



COMPLAINT REFERRAL FORM

Complaint ID: I0811171628107671

The following information was provided by the victim and may be forwarded to the appropriate law enforcement or regulatory agencies.

Date: 11/17/2008 16:28:10

Victim Information

Name: Juan Isidro Gracia
Business Name:
Age: 20 - 29
Gender: M
Address: 1142A Gravel St
City: San Marcos
Do you live within the city limits?: Yes
County: Hays
State: Texas
Country: United States
Zip Code/Route: 78666
Phone number: 5122893920
Email Address: JG1153@hotmail.com

Name of your local police or sheriff's office:
San Marcos Police Department

Is the complaint you are filing related to the Internet or an online service? Yes

Do you have pertinent documents in paper form? Yes

Information about the Individual/Business that victimized you

Business Name: DTS Herps, Inc.
Name: Dan Scolaro
Gender: M
Address: 5970 SW 18th Street
Suite 245
City: Boca Raton
State: Florida
Country: United States
Zip Code/Route: 33433
Phone number: 9544268286
Email Address: Danscolaro@aol.com

Other Identifiers

Web Site:
IP Address:
IRC Server:
Chat Room Name:
Usenet Newsgroup:
Other:

Monetary Loss

If you lost money from the incident you are reporting, please specify the total dollar amount of your loss.
1010.00

Please indicate the means of payment (select all that apply)

- Cash
- Cashier's Check
- Check/Debit Card
- Credit Card
- Money Order
- Wire Transfer
- Other (Specify)Paypal

Did you use a third party online payment service such as PayPal, BidPay, Escrow? Yes

Description of the Incident

Describe in your own words how you have been victimized.

on 7/6/08 I contacted Dan Scolaro of DTS Herps, Inc. about an ad posted on Kingsnake.com regarding the sale of some Blue Marine File Snakes. Each snake was being sold for \$250.00. I negotiated a price of \$950.00 for two pairs of these snakes(2 females, two males)plus a \$60.00 shipping fee for a total of \$1010.00. These animals where supposed to be blue(blue and black stripes), fungus free, and healthy according to his ad. There was also a live arrival guarantee. The money (\$1010.00) paid to him on 7/6/08 through Paypal(ID: 4YF06400736055425). Mr Scolaro was advised that I was presently working in Alaska and would remain at work for an indefinite amount of time therefore the animals would have to be shipped to my roommate, Lemuel Burciaga, in San Marcos TX so shipping would have to be coordinated with him which he agreed to. The snakes were shipped through FEDEX (tracking number:865633436043) on Monday 7/21/08 to arrive on Tuesday 7/22/08. When the animals were received on 7/22/08 by Mr. Burciaga one was dead on arrival, one had a lesion on the ventral side, and all four snakes were heavily infected with fungus. In addition 2 of the animals were not blue(striped) but completely black (all black animals can be obtained regularly for \$100.00 or less) which is not what was advertised and not what I paid the extra expense for. When Mr. Burciaga received these animals he immediately contacted me in Alaska at which time I instructed him to take photo documentation of the condition of the animals to be submitted to Mr. Scolaro. I contacted Mr. Scolaro on 7/22/08 and forwarded the photos Mr. Burciaga had emailed me. Mr. Scolaro apologized profusely and promised to send four new healthy, blue animals. It was at this time Mr. Scolaro informed me he had a third party(Justyn Miller) in Texas ship these animals to me. In phone and email conversations on 7/22/08 and 7/23/08 Mr. Scolaro requested the animals that had been shipped to be sent back to the shipper(Mr. Miller).

