

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead In Gaming Chips

August 18, 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 ("CEH"), 528 61st Street, Suite A, Oakland, CA 94609, (510) 594-9864. CEH 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 CEH.

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least August 18, 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 individuals 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.

- Statement Re: Occupational Exposures: As set forth above, this notice alleges violations of both consumer and occupational exposures to Lead. The following statement concerns procedures and requirements that are specific to occupational exposures. “This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.” 8 Cal. Code of Regs. §338(b).

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit unless each of the alleged violators agrees in a binding written instrument to remedy the violations alleged herein and to pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH’s 60-day Notice. Therefore, while reaching an agreement with CEH will resolve his claims, such agreement may not satisfy the public prosecutors.

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

**EXHIBIT 1: List of Violators
August 18, 2006 60-Day Notice Letter
By Center for Environmental Health
re: Lead In Gaming Chips**

Lewis & Lewis
dba Cameo Club
5757 Pacific Avenue, #7
Stockton, CA 95207

Capitol Casino
411 North 16th Street
Sacramento, CA 95814

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

Tom Fong - Sole Proprietor
Casino Marysville
515 Fourth Street
Marysville, CA 95901

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

Clovis 500 Club General Partnership
500 Clovis Avenue
Clovis, CA 93612

S&S Gaming, Inc.
dba Club Caribe
7617 Atlantic Avenue
Cudahy, CA 90201

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

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

Delta Club Cardroom General Partnership
6518 Pacific Avenue
Stockton, CA 95207

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

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

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

Waldemar Dreher - Sole Proprietor
dba Lake Bowl Cardroom
511 East Bidwell Street
Folsom, CA 95630

Peter Matt Mikacich - Sole Proprietor
dba Limelight Card Room
1014 Alhambra Boulevard
Sacramento, CA 95816

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

Michael A. Whiteley Jr. - Sole Proprietor
dba Mike's Card Casino
112 North Yosemite Avenue
Oakdale, CA 95361

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

The Nineteenth Hole General Partnership
2746 West Tregallas Road
Antioch, CA 94509

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

Ocean's Eleven Inc. And North County Gaming Inc.
121 Brooks Street
Oceanside, CA 92054

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

Phoenix Casino & Lounge, Inc.
5948 Auburn Boulevard
Citrus Heights, CA 95621

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

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

Rogelio's, Inc.
34 Main Street
Isleton, CA 95641

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

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

The Silver Fox, Inc.
6010 Stockton Boulevard
Sacramento, CA 95824

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

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

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: August 18, 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 August 18, 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).

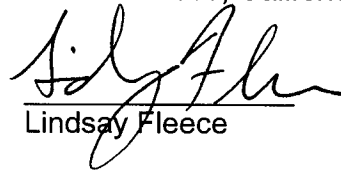
I placed a true copy of this paper in an envelope addressed to:

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 August 18, 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 August 18, 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 Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
725 Court Street, Room 402
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Los Angeles County
210 W. Temple Street,
Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr.,
Room 183
San Rafael, CA 94903

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93517

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93901

District Attorney of Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Modoc County
204 S Court Street
Alturas, CA 96101-4020

District Attorney of Placer County
11562 "B" Avenue
Auburn, CA 95603

District Attorney of San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

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 Riverside
County
4075 Main Street, 1st Floor
Riverside, CA 92501

District Attorney of
Sacramento County
901 AG@ Street
Sacramento, CA 95814

District Attorney of San
Joaquin County
P.O. Box 990
Stockton, CA 95201

District Attorney of San Luis
Obispo County
1050 Monterey St, Room
450
San Luis Obispo, CA 93408

District Attorney of San
Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San
Mateo County
400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Sierra
County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Santa
Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Siskiyou
County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano
County
600 Union Avenue
Fairfield, CA 94533

District Attorney of Santa
Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney of Santa
Cruz County
701 Ocean Street, Room
200 Santa Cruz, CA 95061

District Attorney of San
Francisco County
850 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of Sonoma
County
600 Administration Drive,
Room 212J
Santa Rosa, CA 95403

District Attorney of Shasta
County
1525 Court Street, Third
Floor
Redding, CA 96001-1632

District Attorney of
Stanislaus County
800 11th Street, Room 200
Modesto, CA 95353

District Attorney of Sutter
County
446 Second Street
Yuba City, CA 95991

District Attorney of Ventura
County
800 South Victoria Ave
Ventura, CA 93009

District Attorney of Tehama
County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Yolo
County
301 Second Street
Woodland, CA 95695

District Attorney of Trinity
County
P.O. Box 1310
Weaverville, CA 96093

District Attorney of Yuba
County
215 Fifth Street
Marysville, CA 95901

District Attorney of Tulare
County
221 S. Mooney Ave, Room
224
Visalia, CA 93291

District Attorney of
Tuolumne County
2 South Green
Sonora, CA 95370

San Jose City Attorney's
Office
151 West Mission Street
San Jose, CA 95110

Los Angeles City Attorney's
Office
Room 1800, City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's
Office
1200 3rd Avenue, 12th Floor
San Diego, CA 92101

San Francisco City
Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

Ed Weil, Deputy Attorney
General
California Attorney
General's Office
1515 Clay Street
Oakland, CA 94612

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Limelight Card Room
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