

## NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

### Lead In Gaming Chips

June 23, 2006

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act (Proposition 65), see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health, 528 61<sup>st</sup> Street, Suite A, Oakland, CA 94609, (510) 594-9864. The Center for Environmental Health is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within the Center for Environmental Health.

#### Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least June 23, 2003 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- The specific type of products causing these violations is gaming chips (also known as casino chips and poker chips). These gaming chips are used for various purposes, including but not limited to use as special tokens representing a fixed amount of money for individuals to make wagers in casinos and cardrooms throughout California. The Lead is contained in these products.
- Description of Exposure: Use of the products identified in this notice results in both consumer and occupational exposures to Lead. Consumer and occupational exposures to Lead from the products take place when consumers use, touch or handle the products. The route of exposure for the violations is direct ingestion when individuals place the products in their mouths, ingestion via hand to mouth contact, dermal absorption directly through the skin, and inhalation of dust containing Lead as a result of individuals touching and handling the products. These exposures occur in each of the alleged violator's casinos and cardrooms, and in homes, workplaces, and everywhere else in California where the products are used, touched, or handled. Exposed workers include cashiers, dealers, floor persons, pit bosses, security guards, wait staff, bartenders, managers, runners, clerks, and any other workers in the alleged violator's casinos and cardrooms that come into contact with the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Mark N. Todzo, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

**EXHIBIT 1: List of Violators**  
**June 23, 2006 60-Day Notice Letter**  
**By Center for Environmental Health**  
**re: Lead In Gaming Chips**

Katherine Bousson - Sole Proprietor  
dba The Palace Card Club  
22821 Mission Boulevard  
Hayward, CA 94541

Albert Cianfichi - Sole Proprietor  
dba Kelly's  
408 O Street  
Antioch, CA 94509

Club One Casino, Inc.  
1033 Van Ness Ave  
Fresno, CA 93721

Ohto Smith - Sole Proprietor  
S & K Card Room  
306 F Street  
Eureka, CA 95502

Kern County Association, L.P.  
dba Golden West Casino  
1001 South Union Avenue  
Bakersfield, CA 93307

California Commerce Club, Inc.  
dba Commerce Casino  
6131 East Telegraph Rd.  
Commerce, CA 90040

Mortimer's, Inc.  
dba Mortimer's Cardroom  
3100 Del Mont Boulevard  
Marina, CA 93933

Point-Walker, Inc.  
dba Lucky Derby Casino  
7433 C Greenback Ln  
Citrus Hts., CA 95610

Harvey Souza - Sole Proprietor  
dba Village Club  
429 Broadway  
Chula Vista, CA 91910

Ernest Lee Schmiedt - Sole Proprietor  
dba Casino Real  
1030 B West Yosemite  
Manteca, CA 95336

David W. & Theresa Stearns - Sole Proprietorship  
dba Central Coast Casino  
359 W. Grand Ave.  
Grover Beach, CA 93433

Veronica Allard - Sole Proprietor  
dba Ocean View Card Room  
709 Pacific Avenue  
Santa Cruz, CA 95060

Casino Poker Club, Inc.  
dba Casino Club  
1885 Hilltop Drive  
Redding, CA 96002

The River Cardroom, Inc.  
The River Card Room  
246 Petaluma Boulevard North  
Petaluma, CA 94952

Jose Gabriel Fernandez - Sole Proprietor  
Turlock Poker Room  
270 West Main Street  
Turlock, CA 95380

Gloria Guitierrez - Sole Proprietor  
Gloria's Lounge & Casino  
30435 Road 68  
Visalia, CA 93227

Monica Castro Donohoo - Sole Proprietor  
The Players Club  
906 N. Ventura Avenue  
Ventura, CA 93001

Walter Yee - Sole Proprietor  
Rooney's Cardroom  
515 Fourth Street  
Marysville, CA 95901

CERTIFICATE OF MERIT  
Health & Safety Code §25249.7(d)

I, Howard Hirsch, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.


2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code §25249.7(h)(2), *i.e.*: (1) the identity of the persons consulted with and relied on by the certifier; and (2) the facts, studies or other data reviewed by those persons.

Dated: June 23, 2006

  
\_\_\_\_\_  
Howard Hirsch  
Attorney for CEH

**PROOF OF SERVICE BY MAIL**

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122.

On June 23, 2006, I served true copies of the following documents:

**NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;**

**CERTIFICATE OF MERIT; and**

**THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with asterisks).**


I placed a true copy of this paper in an envelope addressed to:

***See Attached Service List.***

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on June 23, 2006, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 23, 2006, at San Francisco, California.

Signed:

  
Lindsay Fleece

## SERVICE LIST

District Attorney of Alameda County 1225 Fallon Street Room 900 Oakland, CA 94612	District Attorney of Kings County 1400 West Lacey Hanford, CA 93230	District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338
District Attorney of Colusa County 547 Market Street Colusa, CA 95932	District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Monterey County PO Box 1131 Salinas, CA 93901
District Attorney of Contra Costa County 725 Court Street, Room 402 Martinez, CA 94553	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482
District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Imperial County 939 Main Street El Centro, CA 92243	District Attorney of Napa County 931 Parkway Mall Napa, CA 94559
District Attorney of Del Norte County 450 H Street, Ste 171 Crescent City, CA 95531	District Attorney of Lassen County 220 S. Lassen St., Ste 8 Susanville, CA 96130	District Attorney of Merced County 2222 "M" Street Merced, CA 95340
District Attorney of Amador County 708 Court Street, #202 Jackson, CA 95642	District Attorney of Inyo County P.O. Drawer D Independence, CA 93526	District Attorney of Nevada County 201 Church St., Suite 8 Nevada City, CA 95959
District Attorney of Butte County 25 County Center Drive Oroville, CA 95965	District Attorney of Los Angeles County 210 W. Temple Street, Room 345 Los Angeles, CA 90012	District Attorney of Orange County 401 Civic Ctr Drive West Santa Ana, CA 92701
District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney of Modoc County 204 S Court Street Alturas, CA 96101-4020
District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Placer County 11562 "B" Avenue Auburn, CA 95603
District Attorney of Fresno County 2220 Tulare Street, #1000 Fresno, CA 93721	District Attorney of Marin County 3501 Civic Center Dr., Room 183 San Rafael, CA 94903	District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415
District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93517	District Attorney of Plumas County 520 Main Street, Room 404 Quincy, CA 95971

