ON THE
STATE OF CALIFORNIA

OCCUPATIONAL SAFETY AND HEALTH

APPEALS BOARD

In the Matter of the Appeal of:

UC LOS ANGELES DEPT. OF CHEMISTRY & BIOCHEMISTRY
501 Westwood Plaza, 4th Floor
Los Angeles, CA 90095

Employer

Docket Nos. 10-R4D1-0794 through 0800

ORDER

On February 24, 2010, the Division of Occupational Safety and Health (Division) issued to UC Los Angeles Dept. of Chemistry & Biochemistry (Employer) the following citations, items and proposed penalties for alleged violations of the occupational safety and health standards and orders found in Title 8, California Code of Regulations:

<table>
<thead>
<tr>
<th>Cit/Item</th>
<th>Section</th>
<th>Type</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 / 1</td>
<td>14300.29(b)(8)</td>
<td>Regulatory</td>
<td>$425</td>
</tr>
<tr>
<td></td>
<td>[Failure to classify injuries under the proper Article of the Code]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 / 2</td>
<td>3203(a)(6)</td>
<td>General</td>
<td>$475</td>
</tr>
<tr>
<td></td>
<td>[Failure to establish an effective IIPP program]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 / 3</td>
<td>3380(e)</td>
<td>General</td>
<td>$315</td>
</tr>
<tr>
<td></td>
<td>[Failure to provide employee proper fitting personal protective device]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 / 4</td>
<td>5144(d)(1)(C)</td>
<td>General</td>
<td>$635</td>
</tr>
<tr>
<td></td>
<td>[Failure to properly evaluate respiratory hazards in the workplace]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Code</td>
<td>Severity</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>1/5</td>
<td>5164(a)</td>
<td>General</td>
<td>Failure to evaluate various chemicals for compatibility for storage. Chemicals stored without secondary containment</td>
</tr>
<tr>
<td>1/6</td>
<td>5191(e)(4)</td>
<td>General</td>
<td>Failure to review and evaluate the effectiveness of Chemical Hygiene Plan</td>
</tr>
<tr>
<td>1/7</td>
<td>5194(f)(4)</td>
<td>General</td>
<td>Failure to ensure containers were labeled with identity of hazardous substances</td>
</tr>
<tr>
<td>1/8</td>
<td>5194(g)(8)</td>
<td>General</td>
<td>Failure to maintain copies of materials safety data sheets (MSDSs) for acetone and isopropyl alcohol</td>
</tr>
<tr>
<td>1/9</td>
<td>5202(d)(1)(A)</td>
<td>General</td>
<td>Failure to conduct monitoring to determine employees exposure to methylene chloride containing waste</td>
</tr>
<tr>
<td>1/10</td>
<td>5533(b)</td>
<td>General</td>
<td>Failure to ensure cabinet used to store flammable materials met the standard</td>
</tr>
<tr>
<td>2/1</td>
<td>3203(a)(4)</td>
<td>Serious</td>
<td>Failure to implement IIPP program for periodic inspections in some areas</td>
</tr>
<tr>
<td>3/1</td>
<td>3203(a)(7)</td>
<td>Serious</td>
<td>Failure to train supervisors regarding implementing IIPP program</td>
</tr>
<tr>
<td>4/1</td>
<td>3328(a)</td>
<td>Serious</td>
<td>Failure to store flammable gases in a properly rated refrigerator</td>
</tr>
<tr>
<td>5/1</td>
<td>5191(e)(3)(G)</td>
<td>Serious</td>
<td>Failure to designate a training or experienced chemical hygiene officer</td>
</tr>
</tbody>
</table>
On October 1, 2010, the Division and Employer submitted to the Appeals Board a “Stipulation of Parties and Motion to Board to Approve Same” which, by mutual agreement of the Division and Employer, disposes of all the contested issues on appeal. The written stipulation is incorporated herein and attached as Exhibit A.

GOOD CAUSE APPEARING, the Appeals Board hereby grants the written motion of the parties, thereby disposing of the instant appeal as set forth in the motion. Because no other issues remain on appeal, this proceeding is hereby closed.

NOTE: Pursuant to regulation section 364.2(d) the employer shall post for 15 working days a copy of this Order and a copy of the disposition, which is attached hereto as Exhibit A. Pursuant to regulation section 364.2(b), the Division shall serve a copy of the disposition on any authorized employee representative if known to the Division to represent affected employees.

