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SUBP-035

ATTORNEY FOR PARTY WHO IS ATTORNEY OF RECORD (Name, firm for number, and address):

TO (Name, firm, address, and telephone number):

FROM (Name, firm, address, and telephone number):

DEPARTMENT OF COURT SERVICES (Name, address, and telephone number):

PLAINTIFF/PETITIONER: CALIFORNIA CASE NUMBER (if any) _____

DEFENDANT/RESPONDENT: _____

SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): _____ At (time): _____

On (date): _____ Location (address): _____

2. Do not release the requested records to the deposition officer prior to the date and time stated above.

a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner envelope with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner envelope shall not be enclosed in an outer envelope or wrapper, packet, and mailed to the deposition officer at the address in item 1.

b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the deponent's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 156.333.

c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.

3. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the subpoena) or 15 days after service, whichever date is later. Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 156.333. The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 156.1.

4. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

Continued on Attachment 3 (use form MC-025)

Attached to record in this action or parties without attorneys are (name, address, telephone number, and name of party represented): _____

Continued on Attachment 4 (use form MC-025)

Detailed P/L Statement

Look at an operating statement for a woman's sportswear department of a leading specialty store that has been completed.

	Dollars	Percent
For the month of March, 20-		
Gross sales	4465,000	
Customer returns and allowance	4,000	
= Net sales	4461,000	100%
Operating inventory at cost	484,000	
+ Purchases at cost	4,015,000	
+ Transportation charges	434,000	
= Total goods handled at cost	4,933,000	110,600
- Closing inventory at cost	(417,000)	(10,600)
= Gross cost of goods sold	4,516,000	901,600
+ Workroom charges (if applicable)	none	
- Cash discounts earned	(415,000)	
= Net cost of goods sold	4,101,000	32,585
= Gross margin	450,950	14,625
Direct Expenses		
Buying salary	442,000	100,600 + 472,150 = 25,585
+ Selling salaries	429,750	505,550 + 472,150 = 24,625
+ Dep. advertising	434,000	501,550
+ Dept. operating expenses	415,000	395,950
= Total direct expenses	4,105,050	3,056,000
= Contribution margin	435,600	105,950 + 472,150 = 24,955
Indirect Expenses		
Allocated rent	472,000	305,600 + 472,150 = 45,475
+ Allocated inv. salaries	415,000	
+ Allocated utilities	435,000	
+ Allocated maintenance	422,000	
= Total indirect expenses	4,105,000	2,129,500
= Net profit (or loss)	455,600	100% - 25,585% = 74,415%
		34,425 - 20,955 = 13,470%
		46,475 - 3,105 = 13,265%

RULES & REGULATIONS RELATING TO THE HOME SERVICES BUSINESS

BY VIRTUE OF THE AUTHORITY VESTED IN ME UNDER THE PROVISIONS OF THE NASSAU COUNTY ADMINISTRATIVE CODE, TITLE D-16-§21-25.7, I, AS COMMISSIONER OF THE NASSAU COUNTY DEPARTMENT OF CONSUMER AFFAIRS, HEREBY PROMULGATE THE FOLLOWING REGULATIONS RELATING TO PERSON ENGAGED IN THE HOME SERVICES BUSINESS.

REGULATIONS

1. Home Service Contracts.

- (a) Every home service contract shall be evidenced in writing signed by all parties to the contract.
- (b) All addendums to the contract must also be in writing signed by all parties.
- (c) Any memorandum, agreement or contract furnished by a contractor to a customer shall carry said contractor's name, office address, telephone number and Nassau County license number lightly printed or stamped thereon. In addition, there shall appear on each form the name of the salesman, if such exists, lightly printed thereon.
- (d) Contract provisions and addendums to the contract must specify the work to be performed, the materials to be supplied to the customer, including brand names, colors, dimensions, model numbers or any other identifying information, and the final price for the labor and materials.

2. Use of License Number and Company Name.

- (a) All display advertising and promotional literature shall contain the licensee's license number as printed on the license.
- (b) All display advertising and promotional literature shall contain the licensee's full company name as printed on the license.
- (c) No contractor shall permit his/her license and/or license number to be used by another.

3. Commercial Practices.

- (a) Representations and illustrations of products or services offered to the public shall be accurately represented in all advertisements or descriptive material.
- (b) Materials to be furnished shall be accurately described.
- (c) Installation Charge: If installation is to be extra, the advertisement shall make such fact known.

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