

# 60-DAY NOTICE OF VIOLATION

## California Safe Drinking Water and Toxic Enforcement Act

<b>Date:</b>	April 21, 2015
<b>To:</b>	Bloom Room California Attorney General's Office District Attorney's Office for 58 Counties City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles
<b>From:</b>	Michael DiPirro

**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, you may contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (919) 445-6900. Attached for your reference is a summary, "Proposition 65 In Plain Language," provided by the California Office of Environmental Health Hazard Assessment's ("OEHHA") (copies not provided to public enforcement agencies).**

This Notice of Violation is provided by Michael DiPirro. I am a citizen of the State of California acting in the interest of the general public. I am dedicated to protecting the environment, promoting awareness of exposures to toxic chemicals in products sold in California, improving human health and supporting environmentally sound practices.

Identified below are specific examples of products recently purchased and/or witnessed as being available for purchase or use in California that are within the categories or types of offending products covered by this Notice. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more location and/or 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 other retailers and distributors of the manufacturer, including, but not limited to the retailer(s) and/or distributor(s) listed below.

### Description of Violations:

<b>Violator:</b>	Bloom Room
<b>Toxic Chemical:</b>	Marijuana Smoke Exposures to Marijuana Smoke occur from use of the products identified in this Notice.
<b>Product Categories:</b>	Marijuana Intended for Smoking; Paraphernalia for Smoking Marijuana



<b>Non-exclusive Example of Type of Product<sup>1</sup>:</b>	Marijuana “bud” intended for smoking; Water Bonges; Smoking Pipes; Rolling Papers; Blunts
<b>Retailer(s)/Distributor(s)/Manufacturer(s)</b>	Bloom Room
<b>Types of Harm:</b>	Cancer
<b>Description of Exposure:</b>	These exposures occur in homes, some workplaces and everywhere else throughout California where these products are handled or used. 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.
<b>Routes of Exposure:</b>	Inhalation  Reasonably foreseeable use of the products identified in this Notice results in human exposures to Marijuana Smoke. Marijuana Smoke is a direct and unavoidable by-product of the use of the Products listed above. The route of exposure for the violations is inhalation when the consumer inhales Marijuana Smoke as a result of using the Products listed above.
<b>Time Period of Exposure:</b>	The violations have been occurring since at least April 21, 2012, and are continuing to this day.

**Resolution of Noticed Claims:** Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold; (2) take effective measures to prevent unwarned Marijuana Smoke exposures from products sold in the future and to ensure that the requisite health hazard warnings are provided to those who have received such products; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249(b). If the alleged Violator is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact me through my counsel identified below. It should be noted that neither my counsel nor I can: (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 this Notice of Violation. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

**Please direct any inquiries regarding this Notice to Michael DiPirro through his counsel Jennifer Henry at Law Offices of Jennifer Henry, 3270 Mendocino Avenue, # 2E, Santa Rosa, CA 95403; Telephone: (707) 541-6255; E-mail: jhenry@bushandhenry.com.**

<sup>1</sup> The specifically identified examples of the types of products that are subject to this Notice are for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product categories/types listed in Exhibit A. These examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under “Product Category.” 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 types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

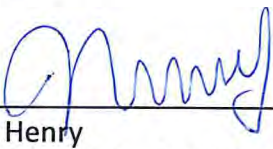
## CERTIFICATE OF MERIT

Health & Safety Code § 25249.7(d)

I, Jennifer Henry, 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 & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney who represents the noticing party.
3. Members of my firm and 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 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(s) 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.

April 21, 2015



Jennifer Henry

Attorney for Michael DiPirro



**PROOF OF SERVICE**

I declare that:

I am employed in Sonoma County, California; my business address is 3270 Mendocino Avenue, # 2E, Santa Rosa, CA 95403. I am over the age of 18 years and not a party to the within cause.

On April 21, 2015, I served true copies of the following documents:

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

**PROPOSITION 65 IN PLAIN LANGUAGE (only sent to the Violator(s));**

**CERTIFICATE OF MERIT; and**

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

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals as follows:

on the alleged Violator(s) listed below via regular and First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entities listed below and providing each envelope to a United States Postal Service Representative:

Bloom Room 471 Jessie Street San Francisco, CA 94103	
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By providing copies to the addressees below electronically as follows:

