 30 2004

ALAN SLATER, Executive Officer/Clerk

S. Batina  
BY S. BATINA

1 TONY RACKAUCKAS, DISTRICT ATTORNEY  
2 COUNTY OF ORANGE, STATE OF CALIFORNIA  
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5 Filed this 10th day of August, 2004

6 SUPERIOR COURT OF CALIFORNIA  
7 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER  
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10	THE PEOPLE OF THE STATE OF CALIFORNIA, )	CASE NO. <u>04CF0865</u>	
11		)	
12	Plaintiff, )		
13		)	
14	vs. )	INFORMATION	
15		)	
16	MARK THOMAS GEORGANTAS 09/10/62 )		
17	A1709829 )		
18	AKA MARK THOMAS GEOGANTAS )		
19		)	
20	Defendant(s))		

21 THE DISTRICT ATTORNEY OF ORANGE COUNTY hereby accuses the  
22 aforementioned defendant(s) of violating the law at and within the  
23 County of Orange as follows:

24 Count 1: On or about July 20, 2000, in violation of Section  
25 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
26 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
27 franchise without having registered such offer or sale with the  
28 Department of Corporations or filing an exemption for such  
registration under the Corporations Code.

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1 Count 2: On or about July 20, 2000, in violation of Section  
2 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
3 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
4 did unlawfully offer and sell, and buy and offer to buy, a  
5 franchise by means of a written or oral communication which  
6 included an untrue statement of a material fact and omitted a  
7 material fact necessary to make the statements, in light of the  
8 circumstance under which they were made, not misleading.

9 Count 3: On or about February 06, 2001, in violation of Section  
10 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
11 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
12 franchise without having registered such offer or sale with the  
13 Department of Corporations or filing an exemption for such  
14 registration under the Corporations Code.

15 Count 4: On or about February 06, 2001, in violation of Section  
16 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
17 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
18 did unlawfully offer and sell, and buy and offer to buy, a  
19 franchise by means of a written or oral communication which  
20 included an untrue statement of a material fact and omitted a  
21 material fact necessary to make the statements, in light of the  
22 circumstance under which they were made, not misleading.

23 Count 5: On or about March 13, 2001, in violation of Section  
24 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
25 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
26 franchise without having registered such offer or sale with the  
27 Department of Corporations or filing an exemption for such  
28 registration under the Corporations Code.

29 Count 6: On or about March 13, 2001, in violation of Section  
30 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
31 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
32 did unlawfully offer and sell, and buy and offer to buy, a  
33 franchise by means of a written or oral communication which  
34 included an untrue statement of a material fact and omitted a  
35 material fact necessary to make the statements, in light of the  
36 circumstance under which they were made, not misleading.

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1 COUNT 7: On or about July 13, 2001, in violation of Section  
2 25110 of the Corporations Code (SELL SECURITY IN ISSUER  
3 TRANSACTION WITHOUT QUALIFICATION), a FELONY, MARK THOMAS  
4 GEORGANTAS did unlawfully offer and sell a security in an  
5 issuer transaction without such sale having been qualified under  
6 section 25111, 25112, or 25143 of the Corporations Code, or  
7 exempted under Chapter 1 (commencing with section 25100) of the  
8 Corporations Code.

9 COUNT 8: On or about July 13, 2001, in violation of Section  
10 25401 of the Corporations Code (USING UNTRUE STATEMENT IN  
11 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
12 did unlawfully offer and sell, and buy and offer to buy, a  
13 security by means of a written or oral communication which  
14 included an untrue statement of a material fact and omitted a  
15 material fact necessary to make the statements, in light of the  
16 circumstances, not misleading.

17 Count 9: On or about January 07, 2002, in violation of Section  
18 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
19 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
20 franchise without having registered such offer or sale with the  
21 Department of Corporations or filing an exemption for such  
22 registration under the Corporations Code.

23 Count 10: On or about January 07, 2002, in violation of Section  
24 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
25 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
26 did unlawfully offer and sell, and buy and offer to buy, a  
27 franchise by means of a written or oral communication which  
28 included an untrue statement of a material fact and omitted a  
29 material fact necessary to make the statements, in light of the  
30 circumstance under which they were made, not misleading.

31 Count 11: On or about May 07, 2002, in violation of Section  
32 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
33 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
34 franchise without having registered such offer or sale with the  
35 Department of Corporations or filing an exemption for such  
36 registration under the Corporations Code.

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1 Count 12: On or about May 07, 2002, in violation of Section  
2 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
3 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
4 did unlawfully offer and sell, and buy and offer to buy, a  
5 franchise by means of a written or oral communication which  
6 included an untrue statement of a material fact and omitted a  
7 material fact necessary to make the statements, in light of the  
8 circumstance under which they were made, not misleading.

9 Count 13: On or about June 01, 2002, in violation of Section  
10 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
11 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
12 franchise without having registered such offer or sale with the  
13 Department of Corporations or filing an exemption for such  
14 registration under the Corporations Code.

15 Count 14: On or about June 01, 2002, in violation of Section  
16 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
17 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
18 did unlawfully offer and sell, and buy and offer to buy, a  
19 franchise by means of a written or oral communication which  
20 included an untrue statement of a material fact and omitted a  
21 material fact necessary to make the statements, in light of the  
22 circumstance under which they were made, not misleading.

23 Count 15: On or about June 01, 2002, in violation of Section  
24 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
25 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
26 franchise without having registered such offer or sale with the  
27 Department of Corporations or filing an exemption for such  
28 registration under the Corporations Code.

