

60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

Date: March 21, 2007

To: Charlene Wang-Chien, President – First International Computer of America, Inc.
California Attorney General's Office;
District Attorney's Office for 58 Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

From: Michael DiPirro

I. INTRODUCTION

My name is Michael DiPirro. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6 *et seq.* ("Proposition 65"). As noted above, notice is being provided to the violator, First International Computer of America, Inc. (the "Violator"). The violations covered by this Notice consist of the product exposures, routes of exposures, and types of harm potentially resulting from exposure to the toxic chemical ("listed chemical") identified below, as follows:

Product Exposure: See Section VI. Exhibit A
Listed Chemical: Lead
Routes of Exposure: Ingestion, Dermal, Inhalation
Types of Harm: Birth Defects and Other Reproductive Harm

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and that is covered by this Notice, is listed under "Product Category/Type" in Exhibit A in Section VI below. All products within the type covered by this Notice shall be referred to hereinafter as the "products." The Violator's sales of these motherboard products have been occurring from at least March 21, 2006, to the present. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

A. CONSUMER PRODUCT EXPOSURE

California consumers who purchase or acquire the products are exposed to the listed chemical through the act of handling, installing, repairing, transporting, manipulating, or otherwise utilizing the motherboard products. These tasks cause consumers to be exposed directly and/or indirectly to the listed chemical through the routine touching of the parts or portions of the products containing readily available amounts of the listed chemical on the surface (i.e., solder points). Additionally, exposures can occur as the listed chemical is transferred from the fingers and hands of users to the lips and mouth through various hand-to-mouth activities, such as eating, drinking, gum chewing, and fingernail biting. Furthermore, consumers can be exposed to the listed chemical through the inhalation of fumes that result when the solder and solder materials are heated to certain temperatures. These products are also used by sole proprietors, employees, and other persons engaged in the small business field of computer service and repair whom the Occupational Safety Health Act ("OSH Act") does not cover. People likely to be exposed include both children and adults.

B. OCCUPATIONAL EXPOSURE

Similarly, men and women in California use or otherwise handle the products as a part of their jobs and, therefore, are subject to occupational exposures to the listed chemical. Employees are exposed to the listed chemical at California business locations where the products, or the component parts thereof, are, by way of example but not limitation, used, installed, packed, unpacked, labeled, arranged, displayed, repaired, or otherwise handled. Those California business locations include, without limitation, locations of the manufacturer, apparent manufacturer, distributor, retailer (and their agents, assigns, and divisions), and/or the more than 4,200 advertised California computer service and repair companies. These tasks cause employee exposure directly and/or indirectly to the listed chemical through the routine touching of the parts or portions of the products containing readily available amounts of the listed chemical on the surface (i.e., solder points). Additionally, exposures can occur as the listed chemical is transferred from the fingers and hands of employees to the lips and mouth through various hand-to-mouth activities, such as eating, drinking, gum chewing, and fingernail biting. Furthermore, employees can be exposed to the listed chemical through the inhalation of fumes that result when the solder and solder materials are heated to certain temperatures. These products are also used by sole proprietors and other persons in settings not covered by the OSH Act. This Notice alleges the violation of Proposition 65 with respect to occupational exposure 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 contained in the general hazard communication requirement 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 California Attorney General.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me at the following addresses:

Michael DiPirro
c/o D. Joshua Voorhees
Hirst & Chanler LLP
2560 Ninth Street
Parker Plaza, Suite 214
Berkeley, CA 94710
Telephone: (510) 848-8880

Michael DiPirro
c/o Christopher Martin
Hirst & Chanler LLP
Hinsdale Square
23 N. Lincoln, Suite 204
Chicago, IL 60521
Telephone: (630) 789-6998

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. ADDITIONAL NOTICE INFORMATION

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER CAL. CODE REGS., TITLE 22 §12903(b)(4).

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors, and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at other locations and via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the Internet, and/or via a catalog by the Violator and/or other retailers and distributors of the manufacturer.

<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
FIC K8-800T Motherboard	http://www.computergeeks.com	First International Computer of America, Inc.

VI. EXHIBIT A

<i>Product Category/Type</i>	<i>Such As*</i>	<i>Toxins</i>
Motherboards with solder (containing lead)	FIC K8-800T Motherboard	Lead

*The specifically identified example of the type of product which is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is 2560 Ninth Street, Parker Plaza, Suite 214, Berkeley, CA 94710.