I told him I could have Mr. Burciaga ship the animals back if he needed although shipping back might be a couple of days due to Mr. Burciaga's work schedule and most importantly due to the animals extremely sickly condition and rapid progression of the illness due to shipping stress if they were to be shipped back they would probably not survive the transit back. He then said he would get back to me regarding the return of the animals. On 7/23/08 the snake with the ventral lesion died. On 7/24/08 Mr. Scolaro specifically instructed Mr. Burciaga and I not ship the animals back because it would probably be a wasted of money and that we would receive four new, healthy, blue, specimens as soon a new shipment of them arrived (according to him he had none left at this time). The other two remaining snakes also eventually perished even after extensive medical treatment. Over the course of the next three months I repeatedly contacted Mr. Scolaro about the new shipment of animals. For the two months he continued to tell me the export/import permits for the animals hadn't been approved and so the shipper(Mr. Miller) in Texas had been unable to acquire new animals , but the permits would be approved soon and new animals would arrive soon afterwards. On 10/17/08 after contacting Mr. Scolaro about the new snake shipment he informed me the permits had been approved and the shipper/importer(Mr. Miller) was in the process of acquiring more animals. On 10/29/08 I returned to Texas from Alaska. On 11/3/08 I contacted Mr Scolaro to check on the status of things. He Informed me he had been unable to contact Mr Miller for sometime and asked how long I would be back in Texas for to which I responded two weeks and that this situation whould have to be settled within this time period. Mr. Scolaro agreed, said he would either refund my money, or send me the four animals he had retained form the original shipment for himself unless he was able to get a hold of Mr. Miller and get me four new snakes through him. I told him that either one of those options would be fine. Mr. Scolaro then said he would attempt to contact Mr. Miller and contact me with his decision. He never called back and on 11/10/08 I once again contacted Mr. Scolaro about the status of the ongoing situation. He once again said he'd been unable to get a hold of Mr. Miller and what he was thinking of doing was either sending me his four snakes, or refunding me my money, or sending me 2 of the snakes he had and a partial refund (which I told him was unacceptable). He then said he would try to contact Mr. Miller once more and call me back to inform me of what would be done. A few minutes later Mr. Scolaro called me back and informed me he'd been able to contact Mr. Miller and Mr. Miller was scheduled to receive a new shipment of animals on Wednesday 11/12/08. He then sent me Mr. Miller's contact information so i could get in contact with him and coordinate shipping. I contacted Mr. Miller on 11/10/08

and he confirmed a shipment should arrive on Wednesday. On Wednesday 11/12/08 I contacted Mr. Miller regarding the shipments and I was informed the shipment had not arrived and perhaps might arrive next Wednesday. I then contacted Mr. Scolaro and asked him to settle things with me with the two week period we had agreed on ending on 11/16/08 by either sending me the four snakes he has in his possession or by refunding my money to which he answered I would have to wait indefinitely until the new shipment of animals happened to arrive at which point he would send me some new animals.

Please indicate any medium used by the individual/business in the course of the incident.

- Bulletin board
- Chat room
- Email
- Fax
- In person
- Internet messaging
- Mail
- Newsgroup
- Telephone
- Web site
- Wire
- Other

Please indicate the initial means of contact with the individual/business that victimized you.

Website

Was this initial means of contact unsolicited/uninvited?

No

What was your relationship with the individual/business you are complaining about prior to the incident you are reporting?

no prior relationship

Did you conduct any research on the individual/business prior to the incident?

No

How much time has passed since you determined you were victimized?

4 - 5 months

Contact Information

Are there witnesses or other victims to this crime?

Witness:

Lemuel Burciaga
1142A Gravel St.
San Marcos TX, 78666
512-289-3920
lemuelburciaga@yahoo.com

Have you reported this crime to any law enforcement or government agencies?

- Better Business Bureau
- Consumer protection agency
- Individual/business that victimized you
- Police/other law enforcement
- Private attorney

Provide the specific name of each organization, contact name, contact phone number, email address, date reported, and report number (if known).

San Marcos Police Department
2300 IH 35 South
San Marcos TX 78666
512-393-5919
Officer: Nevarez
Case # 08-77940
contacted on 11/17/08