29 Count 16: On or about June 01, 2002, in violation of Section  
30 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
31 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
32 did unlawfully offer and sell, and buy and offer to buy, a  
33 franchise by means of a written or oral communication which  
34 included an untrue statement of a material fact and omitted a  
35 material fact necessary to make the statements, in light of the  
36 circumstance under which they were made, not misleading.

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1 Count 17: On or about October 14, 2002, in violation of Section  
2 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
3 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
4 franchise without having registered such offer or sale with the  
5 Department of Corporations or filing an exemption for such  
6 registration under the Corporations Code.

7 Count 18: On or about October 14, 2002, in violation of Section  
8 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
9 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
10 did unlawfully offer and sell, and buy and offer to buy, a  
11 franchise by means of a written or oral communication which  
12 included an untrue statement of a material fact and omitted a  
13 material fact necessary to make the statements, in light of the  
14 circumstance under which they were made, not misleading.

15 COUNT 19: On or about October 01, 2002, in violation of Section  
16 25110 of the Corporations Code (SELL SECURITY IN ISSUER  
17 TRANSACTION WITHOUT QUALIFICATION), a FELONY, MARK THOMAS  
18 GEORGANTAS did unlawfully offer and sell a security in an  
19 issuer transaction without such sale having been qualified under  
20 section 25111, 25112, or 25143 of the Corporations Code, or  
21 exempted under Chapter 1 (commencing with section 25100) of the  
22 Corporations Code.

23 Count 20: On or about March 03, 2003, in violation of Section  
24 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a  
25 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a  
26 franchise without having registered such offer or sale with the  
27 Department of Corporations or filing an exemption for such  
28 registration under the Corporations Code.

Count 21: On or about March 03, 2003, in violation of Section  
31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN  
PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS  
did unlawfully offer and sell, and buy and offer to buy, a  
franchise by means of a written or oral communication which  
included an untrue statement of a material fact and omitted a  
material fact necessary to make the statements, in light of the  
circumstance under which they were made, not misleading.

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SPECIAL ALLEGATION(s)

As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, it is further alleged pursuant to Penal Code section 1203.045(a) (OVER \$100,000 LOSS), that defendant MARK THOMAS GEORGANTAS committed the crime of theft of an amount exceeding one hundred thousand dollars (\$100,000).

JURISDICTIONAL ALLEGATION(s)

As to Count(s) 1 and 2, it is further alleged pursuant to Penal Code sections 803(c)/801.5 (STATUTE OF LIMITATION TOLLED), that the offenses are felonies, and no victim of the offenses and no law enforcement agency chargeable with the investigation and prosecution of the offenses had actual or constructive knowledge of the offenses prior to the date of 4-13-2001.

On or about that date, victim Michael Fields confronted the defendant about the defendant's efforts to modify their franchise agreement. At that time, the defendant threatened victim Fields. Prior to this date, no victim or law enforcement agency chargeable with the investigation and prosecution of said crimes had actual or constructive knowledge of said crimes because the defendant had failed to disclose his criminal history of theft and pending criminal charges of theft, had presented a viable and profitable business proposition, and had entered a franchise agreement with victim Fields.

As to Count(s) 3 and 4, it is further alleged pursuant to Penal Code sections 803(c)/801.5 (STATUTE OF LIMITATION TOLLED), that the offenses are felonies, and no victim of the offenses and no law enforcement agency chargeable with the investigation and prosecution of the offenses had actual or constructive knowledge of the offenses prior to the date of 7-14-2001.

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CONDUCT ENHANCEMENT(s)

As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, it is further alleged pursuant to Penal Code section 12022.6(a)(2) (PROPERTY DAMAGE OVER \$150,000), that defendant MARK THOMAS GEORGANTAS intentionally took, damaged, and destroyed property valued in excess of one hundred and fifty thousand dollars (\$150,000) during the commission and attempted commission of the above offense.

It is further alleged pursuant to Penal Code section 186.11(a)(1) (AGGRAVATED WHITE COLLAR CRIME - OVER \$100,000), that as to counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, defendant MARK THOMAS GEORGANTAS engaged in a pattern of related fraudulent felony conduct involving the taking of more than one hundred thousand dollars (\$100,000).

As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, it is further alleged pursuant to Penal Code section 12022.1(b) (CRIME - BAIL - CRIME), that at the time of the commission of the above offense, defendant MARK THOMAS GEORGANTAS was released from custody on bail and on the defendant's own recognizance on a primary felony, in case 00CF1401.

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Contrary to the form, force and effect of the Statute in such cases made and provided, and against the peace and dignity of the People of the State of California.

Pursuant to the 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

DATED: July 30, 2004

TONY RACKAUCKAS, DISTRICT ATTORNEY  
COUNTY OF ORANGE, STATE OF CALIFORNIA

BY: William A. Carter  
Deputy District Attorney

04F00745

I hereby certify the foregoing instrument consisting of 9 page(s) is a true and correct copy of the original on file in this court.



ATTEST: (DATE) 4/29/08  
ALAN SLATER, EXECUTIVE OFFICER AND CLERK OF THE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY S. Ortiz DEPUTY  
S. ORTIZ

I hereby certify the foregoing instrument consisting of \_\_\_\_\_ page(s) is a true and correct copy of the original on file in this court.

ATTEST (DATE) \_\_\_\_\_  
ALAN SLATER, EXECUTIVE OFFICER AND CLERK OF THE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY \_\_\_\_\_ DEPUTY

