SUMMONS - CIVIL

JD-CV-1 Rev. 2-13
C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a, 52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

See page 2 for instructions

☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than $2,500.
☒ "X" if amount, legal interest or property in demand, not including interest and costs is $2,500 or more.
☒ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed *(Number, street, town and zip code)* *(C.G.S. §§ 51-346, 51-350)*	Telephone number of clerk *(with area code)*	**Return Date** *(Must be a Tuesday)*
90 Washington St., Hartford, CT 06106	**(860) 548-2700**	**August** (Month) **27** (Day), **2013** (Year)

☒ Judicial District ☐ Housing Session ☐ G.A. Number:	At *(Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)*	Case type code *(See list on page 2)*
	Hartford	Major: **M** Minor: **90**

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented *(Number, street, town and zip code)*	Juris number *(to be entered by attorney only)*
Gary M. Becker, Assistant Attorney General, 55 Elm Street, Hartford, CT 06106	**427511**

Telephone number *(with area code)*	Signature of Plaintiff *(If self-represented)*
(860) 808-5040	

Number of Plaintiffs: **1** | Number of Defendants: **1** | ☐ Form JD-CV-2 attached for additional parties

Parties	Name *(Last, First, Middle Initial)* and Address of Each party *(Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)*	
First Plaintiff	Name: **State of Connecticut ex rel. George Jepsen, Attorney General** Address: **55 Elm Street, Hartford, CT 06106**	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: **Saaid Cherkaoui** Address: **3900 Park Avenue, APT 3E, Bridgeport, CT 06604 and/or** **146 Arlington Street, Bridgeport, CT 06606**	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Additional Defendant	Name: Address:	D-04

Notice to Each Defendant

1. **YOU ARE BEING SUED**. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at *www.jud.ct.gov* under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at *www.jud.ct.gov* under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed *(Sign and "X" proper box)*	☒ Commissioner of the Superior Court ☐ Assistant Clerk	Name of Person Signing at Left	Date signed
		Gary M. Becker	7/30/13

If this Summons is signed by a Clerk:
a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.

For Court Use Only
File Date

I certify I have read and understand the above:	Signed *(Self-Represented Plaintiff)*	Date

Name and address of person recognized to prosecute in the amount of $250

Signed *(Official taking recognizance; "X" proper box)*	☐ Commissioner of the Superior Court ☐ Assistant Clerk	Date	Docket Number

Return Date: August 27, 2013

STATE OF CONNECTICUT,	:	**SUPERIOR COURT**
Plaintiff	:	
	:	**JUDICIAL DISTRICT OF HARTFORD**
	:	**AT HARTFORD**
	:	
v.	:	
	:	
SAAID CHERKAOUI,	:	
	:	**July 30, 2013**
Defendant	:	

COMPLAINT

I. SUMMARY OF THE CASE

1. This is an action by George Jepsen, Attorney General, State of Connecticut, brought at the request of William Rubenstein, Commissioner of Consumer Protection for the State of Connecticut, pursuant to Conn. Gen. Stat. § 42-110m, which seeks civil penalties and appropriate equitable relief from the unlawful trafficking in Supplemental Nutrition Assistance Program ("SNAP") benefits engaged in by Defendant Saaid Cherkaoui. Specifically, this action seeks redress for a scheme wherein Cherkaoui illegally obtained SNAP electronic benefit cards from authorized recipients and then utilized such cards in violation of federal and state law, to purchase inventory for Slim's Deli Market, a grocery/convenience store owned by Cherkaoui or

otherwise for resale. In pursuing these illegal business practices, Cherkaoui violated the Connecticut Unfair Trade Practices Act ("CUTPA"), Conn. Gen. Stat. §§ 42-110b, *et seq*.

II. PARTIES AND JURISDICTION

2. Plaintiff State of Connecticut (the "State"), represented by George Jepsen, Attorney General of the State of Connecticut, brings this action in its sovereign enforcement capacity at the request of William Rubenstein, Commissioner of Consumer Protection for the State of Connecticut, pursuant to CUTPA, specifically Conn. Gen. Stat. §§ 42-110m and 42-110o.

3. Pursuant to Conn. Gen. Stat. §42-110m, jurisdiction over this action rests with the Superior Court for the State of Connecticut.

