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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
APR 13 2004
ALAN SLATER, Clerk of the Court

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

BY: *[Signature]* DEPUTY

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THE PEOPLE OF THE STATE OF CALIFORNIA,)	FELONY COMPLAINT
)	WARRANT
Plaintiff,)	AMENDMENT 1
)	
)	
vs.)	No. 04CF0865
)	IPD 02-21543
MARK THOMAS GEORGANTAS ✓)	09/10/62 ✓
A1709829)	
AKA MARK THOMAS GEOGANTAS)	
)	
)	
)	Defendant(s))

The Orange County District Attorney charges that in Orange County, California, the law was violated as follows:

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

Count 2: On or about July 20, 2000, 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.

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

1 Count 4: On or about February 06, 2001, 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.

7 Count 5: On or about March 13, 2001, in violation of Section
8 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a
9 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a
10 franchise without having registered such offer or sale with the
11 Department of Corporations or filing an exemption for such
12 registration under the Corporations Code.

11 Count 6: On or about March 13, 2001, in violation of Section
12 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN
13 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS
14 did unlawfully offer and sell, and buy and offer to buy, a
15 franchise by means of a written or oral communication which
16 included an untrue statement of a material fact and omitted a
17 material fact necessary to make the statements, in light of the
18 circumstance under which they were made, not misleading.

17 COUNT 7: On or about July 13, 2001, in violation of Section
18 25110 of the Corporations Code (SELL SECURITY IN ISSUER
19 TRANSACTION WITHOUT QUALIFICATION), a FELONY, MARK THOMAS
20 GEORGANTAS did unlawfully offer and sell a security in an
21 issuer transaction without such sale having been qualified under
22 section 25111, 25112, or 25143 of the Corporations Code, or
23 exempted under Chapter 1 (commencing with section 25100) of the
24 Corporations Code.

23 COUNT 8: On or about July 13, 2001, in violation of Section
24 25401 of the Corporations Code (USING 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 security by means of a written or oral communication which
28 included an untrue statement of a material fact and omitted a
material fact necessary to make the statements, in light of the
circumstances, not misleading.

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1 Count 9: On or about January 07, 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 10: On or about January 07, 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 11: On or about May 07, 2002, in violation of Section
16 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a
17 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a
18 franchise without having registered such offer or sale with the
19 Department of Corporations or filing an exemption for such
20 registration under the Corporations Code.

21 Count 12: On or about May 07, 2002, in violation of Section
22 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN
23 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS
24 did unlawfully offer and sell, and buy and offer to buy, a
25 franchise by means of a written or oral communication which
26 included an untrue statement of a material fact and omitted a
27 material fact necessary to make the statements, in light of the
28 circumstance under which they were made, not misleading.

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

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1 Count 14: On or about June 01, 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
material fact necessary to make the statements, in light of the
circumstance under which they were made, not misleading.

7 Count 15: On or about June 01, 2002, in violation of Section
8 31110 of the Corporations Code (UNLAWFUL SALE OF A FRANCHISE), a
9 FELONY, MARK THOMAS GEORGANTAS did unlawfully offer and sell a
10 franchise without having registered such offer or sale with the
Department of Corporations or filing an exemption for such
registration under the Corporations Code.

11 Count 16: On or about June 01, 2002, in violation of Section
12 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN
13 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS
14 did unlawfully offer and sell, and buy and offer to buy, a
15 franchise by means of a written or oral communication which
16 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.

17 Count 17: On or about October 14, 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
registration under the Corporations Code.

22 Count 18: On or about October 14, 2002, in violation of Section
23 31201 of the Corporations Code (USE OF UNTRUE STATEMENT IN
24 PURCHASE/SALE OF A SECURITY), a FELONY, MARK THOMAS GEORGANTAS
25 did unlawfully offer and sell, and buy and offer to buy, a
26 franchise by means of a written or oral communication which
27 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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1 COUNT 19: On or about October 01, 2002, 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 20: On or about October 01, 2002, 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 21: On or about March 03, 2003, 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 22: On or about March 03, 2003, 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
material fact necessary to make the statements, in light of the
circumstance under which they were made, not misleading.

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, 21 and 22, 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).

1 JURISDICTIONAL ALLEGATION(s)

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

7 On or about that date, victim Michael Fields confronted the
8 defendant about the defendant's efforts to modify their
9 franchise agreement. At that time, the defendant threatened
10 victim Fields. Prior to this date, no victim or law enforcement
11 agency chargeable with the investigation and prosecution of said
12 crimes had actual or constructive knowledge of said crimes
13 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.

