Clarkson

Glenn A. Danas, Esq.
Partner

Clarkson Law Firm P.C.
22525 Pacific Coast Highway
Malibu, CA 90265
Tel: (213) 788-4050
Direct: (213) 786-1071
Fax: (213) 788-4070
gdanas@clarksonlawfirm.com

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VIA ONLINE ELECTRONIC SUBMISSION

California Labor & Workforce
Development Agency
455 Golden Gate Avenue, 9th Floor
San Francisco, California 94102
SUBMITTED ONLINE

Re: Notice Pursuant to California Labor Code § 2699.3 re Sares Regis Operating Company LP.

Pursuant to the Private Attorneys General Act of 2004 ("**PAGA**"), Cal. Labor Code § 2698, *et seq*., Mr. Daniel Flores provides this notice on behalf of himself and other aggrieved employees in the State of California to the Labor and Workforce Development Agency ("**LWDA**") and Sares Regis Operating Company LP of Labor Code and Industrial Welfare Commission ("**IWC**") Wage Order violations committed by Sares Regis Operating Company LP and personally experienced by Mr. Flores. Please allow this letter to serve as a notice and a request pursuant to § 2699.3 of the California Labor Code that your agency investigate the claims described below. If the agency does not intend to investigate the alleged violations, we ask that you please notify us of that fact. If your agency decides not to investigate the below-described claims, Mr. Flores intends to pursue civil penalties and injunctive relief through a court action and/or in arbitration, on behalf of himself and the other aggrieved employees against whom Labor Code and Wage Order violations were committed by Sares Regis Operating Company LP.

Introduction

Sares Regis Operating Company LP is headquartered in Newport Beach, California. Sares Regis Operating Company LP paid employees an hourly wage and classified them as non-exempt employees. Sares Regis Operating Company LP has violated numerous provisions of the California Labor Code and applicable IWC Wage Order by denying its employees compensation, other benefits, and statutory entitlements that they are owed. These employees were required to regularly worked more than eight hours in a workday and more than forty (40) hours in a workweek

One of the many individuals whom Sares Regis Operating Company LP hired as a non-exempt employee is Mr. Flores. Mr. Flores worked for Sares Regis Operating Company LP as a non-exempt employee since November 2023, in California. During this entire time, Mr. Flores has been under Sares Regis Operating Company LP's control in accordance with strict guidelines.

Unless the agency decides to investigate and issue citations for Sares Regis Operating Company LP's numerous Labor Code and Wage Order violations, Mr. Flores intends to bring a representative action in court and/or in arbitration seeking civil penalties for violations of the Labor Code that are recoverable under PAGA on behalf of the State of California and all other aggrieved employees. The aggrieved employees on whose behalf Mr. Flores will file a PAGA civil action include all current and former hourly or non-exempt employees who worked for Sares Regis Operating Company LP in the State of California during the applicable statutes of limitations period.

As set forth below, Sares Regis Operating Company LP has violated and/or continues to violate, among other provisions of the California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 226.8, 510, 512(a), 1194, 1997, 1997.1, 1198, 2802, and IWC Wage Orders, including inter alia, Wage Order No. 4, and Mr. Flores has personally experienced each of these violations.

Failure to Provide Meal Periods and Rest Periods

California law requires employers to provide their employees with an opportunity to take an uninterrupted meal period of no less than thirty (30) minutes before the end of the fifth hour of work when an employee works more than five (5) hours in a day. Cal. Lab. Code §§ 226.7, 512(a); Wage Order No. 4. A second meal period of no less than thirty (30) minutes must be provided before the end of the tenth hour of work when an employee works more than ten (10) hours in a day. Cal. Lab. Code §§ 226.7, 512(a); Wage Order No. 4. Further, an employer must provide an uninterrupted rest period of no less than ten (10) minutes for every four (4) hours, or major fraction thereof, worked. Cal. Lab. Code § 226.7; Wage Order No. 4. When an employer fails to provide a meal or rest period, an hour of pay at the employee's regular rate of compensation is owed to the employee. Cal. Lab. Code § 226.7(c).

Sares Regis Operating Company LP failed to provide Mr. Flores or the other aggrieved employees with an opportunity to take timely, uninterrupted meal and rest periods of the requisite length, free from employer control. For example, Mr. Flores and other aggrieved employees were not relieved of all duties and remained subject to Defendant's control, including the requirement to remain available, monitor communications, and respond immediately to work-related issues. Sares Regis Operating Company LP also failed to compensate Mr. Flores and the other aggrieved employees properly for the non-compliant meal and rest periods including, inter alia, missed, short, late, and/or interrupted meal and rest periods. Sares Regis Operating Company LP also failed to pay premium wages for the many meals and rest breaks that Mr. Flores and the aggrieved employees were deprived of.

Failure to Pay Minimum Wages and Failure to Pay Overtime Wages

Sares Regis Operating Company LP violated California Labor Code sections 1194, 1197, and 1197.1 and Wage Order No. 4 by failing to pay Mr. Flores and other aggrieved employees at least minimum wages for all hours worked. Mr. Flores and other aggrieved employees were required or knowingly permitted to perform work duties off-the-clock, including participating in a mandatory on-call rotation during which they were only compensated for time actually spent responding to a call, but not for any of the time they spent on standby or on-call status. By failing to pay Mr. Flores and other aggrieved employees any wages for their time spent performing work duties for Sares Regis Operating Company LP, Sares Regis Operating Company LP violated Labor

Code sections 1194, 1197, and 1197.1 and Wage Order No. 4, which require employers to pay at least the legal minimum wage to their employees.