If any party disagrees with this Order, they may petition the Appeals Board for reconsideration within 30 days of service of the Order. The petition for reconsideration must be filed in Sacramento, California and must fully comply with the requirements of Labor Code sections 6614 through 6619. Please call the Appeals Board at (916) 274-5751 for information.
BEFORE THE
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the Matter of the Appeal of: UC Los Angeles Dept of Chemistry & Biochemistry.

Docket No. 10-R4D1-0794-0800

STIPULATION OF THE PARTIES AND MOTION TO BOARD TO APPROVE SAME

TO THE OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD:
The Parties in the above-entitled appeal, Division of Occupational Safety and Health (hereinafter “Division”), UC Los Angeles Dept of Chemistry & Biochemistry hereinafter (“Appellant” or “Employer”), and University Professional and Technical Employees (UPTE-CWA 9199) (hereinafter “UTPE”) move that the Occupational Safety and Health Appeals Board (hereinafter the Board) approve their disposition of appeal as set forth below.

On or about August 25, 2009 the Division commenced an inspection at 609 Charles W. Young Dr., East, Los Angeles, CA 90095. On February 24, 2010, the Division issued to Appellant the following citations for violations of the occupational safety and health standards

///
and orders found in Title 8, California Code of Regulations\(^1\) with a civil penalty of $67,720:

<table>
<thead>
<tr>
<th>Citation/Item</th>
<th>Section</th>
<th>Classification</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1</td>
<td>14300.29(b)(8)</td>
<td>Regulatory</td>
<td>$425</td>
</tr>
<tr>
<td>1/2</td>
<td>3203(a)(6)</td>
<td>General</td>
<td>$475</td>
</tr>
<tr>
<td>1/3</td>
<td>3380(e)</td>
<td>General</td>
<td>$315</td>
</tr>
<tr>
<td>1/4</td>
<td>5144(d)(1)(C)</td>
<td>General</td>
<td>$635</td>
</tr>
<tr>
<td>1/5</td>
<td>5164(a)</td>
<td>General</td>
<td>$475</td>
</tr>
<tr>
<td>1/6</td>
<td>5191(e)(4)</td>
<td>General</td>
<td>$635</td>
</tr>
<tr>
<td>1/7</td>
<td>5194(f)(4)</td>
<td>General</td>
<td>$315</td>
</tr>
<tr>
<td>1/8</td>
<td>5194(g)(8)</td>
<td>General</td>
<td>$210</td>
</tr>
<tr>
<td>1/9</td>
<td>5202(d)(1)(A)</td>
<td>General</td>
<td>$425</td>
</tr>
<tr>
<td>1/10</td>
<td>5533(b)</td>
<td>General</td>
<td>$475</td>
</tr>
<tr>
<td>2/1</td>
<td>3203(a)(4)</td>
<td>Serious</td>
<td>$7650</td>
</tr>
<tr>
<td>3/1</td>
<td>3203(a)(7)</td>
<td>Serious</td>
<td>$7650</td>
</tr>
<tr>
<td>4/1</td>
<td>3328(a)</td>
<td>Serious</td>
<td>$5735</td>
</tr>
<tr>
<td>5/1</td>
<td>5191(e)(3)(G)</td>
<td>Serious</td>
<td>$7650</td>
</tr>
<tr>
<td>6/1</td>
<td>5191(e)(3)(H)</td>
<td>Serious</td>
<td>$7650</td>
</tr>
<tr>
<td>7/1</td>
<td>5191(f)(4)(A)</td>
<td>Repeat Serious</td>
<td>$27000</td>
</tr>
</tbody>
</table>

Appeellant timely appealed all citations.

The University Professional and Technical Employees (UPTE-CWA 9199) filed a motion for party status, which was granted by the Board.

**Stipulation and Agreement of the Parties**

The Division, Appeellant, and UPTE herein stipulate that the following clauses incorporate their agreement to settle this matter:

1. Citation 1, Item 1: The classification of Citation 1, Item 1 as Regulatory shall

---

\(^1\) Hereinafter, all code section references are to Title 8 of the California Code of Regulations unless otherwise stated.
remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 1, Item 1 to $350 by increasing Good Faith to 30%.

2. Citation 1, Item 2: The classification of Citation 1, Item 2 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty of Citation 1, Item 2 to $0 by authority of section 336(k) of the Director’s Regulations as this citation relates to the same hazard as Citation 2, Item 1.

3. Citation 1, Item 3: The classification of Citation 1, Item 3 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 1, Item 3 to $260 by increasing Good Faith to 30%.

