

October 28, 2018

Subject: Avocado Theft information

Aloha Avocado Farmers,

I have heard of several incidences of theft of Avocados recently and the following information may help apprehend the thieves. Thieves most often come at night with saws to cut limbs off trees and lights (unless the moon is full) to steal avocados. They then sell these to roadside vendors and some markets for low prices. Hawaii County has set up an office devoted to stopping this theft.

First of all, if you see the thieves, get a photo of their vehicle, of them, and call 911. Give them the information, your location, phone number, and answer all the questions the receptionist requests of the incident. Try and call them immediately, but be sure to get photos if you can.

Next contact Shane Muramaru who is the Agricultural Crimes Investigator, Office of the Prosecuting Attorney, County of Hawaii. 808-961-0466. This is a daytime phone number. Have as much information as possible for Officer Muramaru.

Next, read the attached flyers and when you sell your Avocados, provide the attached Certificate of Movement to your customer. That ensures that they will be protected if they are approached by the investigators who are making the rounds of places where Avocados are being sold. If vendors cannot produce this certificate, their produce will be confiscated.

If you suspect vendors are selling stolen fruit for any reason, ask to see the Certificate of Movement and if they cannot produce one, call Shane Muramaru and ask him to investigate.

On another subject, we have buyers on the mainland and so far one packing facility is planning on shipping there and paying farmers \$1.40/pound for #1 Sharwils from groves that are certified (it's really easy to be certified). That facility is operated by David Cox at 808-328-2416. Give him a call or call Jeff Knowles at 808-896-0504 who will help you. Really, all you have to do is pick your fruit and deliver it to the packing facility. No packing by you is required.

Have a great season,

John App
President, Hawaii Avocado Association



June van Leynseele, Treasurer
jvanley@aol.com
425-501-3118

*This was mailed
to our membership
(Thanks to June!)*



CERTIFICATE OF OWNERSHIP/MOVEMENT OF AGRICULTURAL COMMODITIES

Quality Assurance Division / Commodities Branch

Department of Agriculture
STATE OF HAWAII

This certificate is required if you sell any amount of an agricultural product that is to be marketed for commercial purposes; or transport agricultural commodities with a weight greater than 200 pounds or with a value of \$100 or more.

OWNER GROWER SELLER: BUYER RECEIVER:

Name _____ Name _____

Residence Street Address _____ Street Address _____

City, State, Zip Code _____ City, State, Zip Code _____

Phone No. _____ Transport Vehicle License No. _____ Phone No. _____

Quantity	Product Description	Price/unit (optional)	Amount (optional)
TOTAL AMOUNT DUE (OPTIONAL)			

ORIGIN OF PRODUCT(S) - Name of Farm Owner and Physical Address (or TMK): _____

The information above is factual and correct to the best of my knowledge.

Print Name (Seller) _____ Signature (Seller) _____ Date _____

Print Name (Buyer) _____ Signature (Buyer) _____ Date _____

Two copies of this certificate must accompany the shipment and one copy is to be retained by the person completing the certificate. False information or failure to comply may result in criminal prosecution as provided in Chapter 145, Part II Hawaii Revised Statutes.



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Cut Here



HELP DETER AGRICULTURAL THEFT



Chapter 145, Part II, Hawaii Revised Statutes
Ownership and Movement of Agricultural Commodities

REQUIRES PROOF OF OWNERSHIP – It's the LAW! (see reverse side)

If you sell any amount of an agricultural commodity that is to be marketed for commercial purposes; or transport agricultural commodities weighing more than 200 pounds or the value is \$100.00 or more, an OWNERSHIP AND MOVEMENT CERTIFICATE is required.

WHAT IS REQUIRED ON THE OWNERSHIP AND MOVEMENT CERTIFICATE?

An Invoice, Receipt, Bill of Lading or similar document can serve the purpose of the certificate, provided that it contains the following information:

1. The name, resident address and telephone number of the seller, and the license plate number of the vehicle used to deliver the agricultural commodity to the buyer
2. The name of the farm owner and address of origin
3. The name of the buyer or consignee and destination
4. Signature of the seller and, upon sale, the signature of the buyer or consignee

The buyer or consignee must verify the seller's identity by having the seller present a valid government issued photo identification card or license. If the commodity is valued at \$300.00 or more, the seller shall also provide the buyer with a photocopy of the identification card or license.

No prospective buyer or consignee shall purchase an agricultural commodity if the seller does not provide a copy of the Ownership and Movement Certificate and verification as required, and shall report an attempted sale which does not meet the above requirements to the police.

Two copies of the certificate must accompany the shipment and one copy is to be retained by the person completing the certificate.

The Ownership and Movement Certification requirements DO NOT apply to the retail sale of an agricultural commodity to the final consumer.

WHY IS THIS REQUIRED?

