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Oakland, Ca 94607

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richard@lozeaudrury.com

March 21, 2013

**VIA CERTIFIED MAIL**

Michael Gorak, President, or  
Current President  
Martin/F. Weber Co.  
2727 Southampton Rd.  
Philadelphia, PA 19154

President  
Martin/F. Weber Co.  
2525 Southampton Rd.  
Philadelphia, PA 19154

Dennis Kapp, President, or  
Current President  
Adams Creative Products, Inc.  
2525 Southampton Rd.  
Philadelphia, PA 19154

Dennis Kapp, Chairman of the Board,  
Or current Chairman of the Board  
Michael Gorak, President, or  
Current President  
Adams Creative Products Inc  
4444 Lawton Street  
Detroit, MI 48208

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

Esquire Assist, Agent for Service of Process for  
Adams Creative Products, Inc. (Entity No. 2100919)  
219 Pine St.  
Harrisburg, PA 17101

**VIA PRIORITY MAIL**

District Attorneys of All California Counties  
and Select City Attorneys  
(See Attached Certificate of Service)

**Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et. seq.***

Dear Addressees:

I represent As You Sow in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

As You Sow is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of

hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Companies covered by this notice that violated Proposition 65 (hereinafter “the Violators”) are:

**Martin/F. Weber Co.  
Adams Creative Products, Inc.**

The product that is the subject of this notice and the chemical in that product identified as exceeding allowable levels are:

**Bob Ross Finishing Spray Varnish – ethylbenzene**

On June 11, 2004, the State of California officially listed ethylbenzene as a chemical known to cause cancer.

This letter is a notice to the Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed product. This notice covers all violations of Proposition 65 involving the Violators that are currently known to AS YOU SOW based on information now available to it. AS YOU SOW may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

The Violators have manufactured, marketed, distributed, and/or sold the listed product, which has exposed and continues to expose individuals within California to the identified chemicals, without providing clear and reasonable warning. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and/or use of this product by consumers. The primary route of exposure to these chemicals is through inhalation. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. In particular, the product does not provide any warnings of the carcinogenic hazards associated with the ethylbenzene contained in the product.

These ongoing violations have occurred since March 21, 2012, and on every day since the product was introduced in the California marketplace (following the one year anniversary dates of the listing of the chemical at issue); and will continue every day until clear and reasonable warnings are provided to product purchasers and users and/or the listed toxin is removed from the product.

Pursuant to Section 25249.7(d) of the statute, AS YOU SOW intends to file a citizen enforcement action sixty days after effective service of this notice. Consistent with the public interest goals of Proposition 65 and my client’s objectives in pursuing this notice, AS YOU SOW seeks a speedy and constructive resolution to this matter. Such a resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time-consuming litigation. Toward that end, As You Sow is willing to discuss effective remedies for the violations noted in this letter during the notice period.

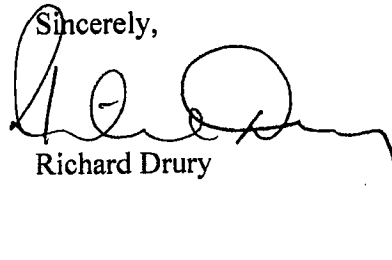
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

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As You Sow's President and Chief Counsel is Danielle Fugere, and is located at 1611 Telegraph Avenue, Suite 1450, Oakland, CA 94612; Telephone: (510) 735-8158. As You Sow has retained me in connection with this matter. You may contact Ms. Fugere directly or call me at the above-listed law office address and telephone number.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Drury', with a long horizontal flourish extending to the right.

Richard Drury

**Attachments**

Certificate of Merit

Certificate of Service

OEHHA Summary (to Martin/F. Weber Co. and Adams Creative Products Inc only)

Additional Supporting Information for Certificate of Merit (to AG only)

**CERTIFICATE OF MERIT**

**Re: As You Sow's Notice of Proposition 65 Violations by Martin/F. Weber Co. and Adams Creative Products, Inc.**

I, Douglas Chermak, declare:

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

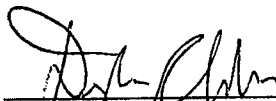
2. I am an attorney for the noticing party.

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

4. Based on the information obtained through those consultants, 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 that 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California 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: March 21, 2013

  
\_\_\_\_\_  
Douglas Chermak

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within- entitled action. My business address is 410 12th Street, Suite 250, Oakland, CA 94607.

On March 21, 2013, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Michael Gorak, President, or  
Current President  
Martin/F. Weber Co.  
2727 Southampton Rd.  
Philadelphia, PA 19154

Dennis Kapp, President, or  
Current President  
Adams Creative Products, Inc.  
2525 Southampton Rd.  
Philadelphia, PA 19154

President  
Martin/F. Weber Co.  
2525 Southampton Rd.  
Philadelphia, PA 19154

Dennis Kapp, Chairman of the Board,  
Or current Chairman of the Board  
Michael Gorak, President, or  
Current President  
Adams Creative Products Inc  
4444 Lawton Street  
Detroit, MI 48208

Esquire Assist, Agent for Service of  
Process for Adams Creative Products,  
Inc. (Entity No. 2100919)  
219 Pine St.  
Harrisburg, PA 17101

On March 21, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Post Office Box 70550  
Oakland, CA 94612-0550

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On March 21, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the **Service List attached hereto**, and depositing it with the U.S. Postal Service for delivery by Priority Mail.