4. Citation 1, Item 4: The classification of Citation 1, Item 4 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 1, Item 4 to $350 by decreasing Severity to low and increasing Good Faith to 30%.

5. Citation 1, Item 5: The classification of Citation 1, Item 5 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 1, Item 5 to $260 by decreasing Likelihood to low and increasing Good Faith to 30%.

6. Citation 1, Item 6: The classification of Citation 1, Item 6 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty of Citation 1, Item 6 to $0 by authority of section 336(k) of the Director’s Regulations as this citation relates to the same hazard as Citation 5, Item 1.

7. Citation 1, Item 7: The classification of Citation 1, Item 7 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty of Citation 1, Item 7 to $0 by authority of section 336(k) of the Director’s Regulations as this citation relates to the same hazard as Citation 1, Item 8.

8. Citation 1, Item 8: The classification of Citation 1, Item 8 as General shall remain unchanged. The penalty shall remain unchanged at $210.

9. Citation 1, Item 9: The classification of Citation 1, Item 9 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 1, Item 9 to $350 by increasing Good Faith to 30%.
10. Citation 1, Item 10: The classification of Citation 1, Item 10 as General shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 1, Item 10 to $260 by decreasing Likelihood to low and increasing Good Faith to 30%.

11. Citation 2, Item 1: The classification of Citation 2, Item 1 as Serious shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 2, Item 1 to $6300 by increasing Good Faith to 30%.

12. Citation 3, Item 1: The classification of Citation 3, Item 1 as Serious shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 3, Item 1 to $6300 by increasing Good Faith to 30%.

13. Citation 4, Item 1: The classification of Citation 4, Item 1 as Serious shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 4, Item 1 to $4725 by increasing Good Faith to 30%.

14. Citation 5, Item 1: The classification of Citation 5, Item 1 as Serious shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 5, Item 1 to $6300 by increasing Good Faith to 30%.

15. Citation 6, Item 1: The classification of Citation 6, Item 1 as Serious shall remain unchanged. The Division agrees to reduce the proposed civil penalty for Citation 6, Item 1 to $6300 by increasing Good Faith to 30%.

16. Citation 7, Item 1: The Division agrees to re-classify Citation 7, Item 1 from a Repeat Serious to Serious based upon new evidence from the Employer that there is no repeat classification. In accordance with the policies and procedures, the Division agrees to reduce the proposed civil penalty for Citation 7, Item 1 to $4725 by removing the Repeat factor and increasing Good Faith to 30%.

17. The employer withdraws their appeals of all Citations, as amended above in Paragraphs 1 through 16. The new total proposed penalty amount is $36,690.

18. The Division agrees to grant Appellant a long term abatement plan as follows:

a. Citation 1, Item 4: Appellant shall have until November 18, 2010 to develop a schedule for evaluating respiratory hazards in all affected
laboratories and associated areas. Appellant shall have until May 2, 2011
to complete the hazard evaluation and implementation of the respiratory
protection program in all affected laboratories and associated areas.

b. Citation 1, Item 6: Appellant shall have until December 20, 2010 to update
the Chemical Hygiene Plan, including correcting errors. Appellant shall
have until June 1, 2011 to implement the changes and evaluate the
effectiveness of the changes in the Chemical Hygiene Plan.

c. Citation 2, Item 1: Appellant shall have until December 20, 2010 to
develop procedures for inspection of work practices and standard
operating procedures. Appellant shall have October 4, 2011 to complete
the initial inspections of each laboratory on the standard operating
procedures.

d. Citation 3, Item 1: Appellant shall have until December 20, 2010 to
develop procedures for training and protecting employees when working
with particularly hazardous substances. Appellant shall have until
February 1, 2011 to train supervisors regarding the training requirements.

e. Citation 6, Item 1: Appellant shall have until December 20, 2010 to
develop written standard operating procedures for particularly hazardous
substances. Appellant shall have until April 4, 2011 to ensure
implementation of the standard operating procedures. Appellant shall
provide the Division a schedule for inspection of work practices and
standard operating procedures.

f. Citation 7, Item 1: Appellant shall have until December 20, 2010 to
develop a training schedule and to develop written procedures for standard
operating procedures for particularly hazardous substances. Appellant
shall have until April 4, 2011 to complete the training of employees.

g. Appellant shall provide written progress reports to the Division on
December 3, 2010; January 17, 2011; February 16, 2011; April 22, 2011;
July 1, 2011; and October 4, 2011.

i. The progress report shall state Appellant’s progress in abating the citations.

