

6A HAND-DELIVERED  
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OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
(916) 274-5751  
FAX (916) 274-5785

MAR 10 2010

OSH Appeals Board

APPEAL FORM

2010-R 4 D 1 -0794

126203017

Inspection Number on Citation

UC Los Angeles - Dept. of Chemistry & Biochemistry  
Employer Name on Citation

University California at Los Angeles  
Employer Legal Name or DBA (Optional)

501 Westwood Plaza 4th Floor  
Address  
Box 951605

Los Angeles, CA 90095

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE  
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[  ] CITATION NO(s): 1 Item No(s): 1 - 10

[  ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): Item No(s):

[  ] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[  ] The safety order was not violated.

[  ] The classification (i.e. serious, willful, repeat) is incorrect.

[  ] The abatement requirements are unreasonable.

[  ] Required changes [  ] Time allowed to complete changes

[  ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>  
PLEASE SEE ATTACHMENT TO APPEAL FORM.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4.

[Redacted Signature Area]

(Signature of Employer or Employer's Representative)  
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Craig Moyer

(Type or print name)

Counsel for University of California, Los Angeles / Manatt, Phelps & Phillips, LLP

(Title)

11355 W. Olympic Boulevard

(Address) {Address where all communications from the Appeals Board will be sent}

Los Angeles

CA

90064

(City)

(State)

(Zip Code)

310-312-4353

cmoyer@manatt.com

03/ 9 /10

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

### IMPORTANT INFORMATION

- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
- C. If the citation or notification being appealed includes more than one item **do not use separate appeals forms for each item.** Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, "Citation No. 1, Item Nos. 2, 5, and 8)
- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
- E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.
- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

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Attachment to Appeal Form

OSH Appeals Board

Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry (“UCLA”) alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.

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OSH Appeals Board

**A P P E A L F O R M**

126203017  
**Inspection Number on Citation**

**2010-R 4 D 1 -0795**

UC Los Angeles - Dept. of Chemistry & Biochemistry  
**Employer Name on Citation**

1. You only have 15 working days from receipt of a citation to appeal.

University California at Los Angeles  
**Employer Legal Name or DBA (Optional)**

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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**Address**  
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**FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE  
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION**

- 1. This is an Appeal from:
  - CITATION NO(s): 2 Item No(s): 1
  - NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): \_\_\_\_\_ Item No(s): \_\_\_\_\_
  - SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

- 2. Specific ground(s) for this appeal are: (Check all that apply)
  - The safety order was not violated.
  - The classification (i.e. serious, willful, repeat) is incorrect.
  - The abatement requirements are unreasonable.
    - Required changes     Time allowed to complete changes
  - The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>  
**PLEASE SEE ATTACHMENT TO APPEAL FORM.**

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Attachment to Appeal Form

OSH Appeals Board

Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry (“UCLA”) alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.

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MAR 10 2010

OSH Appeals Board

**A P P E A L F O R M**

126203017

Inspection Number on Citation

**2010-R 4 D / -0796**

UC Los Angeles - Dept. of Chemistry & Biochemistry

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

University California at Los Angeles

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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**FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE  
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION**

1. This is an Appeal from:

CITATION NO(s): 3 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): \_\_\_\_\_ Item No(s): \_\_\_\_\_

SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes     Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>  
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OSH Appeals Board

Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry (“UCLA”) alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.

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MAR 10 2010

OSH Appeals Board

# APPEAL FORM

126203017  
**Inspection Number on Citation**

## 2010-R 4 D 1 -0797

UC Los Angeles - Dept. of Chemistry & Biochemistry  
**Employer Name on Citation**

1. You only have 15 working days from receipt of a citation to appeal.

University California at Los Angeles  
**Employer Legal Name or DBA (Optional)**

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

501 Westwood Plaza 4th Floor  
**Address**  
Box 951605

Los Angeles, CA 90095

**FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE  
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION**

- 1. This is an Appeal from:
  - CITATION NO(s): 4 Item No(s): 1
  - NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): \_\_\_\_\_ Item No(s): \_\_\_\_\_
  - SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

- 2. Specific ground(s) for this appeal are: **(Check all that apply)**
  - The safety order was not violated.
  - The classification (i.e. serious, willful, repeat) is incorrect.
  - The abatement requirements are unreasonable.
  - Required changes     Time allowed to complete changes
  - The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>  
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Attachment to Appeal Form

OSH Appeals Board

Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry (“UCLA”) alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.

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**OSH Appeals Board**

**A P P E A L F O R M**

126203017

**Inspection Number on Citation**

**2010-R 4 D 1 -0798**

UC Los Angeles - Dept. of Chemistry & Biochemistry

**Employer Name on Citation**

1. You only have 15 working days from receipt of a citation to appeal.

University California at Los Angeles

**Employer Legal Name or DBA (Optional)**

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

501 Westwood Plaza 4th Floor

**Address**

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**FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE  
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION**

1. This is an Appeal from:

[  ] CITATION NO(s): 5 Item No(s): 1

[  ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): \_\_\_\_\_ Item No(s): \_\_\_\_\_

[  ] SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

2. Specific ground(s) for this appeal are: (Check all that apply)

[  ] The safety order was not violated.

[  ] The classification (i.e. serious, willful, repeat) is incorrect.

[  ] The abatement requirements are unreasonable.

[  ] Required changes [  ] Time allowed to complete changes

[  ] The proposed penalty is unreasonable.

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Response to Question No. 3:

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2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
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OSH Appeals Board

APPEAL FORM

2010-R 4 D | -0799

126203017

Inspection Number on Citation

UC Los Angeles - Dept. of Chemistry & Biochemistry

Employer Name on Citation

University California at Los Angeles

Employer Legal Name or DBA (Optional)

501 Westwood Plaza 4th Floor

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[  ] CITATION NO(s): 6 Item No(s): 1

[ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): Item No(s):

[ ] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[  ] The safety order was not violated.

[  ] The classification (i.e. serious, willful, repeat) is incorrect.

[  ] The abatement requirements are unreasonable.

[  ] Required changes [  ] Time allowed to complete changes

[  ] The proposed penalty is unreasonable.

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OSH Appeals Board

Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry (“UCLA”) alleges the following affirmative defenses:

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2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.

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OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD RECEIVED

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MAR 10 2010

OSH Appeals Board

APPEAL FORM

2010-R 4 D 1 -0800

126203017

Inspection Number on Citation

UC Los Angeles - Dept. of Chemistry & Biochemistry

Employer Name on Citation

University California at Los Angeles

Employer Legal Name or DBA (Optional)

501 Westwood Plaza 4th Floor

Address  
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Los Angeles, CA 90095

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[  ] CITATION NO(s): 7 Item No(s): 1

[  ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): \_\_\_\_\_ Item No(s): \_\_\_\_\_

[  ] SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

2. Specific ground(s) for this appeal are: (Check all that apply)

[  ] The safety order was not violated.

[  ] The classification (i.e. serious, willful, repeat) is incorrect.

[  ] The abatement requirements are unreasonable.

[  ] Required changes [  ] Time allowed to complete changes

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Response to Question No. 3:

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1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “repeat” or “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
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