4. The State has an interest in the economic health and well-being of those who reside and/or transact business within its boundaries, including those who receive benefits from state social assistance programs. The State also has an interest in assuring the presence of an honest marketplace in which economic activity is conducted within normative business behavior and without fraud or deception.

5. Defendant Cherkaoui is an individual with an address of Apt. 3E, 3900 Park Avenue, Bridgeport, CT and/or 146 Arlington Street, Bridgeport, CT.

6. Cherkaoui at all times relevant to this Complaint conducted a trade or business in the State of Connecticut by owning and operating a small grocery and convenience store located

at 1306 Stratford Avenue, Bridgeport, CT, doing business under the name Slim's Deli Market and/or by otherwise reselling food and beverages.

III. THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

7. The SNAP program, formerly known as Food Stamps, is a federally funded food sustenance program that provides assistance to low income individuals and families at risk of undernourishment. At the federal level, the program is administered by the Food and Nutrition Service ("FNS") of the United States Department of Agriculture ("USDA"). In Connecticut, the program is administered by the Department of Social Services ("DSS").

8. SNAP benefits are provided to authorized beneficiaries via an Electronic Benefits Transfer ("EBT") card, which is used to buy groceries in the same manner as a debit card. When used at the register of a participating retailer, the card may be physically "swiped" through a card reader, or the card number may be typed in on a keypad. In either case, there is an associated Personal Identity Number ("PIN") code that is also required to be entered into the electronic EBT system.

9. The SNAP program has requirements on how, and for what purpose, SNAP benefits may be used. For example, SNAP benefits may be used only by the authorized beneficiary to whom they are lawfully issued or by a person formally designated to purchase food for that beneficiary ("authorized shopper"). Additionally, SNAP benefits may not be used to purchase items that lack nutritional value, such as cigarettes, alcohol and non-food items. Other than such

limitations, the SNAP program is designed to operate through beneficiaries' participation in private sector markets and the program relies upon normal rules of business behavior.

IV. DEFENDANT'S ILLEGAL USE OF EBT BENEFITS

10. SNAP EBT cards are sometimes sold by beneficiaries for cash, drugs or other consideration, and then used by the buyer to make food purchases from retailers who accept the EBT card. These sales are typically at a large discount to the actual value of the benefits on the EBT card. This practice is defined as "trafficking" by FNS regulations.

11. In these transactions, the beneficiary may sell the physical EBT card and PIN code to the buyer, with the agreement that the EBT card will be returned after the buyer uses it, or the beneficiary may sell only the EBT card number and the PIN code to the buyer.

12. Beginning at least as early as March 1, 2011 and through at least October 6, 2012, on numerous occasions Cherkaoui used EBT cards belonging to multiple beneficiaries in the course of a single transaction at certain BJs Wholesale stores, swiping cards one after the other through the self-service checkout lane, exhausting the remaining benefits on each, until the full amount of the purchase was covered. In total, Cherkaoui used hundreds of trafficked and/or unauthorized EBT cards to purchase hundreds of thousands of dollars' worth of goods at BJs Wholesale stores during this period.

13. Although Cherkaoui held himself out as an authorized EBT beneficiary and/or an authorized shopper, none of the cards used by Cherkaoui during these transactions was issued to him as an authorized beneficiary or authorized shopper of the SNAP program.

14. The goods purchased by Cherkaoui with trafficked and/or unauthorized EBT cards were food and beverage items typically sold in convenience stores, such as snack foods and energy drinks, and they were purchased in quantities far exceeding any amount that might be used for personal consumption.

15. On information and belief, Cherkaoui used the goods improperly purchased with trafficked and/or unauthorized EBT cards to stock Slim's Deli Market, his convenience store, or otherwise re-sold the purchased goods to others.

16. Trafficking in EBT cards severely harms beneficiaries and the SNAP program itself. Trafficking in EBT cards diverts money away from its intended purpose. The SNAP program and beneficiaries are economically harmed because the amount of money that would otherwise have been available for nutritional purchases is reduced. The SNAP program is further harmed when an unauthorized user uses an EBT card for their own use and economic benefit because the purchases ultimately made with SNAP funds are not for the beneficiaries for which the funds were intended.

