



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

June 30, 2015

DMS NOTICE
P-15-03
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Settlement – Shiralian Enterprises, Inc. (a California Corporation), dba EZ Trip Truck Stop

Enclosed is a copy of the Stipulated Final Judgment and Permanent Injunction issued against Shiralian Enterprises, Inc. (a California Corporation), dba EZ Trip Truck Stop. The case was filed on January 2, 2015, by the District Attorney's Office of Fresno County for delivering, distributing, selling or offering for sale non-conforming petroleum engine fuels for use in automotive engines, violations of California Business and Professions Code (BPC) Chapter 14, Articles 6,8,9 and 14.5, unfair competition (BPC section 17200), and false and misleading advertising (BPC section 17500).

The California Department of Food and Agriculture, Division of Measurement Standards (Department) worked with Fresno County weights and measures officials on this case. The total settlement was for \$50,000. Civil penalties amounted to \$32,000, and agency costs were \$18,000.

Fresno County should report these penalties on the County Monthly Report.

The Department appreciates the fine work done by the Fresno County District Attorney's Office along with the state and county investigators that documented and caused to be prosecuted these violations. If you have any questions, please contact Andrea Alley, Supervising Special Investigator, Petroleum Enforcement at (916) 229-3049, or andrea.alley@cdfa.ca.gov.

Sincerely,

Kristin J. Macey
Director

Enclosure

cc: Gary Leslie, County/State Liaison, CDFA



1 ELIZABETH A. EGAN
2 DISTRICT ATTORNEY, COUNTY OF FRESNO
3 EDWARD T. BROWNE, SBN 167638
4 DEPUTY DISTRICT ATTORNEY
5 929 L. Street
6 Fresno, California 93721
7 Telephone: (559) 488-3156

8 ATTORNEYS FOR PLAINTIFF

FILED

JAN 12 2015

FRESNO COUNTY SUPERIOR COURT

By _____

DEPT. 307

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 SHIRALIAN ENTERPRISES, Inc. (a
16 California Corporation), dba EZ TRIP
17 TRUCK STOP (located at 6725 North Golden
18 State Boulevard, Fresno California),

19 Defendant(s).

Civil Case No.: **14 CE CG 03888**

D.A. Case No.: 14-11071

**STIPULATED FINAL JUDGMENT AND
PERMANENT INJUNCTION.**

20 THE PEOPLE OF THE STATE OF CALIFORNIA, appearing through its attorneys,
21 ELIZABETH A. EGAN, District Attorney of Fresno County, California, by and through
22 EDWARD T. BROWNE, Deputy District Attorney, SHIRALIAN ENTERPRISES, INC,
23 Individually and dba EZ TRIP TRUCK STOP, by and through its attorney, HADI-TY
24 SEYEDIN KHARAZI, and,

25 All parties having stipulated and consented to this Final Judgment without the taking of
26 any evidence regarding any issue of law or fact; and,

27 The Court having considered the pleadings, the Stipulation of the parties, and good
28 cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1 1. This Court has jurisdiction of the parties to this Judgment and of the subject
2 matter in this action, and that the injunctive provisions of this Judgment are issued pursuant to
3 Business and Professions Code § 17203.

4 2. The provisions of this Final Judgment apply to the Defendant who is party to
5 this Judgment, their successors, subsidiaries, divisions, officers, directors, agents, employees,
6 representatives, and all other persons and entities who act in concert with said Defendant who
7 have actual or constructive notice of this Judgment.

8 3. Pursuant to Business and Professions Code § 17203, Defendant and their agents,
9 representatives, employees, Defendant's successor corporations, other businesses in which
10 Defendant either separately or in conjunction with other Defendant have an ownership interest
11 which exceeds twenty-five percent (25%), Defendant's officers, directors, managers, agents,
12 servants, representatives, employees, independent contractors, consultants, franchisees, and all
13 other persons acting in concert or in participation with Defendant or any of them who have
14 actual or constructive notice of this judgment are hereby permanently enjoined and restrained
15 from violating Business and Professions Code, Chapter 14, Articles 8,9, 12, and 14.5 which
16 pertain to the sale of petroleum including but are not limited to the following:

17 (a) Defendant is enjoined from misrepresenting the brand, grade quantity, or
18 price of a petroleum products.

19 (b) Defendant is enjoined from using false or deceptive representations or
20 designations in connection with the sale of petroleum products.