On March 21, 2007, I served the following documents:

**60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH
& SAFETY CODE §25249.7(d);**

PROPOSITION 65: A SUMMARY;

CERTIFICATE OF MERIT; AND

**CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE
ATTORNEY GENERAL)**

on the Violator listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the Violator and providing such envelope to a United States Postal Service Representative:

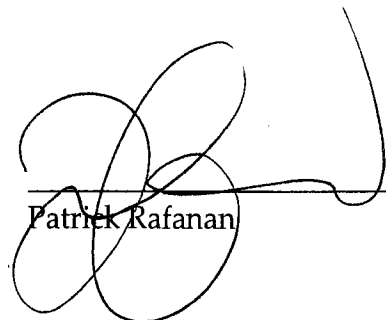
Charlene Wang-Chien, President
First International Computer of America, Inc.
5020 Brandin Court
Fremont, CA 94538

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

<i>Via 2nd Day Air Service by placing such envelope in a Federal Express Drop-Off Box:</i>	The Attorney General of the State of California;
<i>By placing each envelope in a United States Postal Service mailbox, first class postage prepaid:</i>	The District Attorney for Each of the 58 counties in California; and The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento;

A list of addresses for each of these recipients is attached.

Executed on March 21, 2007, at Berkeley, California.



Patrick Rafanan

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, D. Joshua Voorhees, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health and Safety Code §25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. 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 *alleged* exposure to the listed chemical that is the subject of this action.
4. Based on the information obtained through those consultations, and on all 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 violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health and 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: 3/21/07



D. Joshua Voorhees

SERVICE LIST

The Honorable Tom Orloff
Fresno County District Attorney
1225 Fallon Street, Room 900
Oakland, CA 94612

The Honorable William Richmond
Alpine County District Attorney
270 Laramie Street, PO BOX 248
Markleeville, CA 96120

The Honorable Todd Riebe
Amador County District Attorney
708 Court Street, #202
Jackson, CA 95642

The Honorable Michael Ramsey
Butte County District Attorney
25 County Center Drive,
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Oroville, CA 95965

The Honorable Jeffrey Tuttle
Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249

The Honorable John R. Poyner
Colusa County District Attorney
547 Market Street
Colusa, CA 95932

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725 Court Street, 4th Floor, Rm. 402
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The Honorable Michael Riese
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The Honorable Gilbert Otero
Imperial County District Attorney
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El Centro, CA 92243

The Honorable Arthur Maillet
Inyo County District Attorney
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Independence, CA 93526

The Honorable Edward R. Jagels
Kern County District Attorney
1215 Truxtun Avenue
Bakersfield, CA 93301

The Honorable Ronald Cathoun
Kings County District Attorney
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Hanford, CA 93230

The Honorable Gerhard Luck
Lake County District Attorney
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Lakeport, CA 95453

The Honorable Robert Burns
Lassen County District Attorney
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Susanville, CA 96130

The Honorable Steve Cooley
Los Angeles County District Attorney
209 West Temple Street
Los Angeles, CA 90012

The Honorable Ernest Licalsi
Madera County District Attorney
209 West Yosemite Avenue
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The Honorable Edward Berberian
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The Honorable Robert Brown
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Mariposa, CA 95338

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The Honorable Jordan Funk
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Bridgeport, CA 93517

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Napa County District Attorney
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Napa, CA 94559

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The Honorable Michael Ramos
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San Bernardino, CA 92415

The Honorable Bonnie Dumanis
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The Honorable Kamala Harris
San Francisco County District Attorney
850 Bryant Street, Room 325
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The Honorable James Willett
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222 E. Weber Avenue, 2nd Floor, Room 202
Stockton, CA 95201

The Honorable Gerald Shea
San Luis Obispo County District Attorney
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San Luis Obispo, CA 93408

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San Mateo County District Attorney
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The Honorable Thomas Sneddon, Jr.
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Santa Barbara, CA 93101

The Honorable George Kennedy
Santa Clara County District Attorney
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San Jose, CA 95110

The Honorable Bob Lee
Santa Cruz County District Attorney
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Santa Cruz, CA 95060

The Honorable Gerald Benito
Shasta County District Attorney
1525 Court Street, Third Floor
Redding, CA 96001

The Honorable Lawrence Allen
Sierra County District Attorney
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Downsville, CA 95936

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Siskiyou County District Attorney
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The Honorable Stephan Passalacqua
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Sacramento, CA 95814

The Honorable Dennis J. Herrera
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San Francisco, CA 94102

The Honorable Richard Doyle
Office of the City Attorney, San Jose
200 East Santa Clara Street
San Jose, CA 95113

Office of the California Attorney General
Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
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Oakland, CA 94612-0550