

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, WEST JUDICIAL DISTRICT, AIRPORT COURT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

WILSHIRE WEST CAR WASH, LLC  
SOROUDI, MEHDI  
PENDLETON, GARY ALLEN  
TORRES, RIGOBERTO  
VIRAMONTES, REMBERTO  
MAXXAM ENTERPRISES III, LLC

Defendants.

Case No. 3 WA 20320

FIRST AMENDED COMPLAINT

CONFIRMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

MAR 20 2013

John A. Clarke, Executive Officer/Clerk  
By Linda Acie, Deputy

DR # 13-CA0134

The undersigned upon information and belief complains that:

**COUNT 1**

Beginning as early as in or about August 2003, and continuing until on or about January 22, 2013, within the City of Santa Monica, a violation of Section 182(a) of the California Penal Code, a misdemeanor, was committed by MEHDI SOROUDI, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who willfully and unlawfully conspired together to cheat and defraud persons of property and labor by means which were in themselves criminal, a misdemeanor. Specifically, said defendants conspired to commit the following crimes:

- a. Grand theft, in violation of Penal Code Section 487(a);
- b. Paying less than the minimum wage, in violation of Labor Code Section 1199(b);
- c. Failing to provide required meal periods, in violation of Labor Code Section 512(a);

d. Collecting wages previously paid to an employee, in violation of Labor Code Section 221;

e. Failing to comply with Industrial Welfare Commission Order Number 9-2001, Section 5(A), by not providing reporting time pay, in violation of Labor Code Section 1199(c);

f. Failing to comply with Industrial Welfare Commission Order Number 9-2001, Section 4(c), by not providing supplemental pay to employees required to work a split shift, in violation of Labor Code Section 1199(c);

g. Failing to comply with Industrial Welfare Commission Order Number 9-2001, Section 12(A), by not providing paid break periods of ten minutes per four hours worked, in violation of Labor Code Section 1199(c);

Pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, each of the defendants committed, and caused others to commit, among other things, the following overt acts in the City of Santa Monica. Each of these overt acts was committed by the defendants against their employees at Wilshire West Car Wash in Santa Monica, California, on a regular and continuous basis, beginning at least as early as in or about August 2003, and continuing until in or about January 2013, unless another date is specified:

(1) Altered employee time records and created false employee time records for the purpose of, and with the result of, depriving employees of pay for certain hours worked;

(2) Created false time records to give the appearance that employees began work later, and ended work earlier, than they in fact did;

(3) Created false time records to give the appearance that employees took a meal break when in fact the employees were still on duty at the time;

(4) Failed and refused to give employees a paid rest period for every four hours worked;

(5) Failed and refused to give employees a meal break of at least 30 minutes for shifts of at least five hours;

(6) In or about March 2012, coerced employees into signing declarations which falsely stated that the employees had received ten-minute breaks for every four hours worked;

(7) Forced employees to pay a regular fee for cable television even though they were not allowed to watch television on the job;

(8) Forced employees to pay a regular fee for towel laundering;

(9) Failed and refused to pay employees the legal minimum wage;

(10) Threatened, harassed and punished employees who questioned the defendants' unlawful behavior;

(11) Failed and refused to provide supplemental pay to employees who were required to work a split shift;

(12) Failed and refused to provide reporting time pay to employees.

## COUNT 2

Beginning in or about August 2003 and continuing until in or about November 2012, within the City of Santa Monica, a violation of Section 487(a) of the California Penal Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who with respect to Jose Israel Rodriguez, willfully and unlawfully stole property and labor and by false or fraudulent representation and pretense, defrauded of money and labor of a value exceeding nine hundred and fifty dollars specifically, an amount of at least approximately \$68,820.00.

## COUNT 3

Beginning in or about April 2004 and continuing until in or about November 2012, within the City of Santa Monica, a violation of Section 487(a) of the California Penal Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who with respect to Ricardo Gonzalez willfully and unlawfully stole property and labor and by false or fraudulent representation and pretense, defrauded of money and labor of a value exceeding nine hundred and fifty dollars, specifically, an amount of at least approximately \$63,860.00.

## COUNT 4

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(b) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who then and there paid or caused to be paid to Jose Israel Rodriguez a wage less than the minimum fixed by an order of the California Industrial Welfare Commission.

#### COUNT 5

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(b) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who then and there paid or caused to be paid to Ricardo Gonzalez a wage less than the minimum fixed by an order of the California Industrial Welfare Commission.

#### COUNT 6

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 512(a) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who employed Jose Israel Rodriguez for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes.

#### COUNT 7

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 512(a) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who employed Ricardo Gonzalez for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes.

#### COUNT 8

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 221 of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who collected or received from Jose Israel Rodriguez any part of the wages previously paid to said employee.

### **COUNT 9**

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 221 of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who collected or received from Ricardo Gonzalez any part of the wages previously paid to said employee.

### **COUNT 10**

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide paid ten-minute rest periods to Jose Israel Rodriguez for every four hours worked as required by Industrial Welfare Commission Order Number 9-2001, Section 12.

### **COUNT 11**

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide paid ten-minute rest periods to Ricardo Gonzalez for every four hours worked as required by Industrial Welfare Commission Order Number 9-2001, Section 12.

### COUNT 12

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide supplemental pay to Jose Israel Rodriguez for working split shift, as required by Industrial Welfare Commission Order Number 9-2001, Section 4(c).

### COUNT 13

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide supplemental pay to Ricardo Gonzalez for working split shift, as required by Industrial Welfare Commission Order Number 9-2001, Section 4(c).


### COUNT 14

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide reporting time pay to Jose Israel Rodriguez, as required by Industrial Welfare Commission Order Number 9-2001, Section 5(a).

**COUNT 15**

On a continuing and regular basis between on or about January 22, 2012 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide reporting time pay to Ricardo Gonzalez, as required by Industrial Welfare Commission Order Number 9-2001, Section 5(a).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 19, 2013 at Santa Monica, California.



COMPLAINANT