

1 **WORKERS' COMPENSATION APPEALS BOARD**
2 **STATE OF CALIFORNIA**

4 **DAVID TRINH,**

5 *Applicant,*

6 **vs.**

7 **TZENG LONG USA, INC.; BERKSHIRE**
8 **HATHAWAY,**

9 *Defendants,*

10 **PROFESSIONAL LIEN SERVICES, INC.;**
11 **MIKE TRAW**

12 *Parties-in-interest.*

Case No. ADJ928027
(Van Nuys District Office)

**OPINION AND DECISION AFTER
REMOVAL AND ORDER SUSPENDING
THE PRIVILEGE OF MIKE TRAW
OF APPEARING BEFORE THE WCAB
PURSUANT TO
LABOR CODE SECTION 4907
(Appeals Board En Banc)**

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14 On August 27, 2015, the Appeals Board removed this case to itself on its own motion pursuant to
15 Labor Code section 5310 in order to issue a Notice Of Intention To Suspend The Privileges Of
16 Professional Lien Services, Inc., And Mike Traw Of Appearing Before The WCAB Pursuant To Labor
17 Code Section 4907 (Notice Of Intention).

18 As part of the Notice Of Intention, which is incorporated by reference herein, Professional Lien
19 Services, Inc., (PLS) and Mike Traw were provided the opportunity to be heard regarding the proposed
20 suspension of their privileges.

21 No response to the Notice Of Intention was received from Mike Traw.

22 The Appeals Board received a letter dated September 17, 2015 from Mark Blakely on the
23 letterhead of PLS in response to the Notice Of Intention. In that letter, Mr. Blakely stated that he
24 acquired PLS from the prior owners and he requested a 60 day extension of the time to further respond to
25 the Notice Of Intention on behalf of PLS. Mr. Blakely's request for additional time was granted and
26 memorialized in a September 30, 2015 letter sent on behalf of the Appeals Board.

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1 Thereafter, the Appeals Board received a second letter from Mr. Blakely dated November 14,
2 2015, in which he requested an additional 60 day extension of time to further respond to the Notice Of
3 Intention. The second extension of time was allowed as requested.

4 No further response to the Notice Of Intention has been received from Mr. Blakely or PLS, and
5 the two allowed extensions of time to respond have expired.

6 Accordingly, we now issue this Decision After Removal, suspending the privilege of Mike Traw
7 of appearing before the WCAB pursuant to Labor Code Section 4907 for the reasons expressed in the
8 Notice Of Intention.

9 We do not act at this time to suspend the privilege of Mark Blakely or PLS. However, the earlier
10 ordered sanctions against PLS remain in full force and effect, and PLS continues to be liable for payment
11 of those ordered sanctions.

12 Labor Code section 4907(a)(2) provides for suspension of the privilege of appearing before the
13 WCAB for, “failure to pay final order of sanctions, attorney’s fees, or costs, issued under Section 5813.”
14 The failure to comply with an order or regulation of the WCAB, including an order to pay a sanction, is
15 an interference with the judicial process that provides good cause for suspending or removing the
16 privilege of appearing before the WCAB.

17 Further action may be taken in the future by the Appeals Board as appropriate if the ordered
18 sanctions described in the Notice Of Intention continue to be unpaid.

19 For the foregoing reasons,

20 **IT IS ORDERED** as the Decision After Removal of the Workers’ Compensation Appeals Board
21 that the privilege of Mike Traw of appearing before the Workers’ Compensation Appeals Board is hereby
22 suspended for ninety (90) days from the date of this order pursuant to Labor Code section 4907 for the
23 reasons set forth in the August 27, 2015 Notice Of Intention To Suspend The Privileges Of Professional
24 Lien Services, Inc., And Mike Traw Of Appearing Before The WCAB Pursuant To Labor Code Section
25 4907.

26 **IT IS FURTHER ORDERED** that upon the expiration of the ninety (90) day suspension, if
27 there still has not been compliance with the August 14, 2013 Sanction Order, the suspension of

1 Mike Traw shall continue until there has been full compliance with the August 14, 2013 Sanction Order.

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3 **WORKERS' COMPENSATION APPEALS BOARD (EN BANC)**

4
5 */s/ Ronnie G. Caplane*
6 *RONNIE G. CAPLANE, Chairwoman*

7 */s/ Frank M. Brass*
8 *FRANK M. BRASS, Commissioner*

9 */s/ Deidra E. Lowe*
10 *DEIDRA E. LOWE, Commissioner*

11
12 */s/Marguerite Sweeney*
13 *MARGUERITE SWEENEY, Commissioner*

14 */s/ Katherine A. Zalewski*
15 *KATHERINE A. ZALEWSKI, Commissioner*

16
17 */s/ Jose H. Razo*
18 *JOSÉ H. RAZO, Commissioner*

19
20 **DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

21 **2/3/2016**

22 **SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR**
23 **ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

24 **PROFESSIONAL LIEN SERVICES, INC.**
25 **MIKE TRAW C/O PROFESSIONAL LIEN SERVICES, INC.**
26 **ROBERT PALTY**
GOLDMAN MAGDALIN & KRIKES

27 **JFS/abs**