ii. The progress report shall provide the schedule required and/or evidence of abatement.

iii. The progress report shall state Appellant’s anticipated date of completion of abatement.

h. The written progress reports will be provided to the Los Angeles District Office of the Division at 320 W. 4th Street, Suite 800, Los Angeles, CA 90013 and to Deborah Gold, Senior Safety Engineer at 1515 Clay Street, Suite 1901, Oakland, CA 94612 for review.

i. The Division will review the progress reports and evaluate Appellant’s abatement process and progress.

ii. The Division will provide recommendations to Appellant to improve its abatement process and procedures, if necessary.

i. A copy of the progress report will also be provided to the UPTE.

i. UPTE will provide recommendations to Appellant to improve its abatement process and procedures, if necessary.

ii. UPTE will also provide the Division a copy of any recommendations made to Appellant.

19. There will be the following non-admissions clause:

“Although the Appellant does not admit that violations or wrongdoing occurred, the final orders resulting from this Agreement shall be fully enforceable under, and may be used for all purposes of administration and enforcement of, the California Occupational Safety and Health Act and in proceedings before the Appeals Board, but the Order will not be used in any other
proceeding between the parties or involving any other person, whether said proceedings be legal, equitable, or administrative in nature. The parties stipulate that Appellant has entered into this agreement in order to avoid protracted litigation and costs associated thereto, and that no findings or conclusions have been made by any trier-of-fact regarding the citations and proposed penalties at issue herein."

DATED: September 20, 2010

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

By: [Signature]
Tuyet Van Tran
Staff Counsel for the Division

DATED: September __, 2010

MANATT, PHELPS & PHILLIPS, LLP

By: [Signature]
Craig Moyer, Esq.
S. Nancy Whang, Esq.
Attorneys for Appellant UC LOS ANGELES DEPT OF CHEMISTRY & BIOCHEMISTRY

DATED: September __, 2010

UNIVERSITY PROFESSIONAL & TECHNICAL EMPLOYEES (UPTE CWA 9199)

By: [Signature]
Lindsey Cloud
Rita Kern
Judy Sweeney
Representatives for Third Party
proceeding between the parties or involving any other person, whether said proceedings be legal, equitable, or administrative in nature. The parties stipulate that Appellant has entered into this agreement in order to avoid protracted litigation and costs associated thereto, and that no findings or conclusions have been made by any trier-of-fact regarding the citations and proposed penalties at issue herein."

DATED September __, 2010
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

By: ____________________________
Tuyet-Van T. Tran
Staff Counsel for the Division

DATED September 30, 2010
MANATT, PHELPS & PHILLIPS, LLP

By: ____________________________
S. Nancy Whang, Esq.
Attorneys for Appellant UC LOS ANGELES DEPT OF CHEMISTRY & BIOCHEMISTRY

DATED September __, 2010
UNIVERSITY PROFESSIONAL & TECHNICAL EMPLOYEES (UPTE CWA 9199)

By: ____________________________
Lindsey Cloud
Rita Kern
Judy Sweeney
Representatives for Third Party
proceeding between the parties or involving any other person, whether said proceedings be legal, equitable, or administrative in nature. The parties stipulate that Appellant has entered into this agreement in order to avoid protracted litigation and costs associated thereto, and that no findings or conclusions have been made by any trier-of-fact regarding the citations and proposed penalties at issue herein."

DATED: September __, 2010

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

By:

Tuyet-Van T. Tran
Staff Counsel for the Division

DATED: September __, 2010

MANATT, PHELPS & PHILLIPS, LLP

By:

Craig Moyer, Esq.
S. Nancy Whang, Esq.
Attorneys for Appellant UC LOS ANGELES DEPT OF CHEMISTRY & BIOCHEMISTRY

DATED: September 29, 2010

UNIVERSITY PROFESSIONAL & TECHNICAL EMPLOYEES (UPTE CWA 9199)

By:

Lindly Cloud
Rita Kern
Judy Sweeney
Representatives for Third Party
**SUMMARY TABLE ORDER**

In the Matter of the Appeal of:

**UC LOS ANGELES DEPT. OF CHEMISTRY & BIOCHEMISTRY**
Docket Nos. 2010-R4D1-0794 THROUGH 0800

IMIS No. 126203017  Site: 609 Charles E. Young Dr. East, Los Angeles, CA  90095
Date of Inspection: 08/25/2009 ~ 02/23/2010  Date of Citation: 02/24/2010