California Labor Code section 510 and Wage Order No. 4 require employers to pay no less than one and one-half times the regular rate of pay of the employee for hours worked in excess of eight (8) hours in one workday, for hours worked in excess of forty (40) hours in one workweek, and for the first eight (8) hours worked on the seventh day of work in any one workweek, and to pay no less than twice the regular rate of pay of the employee for hours worked in excess of twelve (12) hours in one workday and for any work in excess of eight (8) hours on any seventh day of a workweek. During the relevant time period, Mr. Flores and other aggrieved employees worked over 8 hours in a day and/or 40 hours in a week without overtime compensation because Sares Regis Operating Company LP failed to pay them for their work duties, as described above. This was, in turn, due to Sares Regis Operating Company LP's practices or policies requiring Mr. Flores and other aggrieved employees to work off the clock to perform duties in including participating in a mandatory on-call rotation. Therefore, Mr. Flores and the other aggrieved employees were entitled to receive overtime compensation from Sares Regis Operating Company LP that Sares Regis Operating Company LP failed to pay, violating Labor Code § 510 and Wage Order No. 4.

Failure to Timely Pay Wages During Employment

California Labor Code section 204 requires that all wages earned by any person in any employment between the 1st and the 15th days, inclusive, of any calendar month, other than those wages due upon termination of an employee, are due and payable between the 16th and the 26th day of the month during which the labor was performed, and that all wages earned by any person in any employment between the 16th and the last day, inclusive, of any calendar month, other than those wages due upon termination of an employee, are due and payable between the 1st and the 10th day of the following month. California Labor Code section 204 also requires that all wages earned for labor more than the normal work period shall be paid no later than the payday for the next regular payroll period. During the relevant period, Sares Regis Operating Company LP failed to pay Mr. Flores and other aggrieved employees all wages due to them, including minimum wages, overtime wages, and meal and rest period premium wages, within any time period specified by California Labor Code section 204.

Failure to Keep Accurate Payroll Records

California Labor Code section 1174(d) requires an employer to keep at a central location in the state or at the establishments at which employees are employed, payroll records showing the hours worked daily by and the wages paid to, and the number of piece-rate units earned by and any applicable piece rate paid to, employees employed at the respective plants or establishments. These records shall be kept with rules established for this purpose by the commission, but in any case, shall be kept on file for not less than two years. During the relevant period, Sares Regis Operating Company LP failed to keep accurate and complete payroll records showing the actual hours worked daily and the wages paid to Mr. Flores and other aggrieved employees.

Failure to Furnish Accurate Itemized Wage Statements

Labor Code section 226(a) and Wage Order No. 4 require an employer semimonthly or at the time of each payment of wages to furnish wage statements to its employees setting forth, inter alia, (1) gross wages earned, (2) total hours worked by the employee, (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and only the last four digits of his or her social security number or an employee identification number other than a social security number, and (8) the name and address of the legal entity that is the employer. Sares Regis Operating Company LP failed to provide compliant wage statements to Mr. Flores and other aggrieved employees, despite being required to do so. Accordingly, Sares Regis Operating Company LP is subject to civil penalties under Labor Code section 226.3.

Failure to Reimburse Necessary Business Expenses

Labor Code section 2802 and Wage Order No. 4 require employers to indemnify their employees for all necessary business expenses that they incur in direct consequence of the discharge of his or her job duties or in direct consequence of his or her obedience to the directions of the employer. During the relevant period, Mr. Flores and other aggrieved employees incurred necessary business-related expenses and costs that were not fully reimbursed by Sares Regis Operating Company LP. These costs include, but are not limited to personal tools that employees were required to use to perform their duties. Indeed, Mr. Flores and the other aggrieved employees absorbed all the costs associated with performing their duties for Sares Regis Operating Company LP at their own expense and without reimbursement by Sares Regis Operating Company LP. Mr. Flores and the aggrieved employees are entitled to reimbursement for all such expenses.

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Sares Regis Operating Company LP has violated, caused to be violated, or is currently violating, numerous provisions of the California Labor Code, as described above. Mr. Flores respectfully requests that the agency investigate the above allegations, and, in any event, provide notice regarding its intent to investigate pursuant to Labor Code § 2699.3. If the agency does not intend to investigate the alleged violations, Mr. Flores respectfully requests a letter confirming the same so that we may bring a civil action seeking civil penalties and injunctive relief under PAGA against Sares Regis Operating Company LP for the violations described in this letter. Please know that we intend to file a civil complaint and to bring the appropriate claims under Labor Code § 2699 should your office decline to investigate. Should you require anything further or have questions, please do not hesitate to contact me. Thank you for your consideration.

Respectfully Submitted,
CLARKSON LAW FIRM, P.C.

Glenn A. Danas, Esq.

Via certified mail with return receipt:

Sares Regis Operating Company LP
3501 Jamboree Road, Suite 3000
Newport Beach, CA 92660

Sares Regis Operating Company LP
c/o Kenneth M. Coatsworth
3501 Jamboree Road, Suite 3000
Newport Beach, CA 92660