CALIFORNIA BLUEBERRY COMMISSION

ASSESSMENT COLLECTION PROCEDURES, ACTIONS AND PENALTIES

Pursuant to the State of California Food and Agricultural Code Article 7, Actions and Penalties, Section 79281 provide that the Commission may adopt operating procedures necessary to carry out Commission law. The following assessment collection procedures, actions and penalties have been adopted and apply to all handlers subject to Commission law:

1. The Commission shall establish the rate of assessment for the entire 2026 – 2027 Fiscal Year, which is October 1, 2026, through September 30, 2027.

2. The assessments shall not be more than two and one-half cents ($0.025) per pound or at a rate of six-tenths of a cent per pound, which amounts to $12-per ton assessment on all blueberries produced and handled in California. Of the assessment, one half shall be assessed to producers and one-half shall be assessed to handlers. A producer who handles blueberries shall pay the assessment directly to the Commission.

3. Any person who fails to pay any assessments within the time required by the commission shall pay to the commission a penalty of ten (10) percent of the amount of the assessment determined to be past due. In addition to the 10% penalty, interest at the rate of 1.5% per month will accrue on the unpaid principal assessment balance.

4. A handler who has not provided the required assessment forms and/or payment by the due date will be sent a written notice within five (5) working days past the due date by e-mail ("first notice") reminding them to provide the forms and/or payment, and notifying them that a 10% penalty will attach and interest will begin to accrue on the first day of the next month if reports and/or payments are not received by the last day of the month.

5. A civil penalty not exceeding one thousand dollars ($1,000) may be levied by the commission upon a person who does any of the following:

a) Willfully to render or furnish a false report required by the commission, or in any way to affect the shipment and marketing of blueberries in order to avoid payment of assessment.

b) Fail to render or furnish a report or record, required by the commission.

c) Fail or refuse to furnish to the commission upon request, information concerning the name and address of the persons from whom he or she has received blueberries and the quantity so received.

d) Secrete, destroy, or alter records required to be kept.

6. Assessments do not apply to blueberries produced only for a producer's home use or to blueberries that are used only for ornamental purposes. Producers with five acres or less will be exempt from paying assessments.

ASSESSMENT COLLECTION PROCEDURES

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7. A Handler who fails to respond to the Commission's first notice will be sent a second notice via certified mail, return receipt requested, in which the Commission demands reports and/or payments from the handler by a date not more than 30 days from the date of the second notice. The second notice will notify the handler that the 10% penalty has attached, interest is accruing, and failure to respond to the second notice will result in referral of the matter to the Commission's legal counsel. The commission may commence civil actions and utilize all remedies provided in law for the collection of assessments and civil penalties.

8. Commission staff will attempt to resolve collection matters informally prior to taking any legal action. However, failure to pay assessments by the delinquency date will result in the matter being forwarded to the Commission's legal counsel. Legal counsel will send a Notice of Intent to Take Action letter to the handler via certified mail, return receipt requested, which gives the handler 15 days in which to provide form and/or pay assessments.

9. If a satisfactory response is not received from the handler during the 15-day notice period, a summons and complaint will be drafted and filed with the appropriate Superior Court.

10. The handler has 30 days after service of the complaint in which to respond.

11. If the handler does not respond to the complaint, a request for entry of default will be filed with the court. Upon entry of any final judgment on behalf of the commission against any defendant, the court shall enjoin the defendant from conducting any type of business regarding blueberries until there is full compliance with, and satisfaction of, the judgment.

12. Upon favorable judgment for the Commission, the Commission shall be entitled to recover its reasonable attorney's fees and other actual related costs.

13. Once a judgment is obtained by trial or default, collection and enforcement efforts will begin.