21 (c) Defendant is enjoined from failing to sell petroleum products or services
22 as advertised.

23 (d) Defendant is enjoined from failing to sell or have available for sale
24 advertised petroleum products of a designated brand, grade, trademark, or trade name.

25 (e) Defendant is enjoined from making false, deceptive, or misleading
26 statements concerning conditions of sale or price reductions.

27 (f) Defendant is enjoined from making representations and statements as set
28 forth above in subparagraphs 3(a) through 3(e) in violation of Business and Professions Code

1 section 13413, and untrue or misleading when made, and were known, or should have been
2 known, by defendant to be untrue or misleading.

3 (g) Defendant is enjoined from violating Business and Professions Code
4 section 13451, by selling or delivering to any premises for the purpose of sale, any product as
5 or purported to be "diesel fuel," that failed to conformed to the specifications of this article
6 (Business and Professions Code, Division 5, Chapter 14, Article 6, (Standards For Diesel Fuel,
7 Kerosene, And Fuel Oils).

8 (h) Defendant is enjoined from violating Business and Professions Code
9 section 13480, by selling diesel fuel at any place where petroleum products are kept or stored
10 for sale, where there was not affixed to each container, receptacle, pump, dispenser, and inlet
11 end of the fill pipe of each underground storage tank, from which or into which that product is
12 drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name
13 of the product, the brand, trademark, or trade name of the product, and, in the case of engine
14 fuel and kerosene, the grade or brand name designation.

15 (i) Defendant is enjoined from violating Business and Professions Code
16 section 13486, by selling diesel fuel at any place of business where petroleum products are
17 sold, for any person by delivering into a storage tank or container any petroleum product other
18 than the product identified on the label attached to the storage tank or container or selling by
19 means of, or through, a pump or other device, any petroleum product other than the product
20 identified on the required label, tag, or sign attached to the pump or other device.

21 (k) Defendant is enjoined from violating Title 4 of the California Code of
22 regulations sections 4144 and 4148 in that the diesel fuel sold by the Defendant did not shall
23 meet the specifications set forth by the American Society for Testing and Materials ("ASTM")
24 International in the latest version of Standard Specification for Diesel Fuel Oils D-975
25 contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5,
26 Volume 05:01.

CIVIL PENALTIES

4. Defendant is hereby ordered, pursuant to Business and Professions Code sections 17206 and 17536, a civil penalty and costs of fifty thousand dollars (\$50,000.00) to the Fresno County District Attorney Consumer Protection Unit as agreed civil penalties and miscellaneous costs. Said payment shall be made no later than December 31, 2014. Said payment shall be made by certified check or money order payable to *Fresno County District Attorney* and shall be distributed by the Fresno County District Attorney as follows:

a) To the County of Fresno, District Attorney, Consumer and environmental Protection Unit, the sum of thirty-two thousand dollars (\$32,000.00) as agreed civil penalties.

b) To the County of Fresno, Department of Agriculture, the sum of six thousand eight hundred twenty-seven dollars and forty-four cents (\$6,827.44) for cost of investigation.

c) To the State of California, department of Agriculture, Division of Measurement Standards (DMS), the sum of eleven thousand one hundred seventy-two dollars and fifty-six cents (\$11,172.56).

5. The civil penalties shall be paid to the Fresno County District Attorney's Office Consumer and Environmental Protection Unit for the continued enforcement of consumer and environmental laws.

6. This judgment shall not be dischargeable in any bankruptcy proceedings.

7. Each party shall bear all other costs of suit incurred in this action.

8. All forms of notice of service required to be made upon any Defendant for the purpose of enforcement of the terms of this Judgment shall be deemed to have been made when such service has been made by United States mail as follows:

a) SHIRALIAN ENTERPRISES, INC, by HADI-TY SEYEDIN
KHARAZI at 2000 Fresno Street, Suite 300, Fresno, Ca 93721.

9. Jurisdiction is retained for the purpose of enabling any party to this Judgment to apply to the Court at any time for such further orders or directions as may be necessary or

1 appropriate for the carrying out of this Judgment, for the modification or termination of any of
2 the injunctive provisions herein, for the enforcement of compliance herewith and for
3 punishment of violations hereof.

4 10. This Judgment shall take effect immediately upon entry thereof.

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6 Dated: 1-2-15

DONALD S. BLACK

7 Judge

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