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SANTA CRUZ

# Mission Street gas station owner is target of district attorney lawsuit

The owner of a Mission Street gas station is facing a district attorney's lawsuit today in connection with allegations he sold gas which was contaminated with water and also improperly disposed of fuel.

The owner of Andy's Texaco station on Mission Street, Andy Saberi, is named as a defendant in the lawsuit which was filed Tuesday.

At least 20 persons have had their cars damaged by the gas, the suit charges. District Attorney Art Danner is asking that Saberi pay these car owners \$2,500 each. Total damages should not be less than \$50,000, the suit is asking.

Selling water-contaminated gas is a violation of the Business and Professions Code, and disposing of gas by flushing it down a toilet goes against the Health and Safety Code, according to the suit.

The suit alleges Saberi disposed of gasoline by dumping it down a toilet.

The lawsuit also asks that Saberi be required to repair the leaks which allegedly are causing water to get into underground storage tanks, and that he be fined \$25,000 for each day he was in violation of the Health and Safety Code by dumping gas down a toilet.

Saberi was arrested by Santa Cruz City Police last week when he allegedly refused to sign a citation for selling water-contaminated gas. These charges are pending and Saberi hasn't been formally charged by the District Attorney's office, according to Assistant District Attorney Don Gartner.

The District Attorney's office was assisted in its investigation by the Department of Weights and Measures.

Besides asking that Saberi pay for the damages, the suit also asks the court to require Saberi to check each gas storage tank at his Santa Cruz facilities for water contamination.

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Saberi, president of the San Francisco-based Sabek, Inc., also owns a bulk storage plant at 133 Fern St.

The District Attorney's office also is asking that Saberi be required to inspect fuel samples daily for contamination and to perform tests to check if there are leaks in any of his fuel storage tanks.

Dave Moeller of the county Weights and Measures Department said the problem with water contamination at Andy's Texaco has been an ongoing one, with complaints received as far back as Jan. 1980. It was then that Moeller claimed he observed a gas station attendant dumping fuel down the toilet.

Earlier this year, Moeller said, he ordered regular gas pumps closed down at the station for several months when customers complained about problems with the gas. These pumps have been reopened, he said, since no water has been detected recently.

The latest complaints involved unleaded gas. The unleaded pumps at the station were closed by Moeller on Aug. 20.

However, Moeller said, the station still is selling unleaded gas. The owner apparently transferred the unleaded gas into the storage tank that once held regular gas.

Moeller is still searching for any persons who believe their cars were damaged by the gas. Anyone with information was asked to call him at 425-2162.