<i>Electronically via the Attorney General website:</i>		The Attorney General of the State of California;	
<u>Electronically to the following recipients at the following electronic mail addresses:</u>	Birgit Fladager District Attorney Stanislaus County <a href="mailto:Prop65@standa.org">Prop65@standa.org</a>	Assistant District Attorney Santa Clara County <a href="mailto:epu@da.sccgov.org">epu@da.sccgov.org</a>	Gary Lieberstein District Attorney Napa County <a href="mailto:CEPD@countyofnapa.org">CEPD@countyofnapa.org</a>
Dije Ndreu Deputy District Attorney Monterey County <a href="mailto:Prop65DA@co.monterey.ca.us">Prop65DA@co.monterey.ca.us</a>	Paul E. Zellerbach District Attorney Riverside County <a href="mailto:Prop65@rivcoda.org">Prop65@rivcoda.org</a>	Phillip J. Cline District Attorney Tulare County <a href="mailto:Prop65@co.tulare.ca.us">Prop65@co.tulare.ca.us</a>	Gregory D. Totten District Attorney Ventura County <a href="mailto:daspecialops@ventura.org">daspecialops@ventura.org</a>

As well as providing copies 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:

*By placing each envelope in a United States Postal Service mailbox, postage prepaid:*

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 April 21, 2015, at Santa Rosa, California.

  
 \_\_\_\_\_  
 Michael Hader



# SERVICE LIST

The Honorable Nancy O'Malley  
Alameda County District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612

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

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

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

The Honorable Barbara Yook  
Calaveras County District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249

The Honorable John Poyner  
Colusa County District Attorney  
346 Fifth Street  
Colusa, CA 95932

The Honorable Mark Peterson  
Contra Costa County District Attorney  
900 Ward Street  
Martinez, CA 94553

The Honorable Dale Trigg  
Del Norte County District Attorney  
450 H Street, Room 171  
Crescent City, CA 95531

The Honorable Vern Pierson  
El Dorado County District Attorney  
515 Main Street  
Placerville, CA 95667

The Honorable Lisa Smittcamp  
Fresno County District Attorney  
2220 Tulare Street, #1000  
Fresno, CA 93721

The Honorable Dwayne Stewart  
Glenn County District Attorney  
P.O. Box 430  
Willows, CA 95988

The Honorable Maggie Fleming  
Humboldt County District Attorney  
825 5th Street, Fourth Floor  
Eureka, CA 95501

The Honorable Gilbert Otero  
Imperial County District Attorney  
940 West Main Street, Suite 102  
El Centro, CA 92243

The Honorable Thomas Hardy  
Inyo County District Attorney  
168 North Edwards Street  
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The Honorable Lisa Green  
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The Honorable Keith Fagundas  
Kings County District Attorney  
1400 West Lacey Boulevard  
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The Honorable Donald Anderson  
Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453

The Honorable Stacey Montgomery  
Lassen County District Attorney  
220 South Lassen Street, Ste. 8  
Susanville, CA 96130

The Honorable Jackie Lacey  
Los Angeles County District Attorney  
210 West Temple Street, Suite 18000  
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The Honorable David Linn  
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209 West Yosemite Avenue  
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The Honorable Edward Berberian  
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3501 Civic Center Drive, Room 130  
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The Honorable Thomas Cooke  
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5101 Jones Street, P.O. Box 730  
Mariposa, CA 95338

The Honorable C. David Eyster  
Mendocino County District Attorney  
100 North State Street, P.O. Box 1000  
Ukiah, CA 95482

The Honorable Larry Morse II  
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550 W. Main Street  
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The Honorable Jordan Funk  
Modoc County District Attorney  
204 S. Court Street, Suite 202  
Alluras, CA 96101

The Honorable Tim Kendall  
Mono County District Attorney  
P.O. Box 617  
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The Honorable Dean Flippo  
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Salinas, CA 93902

The Honorable Gary Lieberstein  
Napa County District Attorney  
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Napa, CA 94559

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Sacramento, CA 95814

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Hollister, CA 95203

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303 West 3rd Street, 6th Floor  
San Bernardino, CA 92415-0502

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San Francisco, CA 94103

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San Joaquin County District Attorney  
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San Luis Obispo, CA 93408

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Redding, CA 96001

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Sierra County District Attorney  
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Downieville, CA 95936

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Modesto, CA 95354

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Yuba City, CA 95991

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Tehama County District Attorney  
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Rm 224  
Visalia, CA 93291-4593

The Honorable Laura Krieg  
Tuolumne County District Attorney  
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Sonora, CA 95370

The Honorable Gregory Totten  
Yuba County District Attorney  
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Ventura, CA 93009

The Honorable Jeff Reisig  
Yuba County District Attorney  
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Woodland, CA 95695

The Honorable Patrick McGrath  
Yuba County District Attorney  
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Marysville, CA 95901

The Honorable Mike Feuer  
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Los Angeles, CA 90012

The Honorable James Sanchez  
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Sacramento, CA 95814

The Honorable Jan Goldsmith  
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San Diego, CA 92101

The Honorable Dennis Herrera  
Office of the City Attorney, San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

The Honorable Richard Doyle  
Office of the City Attorney, San Jose  
200 East Santa Clara Street, 16th Floor  
San Jose, CA 95113

Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
ATTN: Prop 65 Coordinator  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550