Proof of ownership is the first step in establishing a paper trail to help deter agricultural theft. If an inspector or law enforcement officer has probable cause to believe agricultural commodities are in unlawful possession, the inspector or law enforcement officer may request proof of ownership of the commodities, which could lead to the seizure of agricultural commodities and criminal penalties.

PROTECT YOURSELF

For more information, contact the Hawaii Department of Agriculture
Dealer Licensing Unit at (808) 832-0700 or FAX at (808) 832-0683



CHAPTER 145
REGULATION OF FARM PRODUCE
PART I. REGULATION OF DEALERS
PART II. OWNERSHIP AND MOVEMENT OF AGRICULTURAL COMMODITIES

§145-21 Definitions. For the purposes of this part:

"Agricultural commodity" means any fruit, nut or vegetable that is the food product of any tree, vine, or plant, or any aquacultural, horticultural, silvicultural or floricultural product.

"Person" means any individual, firm, corporation, partnership, or association.

§145-22 Agricultural commodities; ownership and movement certification. (a) Every person, upon sale of any agricultural commodity or upon transportation of lots of any agricultural commodity of more than two hundred pounds or with a value of at least \$100 that is marketed for commercial purposes, shall complete a certificate describing the commodity, the amount and value of the commodity, and shall include:

- (1) The seller's name, residence address, telephone number, and license plate number of any vehicle used by the seller to deliver the commodity to the place of purchase;
- (2) The name of the farm owner and address of origin;
- (3) The name of the buyer or consignee, and destination; and
- (4) The signature of the seller and, upon sale, the signature of the buyer or consignee.

(b) Prior to completing the certificate, the buyer or consignee shall also require the seller to verify the seller's identity by having the seller present a valid photo identification card or license issued to the seller by a federal or state government agency. If the commodity being offered for sale has a value of \$300 or more, the seller shall also provide the buyer with a photocopy of the identification card or license of the seller.

(c) No prospective buyer or consignee shall purchase an agricultural commodity from a seller if the seller does not provide a copy of the ownership and movement certification and verification as required by subsections (a) and (b). Every prospective buyer or consignee shall report an attempted sale that does not meet the requirements of subsections (a) and (b) to the police.

(d) Two copies of the certificate shall accompany the shipment and one copy each shall be retained by the seller and the buyer or consignee. One of the copies of the certificate shall be presented upon request to a state or county law enforcement officer or other officer, employee, or any other person authorized and designated by the board of agriculture to investigate and enforce this chapter and all rules adopted by the department pursuant thereto.

(e) This section shall not apply to the retail sale of an agricultural commodity to the final consumer.

§145-23 Lack of proof of ownership as a violation. The failure of any person who sells, transports, or possesses after sale or transport, agricultural commodities to maintain a certificate of ownership or other written proof of ownership of the agricultural commodity, as described in section 145-22, is a violation of this part and also prima facie evidence of an offense under section 708-831(1)(e).

§145-24 Authorization to inspect. Every law enforcement officer or other officer or employee as described in section 145-25 having probable cause to believe that the possession, sale, or transportation of agricultural commodities is unlawful, may take reasonable steps to detain the person having possession, selling or transporting the agricultural commodities and request from the person being detained proof of ownership of the commodities.

§145-25 Enforcement; criminal penalties. Violations of this part or any rule adopted pursuant thereto shall be criminal offenses as follows:

- (1) A violation in which the value of the agricultural commodity exceeds \$100 shall be a class c felony; and
- (2) A violation in which the value of the agricultural commodity is \$100 or less shall be a misdemeanor.

§145-27 Authorization to seize and hold commodities; disposition. (a) Upon reasonable belief that a person is in unlawful possession of agricultural commodities a law enforcement officer or other officer or employee shall be authorized to hold the agricultural commodity for not longer than forty-eight hours to investigate and ascertain the ownership of the agricultural commodity. If the lawful owner is determined and located, the agricultural, aquacultural, or horticultural commodity shall be released to the lawful owner.

(b) If for any reason the agricultural commodity is not released to the lawful owner after being in the custody of the law enforcement officer or other officer or employee for forty-eight hours, or less in the case of highly perishable commodities, the commodity may be sold at fair market value to any retailer, wholesaler, or packer of the commodity. All of the proceeds derived from the sale shall be held by the law enforcement officer or other officer or employee for not longer than six months, during which time the lawful owner of the commodity may submit satisfactory proof of ownership and obtain possession of the proceeds. The owner may be held responsible for any costs and expenses that may be incurred by the law enforcement officer or other officer or employee. Any proceeds of sale not recovered within six months for lack of a claim or for insufficient proof shall be treated as unclaimed property of the State.

(c) Any commodity that remains unsold after being offered for sale pursuant to this section may be donated to a nonprofit charitable organization or destroyed at the discretion of the law enforcement officer or other officer or employee.

(d) For the purposes of this section, "officer or employee" means any officer or employee of the department of agriculture or any other person authorized and designated by the board of agriculture to investigate and enforce this chapter and all rules adopted by the department pursuant thereto.