

## Detterman, Mark, Env. Health

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**From:** Mitch Hajiaghai [mh.sierra@sbcglobal.net]  
**Sent:** Wednesday, June 20, 2012 10:01 AM  
**To:** Paulkgarg@hotmail.com; abhg25@gmail.com  
**Cc:** Cindy Davis; cheadlee@waterboards.ca.gov; Detterman, Mark, Env. Health; loofwcd@aol.com  
**Attachments:** Second Notice of Action.pdf

Second Notice of Action, Fuel Leak Case No. RO00000257 (Global ID#T0600102154) State UST Fund Claim #16970, ABE Petroleum, 17715 Mission Boulevard, Hayward, California

Please note my new email address:

Mitch Hajiaghai  
[mitch@sierraenvironmentalinc.com](mailto:mitch@sierraenvironmentalinc.com)



**Sierra Environmental, Inc.**  
*Environmental Consultants*

**June 20, 2012**

**Mr. Som Gupta**  
**ABE Petroleum LLC**  
**2224 Railroad Avenue**  
**Pittsburg, CA 94565**  
**(925) 519-9305**

**Mr. Paul Garg**  
**ABE Petroleum LLC**  
**105 Hickory Court**  
**Danville, CA 94506**  
**(925) 383-5131**

**Subject: Second Notice of Action, Fuel Leak Case No. RO00000257 (Global ID#T0600102154) State UST Fund Claim #16970, ABE Petroleum, 17715 Mission Boulevard, Hayward, California**

**Mr. Paul Garg and Mr. Som Gupta:**

On May 29, 2012, Sierra mailed a letter to both of you indicating that State Underground Storage Tank Cleanup Fund (USTCF) has released reimbursement #16 and #17, and provided procedures for you to write checks to Sierra Environmental, Inc. (Sierra) for several delinquent invoices.

On June 9, 2012, Sierra received an email from Mr. Abe Gupta indicating that he has received a check from the State for \$15,578.00, and whether he should send Sierra the check. Sierra requested Mr. Abe Gupta to deposit the State check in ABE Petroleum LLC account, and write one of the ABE Petroleum LLC. Check for \$15,578.00 to Sierra Environmental, Inc. for the related invoices.

Mr. Abe Gupta asked Sierra whether he could just endorse the State's check to Sierra. Sierra indicated that USTCF does not accept his method of payment, and he should follow the procedures explained to him. On June 11, 2012, Mr. Abe Gupta responded "My father and I are busy with other matters right now. We will process this check in reasonable time. I will notify when it is ready". Convenient to them, he did not explain what are the other matters that are of such importance, and when he would consider reasonable to pay us. The reasonable time for our payments was 7 months ago (see the attached account statement). As of today, Sierra has not heard from him. It appears that you and your associate either do not take your obligations and responsibilities to pay Sierra serious even when the State is paying for your bills, or you deliberately delaying payments using bogus excuses to inflict further financial hardship and burden to us. This is outrageous.

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980 W. Taylor Street  
San Jose, CA 95126  
Phone (408) 971-6758  
Fax (408) 971-6759

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Depositing the State check and issuing payment to Sierra should not take more than couple of days. Mr. Paul Garg had done it numerous times in the past. There is absolutely no legitimate reason for you to illegally holding the fund when you have signed State documents that you would pay Sierra when you receive it. Sierra expects to have its payment (\$15,578) at its office located at 980 W. Taylor Street, San Jose, CA 95126, no later than Friday June 22, 2012. Sierra holds both of you responsible for the conditions imposed on us, and is determined to take appropriate actions to secure its long-overdue payments as well as all other costs incurred by you and your associate conducts.

Please call me at (408) 971-6758 if you have questions.

**Sincerely Yours,  
Sierra Environmental, Inc.**

A handwritten signature in black ink, appearing to read 'Mitch Hajiaghai', written over a faint, illegible typed name.