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

19 On or about that date, victim Aaron Zeese drove to Irvine,
20 California, to the headquarters for defendant's company Fire on
21 Ice, attempting to obtain additional product for sale. On that
22 date, victim Zeese was only able to obtain a small amount of
23 product that was different from the product he had ordered.
24 Prior to this date, no victim or law enforcement agency
25 chargeable with the investigation and prosecution of said crimes
26 had actual or constructive knowledge of said crimes because the
27 defendant 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 into a
franchise agreement, accepting payment for the product in
question in advance, with victim Blaine Bergson and Aaron Zeese.

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1 As to Count(s) 5 and 6, it is further alleged pursuant to Penal
 2 Code sections 803(c)/801.5 (STATUTE OF LIMITATION TOLLED), that
 3 the offenses are felonies which had a material element of fraud
 4 and breach of fiduciary obligation, and no victim of the
 5 offenses and no law enforcement agency chargeable with the
 6 investigation and prosecution of the offenses had actual or
 7 constructive knowledge of the offenses prior to December of 2001
 8 or January of 2002.

9 On or about that time, victim Jim Paterson attempted to find a
 10 patent on the product sold by the defendant and his company Fire
 11 on Ice but was unable to find any patent for the product or
 12 defendant Mark Georgantas. Previously the defendant represented
 13 to victim Paterson that the product was patented. Prior to this
 14 date, no victim or law enforcement agency chargeable with the
 15 investigation and prosecution of said crimes had actual or
 16 constructive knowledge of said crimes because the defendant
 17 failed to disclose his criminal history of theft and pending
 18 charges of theft, had presented a viable and profitable business
 19 proposition, and believed that the defendant was selling a
 20 patented product.

21 CONDUCT ENHANCEMENT(s)

22 As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 23 15, 16, 17, 18, 19, 20, 21 and 22, it is further alleged
 24 pursuant to Penal Code section 12022.6(a)(2) (PROPERTY DAMAGE
 25 OVER \$150,000), that defendant MARK THOMAS GEORGANTAS
 26 intentionally took, damaged, and destroyed property valued in
 27 excess of one hundred and fifty thousand dollars (\$150,000)
 28 during the commission and attempted commission of the above
 29 offense.

30 It is further alleged pursuant to Penal Code section 186.11(a)
 31 (1) (AGGRAVATED WHITE COLLAR CRIME - OVER \$100,000), that as to
 32 counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
 33 17, 18, 19, 20, 21 and 22, defendant MARK THOMAS GEORGANTAS
 34 engaged in a pattern of related fraudulent felony conduct
 35 involving the taking of more than one hundred thousand dollars
 36 (\$100,000).

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1 As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 2 15, 16, 17, 18, 19, 20, 21 and 22, it is further alleged
 3 pursuant to Penal Code section 12022.1(b) (CRIME - BAIL -
 4 CRIME), that at the time of the commission of the above offense,
 5 defendant MARK THOMAS GEORGANTAS was released from custody on
 6 bail and on the defendant's own recognizance on a primary
 7 felony, in case 00CF1401.

8 I declare under penalty of perjury, on information and belief,
 9 that the foregoing is true and correct.

10 Dated 04/12/04 at Orange County, California.
 11 BO/CH 04F00745

12 TONY RACKAUCKAS, DISTRICT ATTORNEY
 13 by William A. P. [Signature] Deputy
 14 Complainant

15 RESTITUTION CLAIMED
 16 [] None
 17 [] \$ _____
 18 [X] To be determined

19 BAIL RECOMMENDATION:
 20 MARK THOMAS GEORGANTAS - \$ 1,000,000.00

21 NOTICE TO DEFENDANT AND ATTORNEYS FOR THE DEFENSE:
 22 The People request that defendant and counsel disclose, within
 23 15 days, all of the materials and information deccribed in Penal
 24 Code Section 1054.3, and continue to provide and later-acquired
 25 materials and information subject to disclosure, promptly, and
 26 without further request or order.

27 I hereby certify the foregoing instrument consisting of 8 page(s)
 28 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 [Signature] DEPUTY
 S. ORTIZ

I hereby certify the foregoing instrument consisting of _____ pages 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

DEPUTY _____