District Attorney of San Diego County 330 West Broadway, Suite 1320 San Diego, CA 92112	District Attorney of Solano County 600 Union Avenue Fairfield, CA 94533	District Attorney of Yolo County 301 Second Street Woodland, CA 95695
District Attorney of Riverside County 4075 Main Street, 1st Floor Riverside, CA 92501	District Attorney of Santa Clara County 70 West Hedding Street San Jose, CA 95110	District Attorney of Trinity County P.O. Box 1310 Weaverville, CA 96093
District Attorney of Sacramento County 901 AG@ Street Sacramento, CA 95814	District Attorney of Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95061	District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901
District Attorney of San Joaquin County P.O. Box 990 Stockton, CA 95201	District Attorney of San Francisco County 850 Bryant Street, Rm 325 San Francisco, CA 94103	District Attorney of Tulare County 221 S. Mooney Ave, Room 224 Visalia, CA 93291
District Attorney of San Luis Obispo County 1050 Monterey St, Room 450 San Luis Obispo, CA 93408	District Attorney of Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	District Attorney of Tuolumne County 2 South Green Sonora, CA 95370
District Attorney of San Benito County 419 Fourth Street, 2 <sup>nd</sup> Floor Hollister, CA 95023	District Attorney of Shasta County 1525 Court Street, Third Floor Redding, CA 96001-1632	San Jose City Attorney's Office 151 West Mission Street San Jose, CA 95110
District Attorney of San Mateo County 400 County Ctr, 3 <sup>rd</sup> Fl Redwood City, CA 94063	District Attorney of Stanislaus County 800 11 <sup>th</sup> Street, Room 200 Modesto, CA 95353	Los Angeles City Attorney's Office Room 1800, City Hall East 200 N. Main Street Los Angeles, CA 90012
District Attorney of Sierra County Courthouse, P.O. Box 457 Downieville, CA 95936	District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	San Diego City Attorney's Office 1200 3rd Avenue, 12th Floor San Diego, CA 92101
District Attorney of Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101	District Attorney of Ventura County 800 South Victoria Ave Ventura, CA 93009	San Francisco City Attorney's Office City Hall, Room 234 San Francisco, CA 94102
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	Ed Weil, Deputy Attorney General California Attorney General's Office 1515 Clay Street Oakland, CA 94612

Katherine Bousson or Current  
Owner\*  
The Palace Card Club  
22821 Mission Boulevard  
Hayward, CA 94541

Albert Cianfichi or Current  
Owner\*  
Kelly's  
408 O Street  
Antioch, CA 94509

George Sarantos or Current  
Owner\*  
Club One Casino, Inc.  
1033 Van Ness Ave  
Fresno, CA 93721

Otho Smith or Current Owner\*  
S & K Card Room  
306 F Street  
Eureka, CA 95502

Franklin R Elfend or Current  
President\*  
Kern County Associates, L. P.  
Golden West Casino  
1001 S. Union Avenue  
Bakersfield, CA 93307

George Tumanjan or Current  
Chief Executive Officer\*  
California Commerce Club,  
Inc.  
6131 East Telegraph Rd.  
Commerce, CA 90040

Pete Williamson or Current  
Owner\*  
Mortimer's, Inc.  
3100 Del Mont Boulevard  
Marina, CA 93933

Leo Chu and  
Kermit D Schayltz or Current  
Owners\*  
Point-Walker, Inc.  
Lucky Derby Casino  
7433 C Greenback Ln  
Citrus Hts., CA 95610

Harvey Souza or Current  
Owner\*  
Village Club  
429 Broadway  
Chula Vista, CA 91910

Ernie Schmiedt or Current  
Owner\*  
Casino Real  
1030 West Yosemite Ave. B  
Manteca, CA 95336

David Stearns or Current  
Owner\*  
Central Coast Casino  
359 W. Grand Ave.  
Grover Beach, CA 93433

Veronica Allard or Current  
Owner\*  
Ocean View Card Room  
709 Pacific Ave.  
Santa Cruz, CA 95060

Ileana Harris or Current  
President\*  
Casino Poker Club, Inc.  
1885 Hilltop Dr  
Redding, CA 96002

Mike J Gincomiri or Current  
President\*  
The Rivercard Room, Inc.  
246 Petaluma Blvd. N  
Petaluma, CA 94952

Jose Gabriel Fernandez or  
Current Owner\*  
Turlock Poker Room  
270 W Main St.  
Turlock, CA 95380

Gloria Guitierrez  
or Current Owner\*  
Gloria's Lounge & Casino  
30435 Road 68  
Visalia, CA 93291

Monica Donohoo or Current  
Owner\*  
Player's Poker Club, Inc.  
906 North Ventura Avenue  
Ventura, CA 93001

Walter Yee  
or Current Owner\*  
Rooney's Cardroom  
515 Fourth Street  
Marysville, CA 95901