**Mitch Hajiaghai, REA II, CAC  
Principal**

CC: Mr. Chuck Headlee, RWQCB (Via Email)  
Mr. Mark Detterman, ACHCSA (Via Email)  
Ms. Cindy Davis, State USTCF (Via Email)  
Mr. William Dresser (Via E Mail)

Enclosure: Account Statement



SIERRA ENVIRONMENTAL, INC.  
Environmental Consultants

ACCOUNT STATEMENT									
INVOICE NUMBER	INVOICE AMOUNT	INVOICE DATE	PROJECT NAME	THIS MONTH	OVER 110 DAYS	OVER 180 DAYS	OVER 300 DAYS	OVER 355 DAYS	
1319	\$865.00	5/2/2011	ABE P.					\$865.00	
1337	\$3,654.00	6/28/2011	ABE P.					\$3,654.00	
1348	\$1,945.00	8/17/2011	ABE P.				\$1,945.00		
1349	\$5,490.00	8/26/2011	ABE P.				\$5,490.00		
1367	\$3,624.00	12/21/2011	ABE P.			\$3,624.00			
1384	\$19,577.00	2/29/2012	ABE P.		\$19,577.00				
<b>TOTAL AMOUNT PAST DUE</b>				<b>\$35,155.00</b>					

SITE:  
ABE Petroleum, LLC  
17715 Mission Blvd.  
Hayward, CA

CLIENT(S):  
Mr. Paul Garg &  
Mr. Som Gupta

DATE: 6/20/2012

Interest at the rate of one and one-half percent (1.5%) or the maximum rate allowable by law per month, shall be payable on any unpaid amount after thirty (30) days from date of invoice, payment to be applied first to accrued late payment charges and then to the principal unpaid amount. The clients will be responsible to pay for all legal and other incurred costs on Sierra to collect its past due accounts.

980 W. Taylor St. • San Jose • California • 95126  
Tel (408) 971-6758 • Fax (408) 971-6759

## Detterman, Mark, Env. Health

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**From:** Abe [abegupta@gmail.com]  
**Sent:** Wednesday, June 20, 2012 11:33 AM  
**To:** Mitch Hajiaghai  
**Cc:** Cindy Davis; cheadlee@waterboards.ca.gov; Detterman, Mark, Env. Health; loofwcd@aol.com; Mitch Hajiaghai; Som D Gupta  
**Subject:** Re:

Mr. Hajiaghai,

Please stop making baseless threats. As already stated:

**My father and I are busy with other matters right now. We will process** this check in **reasonable** time. I will notify when it is ready.

Further, please stop sending or directing correspondence to Mr. Paul Garg. We have processed all paperwork with you and the State so such correspondence comes to us. Your multiple threats to everyone are pointless and very unproductive. I venture to say that if you redirected your threatening efforts to closing down the site, the site would have been closed by now and all of us as taxpayers would be saving a lot of money. Since you have chosen to email four government employees, it begs the question: What have you done to close the site?

I do not understand the last line of your letter, but to the extent you have threatened to bring a legal action: rest assured my office is more than prepared to assert all claims against your company including for defamation of title, trespass and other torts. Any further lack of response to your emails or letters is not intended to convey any agreement with their content.

Regards,

abe gupta | [abegupta@gmail.com](mailto:abegupta@gmail.com) | t (925) 519-7956 | f (925) 269-2380 | [abegupta.com](http://abegupta.com)

On Wed, Jun 20, 2012 at 11:24 AM, Som D. Gupta <[abhg25@gmail.com](mailto:abhg25@gmail.com)> wrote:

Regards,  
Som D. Gupta  
(925) 519-9305 (cell)  
[abhg25@gmail.com](mailto:abhg25@gmail.com)

----- Forwarded message -----

From: **Mitch Hajiaghai** <[mh.sierra@sbcglobal.net](mailto:mh.sierra@sbcglobal.net)>

Date: Wed, Jun 20, 2012 at 10:01 AM

Subject:

To: [Paulkgarg@hotmail.com](mailto:Paulkgarg@hotmail.com), [abhg25@gmail.com](mailto:abhg25@gmail.com)

Cc: Cindy Davis <[cdavis@waterboards.ca.gov](mailto:cdavis@waterboards.ca.gov)>, [cheadlee@waterboards.ca.gov](mailto:cheadlee@waterboards.ca.gov), "Env. Health Detterman Mark"

<[mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)>, [loofwcd@aol.com](mailto:loofwcd@aol.com)

Second Notice of Action, Fuel Leak Case No. RO00000257 (Global ID#T0600102154) State UST Fund Claim #16970, ABE Petroleum, 17715 Mission Boulevard, Hayward, California

Please note my new email address:

Mitch Hajiaghai

[mitch@sierraenvironmentalinc.com](mailto:mitch@sierraenvironmentalinc.com)