V. CAUSE OF ACTION

FIRST COUNT: VIOLATIONS OF CUTPA

1- 16. Paragraphs 1 through 15 of the Complaint are hereby repeated and realleged as Paragraphs 1 through 15 of the First Count as if fully set forth herein.

17. By engaging in the aforementioned acts or practices in the trade or commerce of selling food, beverages and other sundries in Connecticut, Cherkaoui has offended established public policy as embodied by:

A. 7 U.S.C.A. § 2024 (b)(1), which provides, in relevant part, that "whoever knowingly uses, transfers, acquires, alters, or possesses benefits in any manner contrary to this chapter or the regulations issued pursuant to this chapter shall, if such benefits are of a value of $5,000 or more, be guilty of a felony . . . ."; and

B. 7 U.S.C. §2024(c), which provides, in relevant part, that "[w]hoever presents, or causes to be presented, benefits for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act, shall be guilty of a felony."

C. Conn. Gen. Stat. §17b-97(d), which provides, in relevant part, that "any person who, by means of an intentionally false statement or misrepresentation or by impersonation or other fraudulent act or device, obtains, or attempts to obtain . . . knowingly

uses, transfers acquires, alters, or attempts to use, traffic in, forge or possess any [USDA] food stamp coupon . . . or electronically coded identification and debit card, shall be subject to the penalties for larceny under sections 53a-122 and 53a-123, depending on the amount involved."

18. By engaging in the aforementioned acts or practices, Cherkaoui has also acted unethically and unscrupulously in that the conduct is clearly outside the bounds of normative business behavior.

19. By engaging in the aforementioned acts or practices, both beneficiaries and the SNAP program have been unjustifiably harmed.

19. Cherkaoui has therefore engaged in unfair and deceptive acts or practices in violation of Conn. Gen. Stat. § 42-110b(a).

SECOND COUNT: CUTPA CIVIL PENALTIES UNDER CONN. GEN. STAT. § 42-110o

1- 19. Paragraphs 1 through 18 of the First Count of this Complaint are hereby repeated and realleged as Paragraphs 1 through 18 of the Second Count as if fully set forth herein.

20. Cherkaoui knew or should have known that his conduct alleged herein violated Conn. Gen Stat. § 42-110b.

PRAYER FOR RELIEF

WHEREFORE, the State of Connecticut requests the following relief:

1. A finding that by the acts alleged herein Cherkaoui engaged in unfair and deceptive acts and practices in the course or trade of commerce within the State of Connecticut in violation of the Connecticut Unfair Trade Practices Act;

2. An order pursuant to Conn. Gen. Stat. § 42-110o directing Cherkaoui to pay a civil penalty of $5,000 for each and every willful violation of the Connecticut Unfair Trade Practices Act;

3. An order pursuant to Conn. Gen. Stat. § 42-110m directing Cherkaoui to disgorge all revenues, profits, and gains achieved in whole or in part through the unfair and/or deceptive acts and practices complained of herein;

6 An order pursuant to Conn. Gen. Stat. § 42-110m directing Cherkaoui to pay reasonable costs and attorneys' fees;

7. Costs of suit; and

8. Such other and further relief as this Court deems just and equitable.

Dated at Hartford, Connecticut this 30th day of July, 2013.

PLAINTIFF
STATE OF CONNECTICUT
GEORGE JEPSEN
ATTORNEY GENERAL

By: _____

Michael E. Cole, Juris #417145
Chief, Antitrust and Government
Program Fraud Department
Gary Becker, Juris #427511
Karen Haabestad, Juris #410650
Jeremy Pearlman, Juris #422390
Assistant Attorneys General
55 Elm Street
Hartford, CT 06106
Tel: (860) 808-5540
Fax: (860) 808-5585

Return Date: August 27, 2013	:	
	:	
STATE OF CONNECTICUT,	:	**SUPERIOR COURT**
Plaintiff,	:	
	:	**JUDICIAL DISTRICT OF HARTFORD**
v.	:	**AT HARTFORD**
	:	
SAAID CHERKAOUI	:	**July 30, 2013**
Defendant	:	

AMOUNT IN DEMAND

The amount in demand herein exceeds Fifteen Thousand Dollars ($15,000.00), exclusive of interest and costs.

PLAINTIFF
STATE OF CONNECTICUT
GEORGE JEPSEN
ATTORNEY GENERAL

By: _____

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