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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION
STATE OF CALIFORNIA**

In the Matter of the Accusation/Petition to
Revoke Probation Against:

Case No. A1 2005-120

**UNIVERSAL MATTRESS INC.,
DENNIS CONSTANTI, PRESIDENT**
15020 S. Figueroa Street
Gardena, CA 90248

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

License No. MFG 87030

Respondent.

FINDINGS OF FACT

1. On or about January 12, 2009, Complainant Rick Fong, in his official capacity as the Acting Chief of the Bureau of Home Furnishings and Thermal Insulation (Bureau), Department of Consumer Affairs, filed Accusation/Petition to Revoke Probation No. A1 2005-120 against Universal Mattress Inc., Dennis Constanti and Leslie Constanti, Principals (Respondent) before the Director of Consumer Affairs.

2. On or about March 5, 1999, the Bureau issued License No. MFG 87030 to Respondent. The License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

3. On or about January 20, 2009, Thurman Peden, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation/Petition to Revoke Probation No. A1 2005-120, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's

1 address of record with the Bureau, which was and is:

2 15020 S. Figueroa Street
3 Gardena, CA 90248.

4 A copy of the Accusation/Petition to Revoke Probation is attached as Exhibit A, and is
5 incorporated herein by reference.

6 4. Service of the Accusation/Petition to Revoke Probation was effective as a
7 matter of law under the provisions of Government Code section 11505, subdivision (c).

8 5. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the
10 respondent files a notice of defense, and the notice shall be deemed a specific
11 denial of all parts of the accusation not expressly admitted. Failure to file a notice
12 of defense shall constitute a waiver of respondent's right to a hearing, but the
13 agency in its discretion may nevertheless grant a hearing.

14 6. Respondent failed to file a Notice of Defense within 15 days after service
15 upon him of the Accusation/Petition to Revoke Probation, and therefore waived his right to a
16 hearing on the merits of Accusation/Petition to Revoke Probation No. A1 2005-120.

17 7. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at
19 the hearing, the agency may take action based upon the respondent's express
20 admissions or upon other evidence and affidavits may be used as evidence
21 without any notice to respondent.

22 8. Pursuant to its authority under Government Code section 11520, the
23 Director finds Respondent is in default. The Director will take action without further hearing
24 and, based on the evidence on file herein, finds that the allegations in Accusation/Petition to
25 Revoke Probation No. A1 2005-120 are true.

26 9. The total costs for investigation and enforcement in connection with the
27 Petition to Revoke Probation are five thousand five hundred thirty-two dollars and fifty-nine
28 cents (\$5,532.59) as of February 17, 2009.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent has subjected its
3 License No. MFG 87030 to discipline.

4 2. A copy of the Accusation/Petition to Revoke Probation is attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Director of Consumer Affairs is authorized to revoke Respondent's
7 License based upon the following violations alleged in the Accusation/Petition to Revoke
8 Probation:

9 a. Business and Professions Code sections 19080, 19081; Code of Federal
10 Regulations, title 16, section 1633.12, and California Code of Regulations, title 4,
11 section 1126 - Missing, Illegible, and/or Incorrect Information on Labels;

12 b. Non-compliance with Probationary Term No. 1 - Failure to Obey All
13 Laws;

14 c. Non-compliance with Probationary Term No. 2 - Failure to Comply with
15 Probation Monitoring Program;

16 d. Non-compliance with Probationary Term No. 3 - Failure to File Quarterly
17 Reports; and

18 e. Non-compliance with Probationary Term No. 8 - Labeling Violations.

19 **ORDER**

20 IT IS SO ORDERED that License No. MFG 87030, heretofore issued to
21 Respondent Universal Mattress Inc., Dennis Constanti and Leslie Constanti, Principals, is
22 revoked.

23 Pursuant to Government Code section 11520, subdivision (c), Respondent may
24 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
25 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
26 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
27 statute.

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This Decision shall become effective on _____.

It is so ORDERED _____

PATRICIA HARRIS
Deputy Director, Bureau Relations
Department of Consumer Affairs

60380392.wpd
DOJ docket number:LA2008504387

Attachment:
Exhibit A: Accusation/Petition to Revoke Probation No.A1 2005-120

Exhibit A

Accusation/Petition to Revoke Probation No. A1 2005-120