<table>
<thead>
<tr>
<th>DOCKET CITATION</th>
<th>ITEM</th>
<th>SECTION</th>
<th>TYPE</th>
<th>ALLEGED VIOLATION DESCRIPTION Modification or Withdrawal AND REASON</th>
<th>AFFIRMED</th>
<th>VACATED PENALTY PROPOSED BY DOSH IN CITATION</th>
<th>PENALTY PROPOSED BY PARTIES IN STIPULATION</th>
<th>FINAL PENALTY ASSESSED BY BOARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-0794</td>
<td>1</td>
<td>14300.29(b)(8) Reg</td>
<td>Penalty reduced 30% due to good faith.</td>
<td>x</td>
<td>$425</td>
<td>$350</td>
<td>$350</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>3203(a)(6) G</td>
<td>No penalty, same hazard [336k] as Citation 2, Item 1.</td>
<td>x</td>
<td>$475</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>3380(e) G</td>
<td>Penalty reduced due to increased good faith.</td>
<td>x</td>
<td>$315</td>
<td>$260</td>
<td>$260</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>5144(d)(1)(C) G</td>
<td>Penalty reduced due to increased good faith and decreasing severity.</td>
<td>x</td>
<td>$635</td>
<td>$350</td>
<td>$350</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>5164(a) G</td>
<td>Penalty reduced due to increased good faith and decreasing likelihood.</td>
<td>x</td>
<td>$475</td>
<td>260</td>
<td>$260</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>5191(e)(4) G</td>
<td>No penalty, same hazard [336k] as Citation 5, Item 1.</td>
<td>x</td>
<td>$635</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>5194(f)(4) G</td>
<td>No penalty, same hazard [336k] as Citation 1, Item 8.</td>
<td>x</td>
<td>$315</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>5194(g)(8) G</td>
<td>Failure to maintain copies of MSDSs.</td>
<td>x</td>
<td>$210</td>
<td>$210</td>
<td>$210</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>5202(d)(1)(A) G</td>
<td>Penalty reduced due to increased good faith.</td>
<td>x</td>
<td>$425</td>
<td>$350</td>
<td>$350</td>
<td></td>
</tr>
</tbody>
</table>

Sub-Total $3,910 $1,780 $1,780
<table>
<thead>
<tr>
<th>Case No.</th>
<th>PG</th>
<th>Citation</th>
<th>Action Taken</th>
<th>Penalty Reduced</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-0795</td>
<td>2</td>
<td>3203(a)(4)</td>
<td>S</td>
<td>x</td>
</tr>
<tr>
<td>10-0796</td>
<td>3</td>
<td>3203(a)(7)</td>
<td>S</td>
<td>x</td>
</tr>
<tr>
<td>10-0797</td>
<td>4</td>
<td>3328(a)</td>
<td>S</td>
<td>x</td>
</tr>
<tr>
<td>10-0798</td>
<td>5</td>
<td>5191(e)(3)(G)</td>
<td>S</td>
<td>x</td>
</tr>
<tr>
<td>10-0799</td>
<td>6</td>
<td>5191(e)(3)(H)</td>
<td>S</td>
<td>x</td>
</tr>
<tr>
<td>10-0800</td>
<td>7</td>
<td>5191(f)(4)(A)</td>
<td>R S</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sub-Total (pg 2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sub-Total (pg 1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Amount Due*</td>
</tr>
</tbody>
</table>

**NOTE:** Payment of final penalty amount should be made to:

Accounting Office (OSH)
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142

*(INCLUDES APPEALED CITATIONS ONLY)*

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4296 if you have any questions.*

POS: 10/29/2010
DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is 2520 Venture Oaks Way, Suite 300, Sacramento, California 95833.

On October 29, 2010, I served the attached ORDER by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Craig Moyer, Esq.  
MANATT, PHELPS & PHILLIPS, LLP  
11355 W. Olympic Boulevard  
Los Angeles, CA  90064

Ms. Lindey Cloud, President  
UPTE-CWE 9119  
1015 Gayley Ave., Ste. 115  
Los Angeles, CA  90024

Hassan Adan, District Manager  
DOSH – LOS ANGELES  
320 W. 4th Street, Suite 850

Tuyet-Van Tran, Staff Counsel  
DOSH – LEGAL UNIT  
320 W. 4th Street, Suite 400  
Los Angeles, CA  90013

Amy Martin, Acting Chief Counsel  
DOSH – LEGAL UNIT  
1515 Clay Street, Suite 1901  
Oakland, CA  94612

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 29, 2010, at Sacramento, California.

[Signature]

Dwayne T. Holloway