Executed on March 21, 2013, in Oakland, CA.

  
Toyer Grear

Service List

District Attorney, Alameda County  
1225 Fallon Street, Room 900  
Oakland, CA 94612

District Attorney, Alpine County  
270 Laramie St. P.O. Box 248  
Markleeville, CA 96120

District Attorney, Amador County  
708 Court Street  
Jackson, CA 95642

District Attorney, Butte County  
25 County Center Drive, Suite 245  
Oroville, CA 95965

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

District Attorney, Colusa County  
346 Fifth Street, Suite 101  
Colusa, CA 95932

District Attorney, Contra Costa County  
900 Ward Street  
Martinez, CA 94553

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

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

District Attorney, Fresno County  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721

District Attorney, Glenn County  
Post Office Box 430  
Willows, CA 95988

District Attorney, Humboldt County  
825 5th Street  
4<sup>th</sup> Floor  
Eureka, CA 95501

District Attorney, Imperial County  
County Administration Building  
940 West Main Street, Suite 102  
El Centro, CA 92243

District Attorney, Inyo County  
230 W. Line Street  
Bishop, CA 93514

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

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

District Attorney, Lake County  
255 North Forbes Street  
Lakeport, CA 95453

District Attorney, Lassen County  
220 South Lassen Street, Ste. 8  
Susanville, CA 96130

District Attorney, Los Angeles County  
210 West Temple Street, Suite 18000  
Los Angeles, CA 90012

District Attorney, Madera County  
209 W. Yosemite Avenue  
Madera, CA 93637

District Attorney, Marin County  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

District Attorney, Mariposa County  
Post Office Box 730  
Mariposa, CA 95338

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District Attorney, Mendocino County  
Post Office Box 1000  
Ukiah, CA 95482

District Attorney, Merced County  
550 W. Main Street  
Merced, CA 95340

District Attorney, Modoc County  
204 S Court Street, Room 202  
Alturas, CA 96101-4020

District Attorney, Mono County  
Post Office Box 617  
Bridgeport, CA 93517

District Attorney, Monterey County  
230 Church Street, Bldg. 2 & 3  
Salinas, CA 93901

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

District Attorney, Nevada County  
110 Union Street  
Nevada City, CA 95959

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

District Attorney, Placer County  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678

District Attorney, Plumas County  
520 Main Street, Room 404  
Quincy, CA 95971

District Attorney, Riverside County  
3960 Orange Street  
Riverside, CA 92501

District Attorney, Sacramento County  
901 G Street  
Sacramento, CA 95814

District Attorney, San Benito County  
419 Fourth Street, 2<sup>nd</sup> Floor  
Hollister, CA 95023

District Attorney, San Bernardino County  
303 West 3<sup>rd</sup> Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92415-0004

District Attorney, San Diego County  
330 West Broadway, Room 1300  
San Diego, CA 92101

District Attorney, San Francisco County  
850 Bryant Street, Room 322  
San Francisco, CA 94103

District Attorney, San Joaquin County  
Post Office Box 990  
Stockton, CA 95201

District Attorney, San Luis Obispo County  
1035 Palm Street, Room 450  
San Luis Obispo, CA 93408

District Attorney, San Mateo County  
400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063

District Attorney, Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

District Attorney, Santa Clara County  
70 W. Hedding Street, West Wing  
San Jose, CA 95110

District Attorney, Santa Cruz County  
701 Ocean Street, Rm. 200  
Santa Cruz, CA 95060

District Attorney, Shasta County  
1355 West Street  
Redding, CA 96001-1632

District Attorney, Sierra County  
Post Office Box 457  
Downieville, CA 95936

District Attorney, Siskiyou County  
Post Office Box 986  
Yreka, CA 96097

District Attorney, Solano County  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

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

District Attorney, Stanislaus County  
832 12<sup>th</sup> Street, Suite 300  
Modesto, CA 95354

District Attorney, Sutter County  
446 Second Street, Suite 102  
Yuba City, CA 95991

District Attorney, Tehama County  
Post Office Box 519  
Red Bluff, CA 96080

District Attorney, Trinity County  
Post Office Box 310  
Weaverville, CA 96093

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

District Attorney, Tuolumne County  
423 N. Washington Street  
Sonora, CA 95370

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

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

District Attorney, Yuba County  
215 5th St.  
Marysville, CA 95901

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Los Angeles City Attorney's Office  
800 City Hall East  
200 N. Main Street, Rm 800  
Los Angeles, CA 90012

San Jose City Attorney's Office  
200 E. Santa Clara St.  
16<sup>th</sup> Floor  
San Jose, CA 95113

San Diego City Attorney's Office  
City Center Plaza  
1200 Third Ave., #1620  
San Diego, CA 92101

San Francisco City Attorney's Office  
City Hall, Room 234  
1 Dr. Carlton B Goodlett Place  
San Francisco, CA 94102