

ALVANDI LAW GROUP
P R O F E S S I O N A L C O R P O R A T I O N
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October 07, 2024

**SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE
DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986**
(Cal. Health & Safety Code § 25249.5, et seq.) (“Proposition 65”)

Re: *Violations of Proposition 65 related to alcohol*

TO: *Office of the California Attorney General*
*Prop 65 Enforcement Reporting. Via upload to the Office of the Attorney General's
website at the following web address: <https://oag.ca.gov/prop65/add-60-day-notice>*

*Alleged Violator(s): Benihana
 1447 4th St.
 Santa Monica, CA 90401*

FROM: *Golden State Consumer Law Group, Inc, by and through Alvandi Law Group*

Dear Alleged Violator(s) and Public Enforcement Agencies:

This office, Alvandi Law Group, P.C. (hereinafter "ALG"), represents Claimant Golden State Consumer Law Group, Inc. (“Claimant”), who serves this Notice of Violation (“Notice”) on Benihana (collectively “Violator(s)”) pursuant to California Health & Safety Code section 25249.7(d) and in compliance with Proposition 65 and identifies Nooshin Didarmorshedi as the responsible individual to contact in response to this Notice. The violations alleged by this Notice consist of types of harm that may potentially result from exposures to the toxic chemicals: ethyl alcohol in alcoholic beverages; alcoholic beverages, when associated with alcohol abuse; and alcoholic beverages, which were listed as a known hazardous substances in 1987, 1988 and 2011, respectively. This Notice satisfies a prerequisite for Claimant to commence an action against Violators in any Superior Court of California to enforce Proposition 65.

I. INTRODUCTION:

This Notice is provided to the public agencies listed above and in the attached proof of service pursuant to California Health & Safety Code § 25249.6, et seq. (“Proposition 65”). As noted above, notice is also being provided to the violator. The violations covered by this Notice consists of a summary of Proposition 65, Statement of Violation, Number and Duration of Violation, Product Category/Type, Listed Chemical(s), Preservation of Evidence, Product Exposure, Routes of Exposure and type of harm resulting from exposure to the chemicals including but not limited to (the “ Chemicals”) as follows:

The listed chemicals involved in these violations are: ethyl alcohol in alcoholic beverages; alcoholic beverages, when associated with alcohol abuse; and alcoholic beverages, known to the State of California to cause cancer, birth defects and other reproductive harm.

II. PROPOSITION 65 INFORMATION – SUMMARY:

A summary of Proposition 65 and its implementation regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of the Notice served on the Notice Recipients. For more 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.

III. STATEMENT OF VIOLATIONS:

The alleged violators knowingly and intentionally also have exposed and continued to knowingly expose consumers within the State of California to the listed chemicals at levels that, upon reasonable use of the product, exceed the maximum allowable dose level without providing clear and reasonable warning of that exposure. More specifically, the Violator does not warn that the products contain a chemical known to the State of California to cause cancer/reproductive toxicity.

Proposition 65 requires that a "clear and reasonable" warning be provided prior to exposure to certain listed chemicals. The Violators are in violation of Proposition 65 because the Violators have failed to provide a warning to consumers that they are being exposed to Chemicals. While in the course of doing business, the Violators are "knowingly and intentionally" exposing consumers to Chemicals without first providing a "clear and reasonable" warning. See *Cal. Health and Safety Code § 25249.6*.

Violator is selling and/or serving alcoholic beverages to residents of California at its physical location identified above. No clear and reasonable Proposition 65 warning is provided for these products on its menu regarding the presence of the Listed Chemicals in the products as required by Cal. Code Regs. Tit. 27 § 25607.3. Specifically, such warning must be placed as described in Section 25607.4 as follows:

(C) For alcoholic beverages provided for consumption on the premises served by food or beverage persons, or sold through an over-the-counter service, the warning message is provided on a menu or list identifying the alcoholic beverages served on the premises. If there is no menu or list identifying the alcoholic beverages served on the premises, then the warning message is provided on the menu or list identifying the food or other beverages sold on the premises.

Without such warnings, California citizens lack the information necessary to make informed decisions as to whether and/ or how to eliminate or reduce the risk of exposure to the Chemical at the Location(s). Claimant is a citizen of the State of California who is acting in the interest of the general public to promote awareness of exposures to toxic chemicals and to improve human health and the environment by reducing hazardous substances. Claimant intends to bring a private enforcement action, pursuant to Cal. Health & Safety Code §25249.7(d), to address these violations. Claimant is represented by the undersigned and may be contacted through the undersigned at the telephone number and address set forth in the letterhead above.

IV. TYPE OF PRODUCT AND ROUTE OF EXPOSURE

The type of product causing these violations is alcoholic beverages. Examples of alcoholic beverages may include beer, wine or liquor. The consumer is exposed to the Listed Chemicals through ingestion as a result of drinking the product on the premises operated by violator(s).

V. NUMBER AND DURATION OF VIOLATIONS

With respect to the products specified above, the violations commenced on the latter of the date that the specified product(s) were first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical(s) surpassed by the specified product(s); have continued every day since the relevant date the violations started; and will continue every day until the listed chemicals are removed from the specified product(s), reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the

noticed parties in accordance with the law. Plaintiff believes that the violations are currently occurring and ongoing and, on information and belief, believes that the Violations have been occurring since at least 7/14/22.

VI. EVIDENCE PRESERVATION REQUEST TO ALLEGED VIOLATOR(S):

Alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any warning materials concerning exposure to the Chemical at the Location(s) and all communications regarding any such exposures. This also includes, without limitation, documenting (through photography and/or video recording) the present existence, content, and location of all warning materials-including labels, signs, tags, and other language-at the Location(s) that the Violator(s) contends provides consumers with the "clear and reasonable" warning required by Health & Safety Code section 25249.6 regarding the exposures (and preserving any historical depictions of such warning materials). The failure to preserve the requested evidence may result in sanctions and other penalties.

VII. CERTIFICATE OF MERIT

Pursuant to *Health & Safety Code* §25249.6 and Title 11, California Code of Regulations, section 3100, a Certificate of Merit is attached hereto. A second copy of the entire notice and Certificate of Merit is served on the Attorney General with all supporting documentation required by section 3102 attached hereto.

VIII. RESOLUTION OF NOTICED CLAIMS

Consistent with the goals of Proposition 65 and a desire to have these violations corrected, ALG is interested in seeking a resolution of this matter. Such a resolution will prevent further unwarned consumer exposure to the Chemical(s), as well as expensive and time-consuming litigation.

Based on the allegations set forth in this Notice, Golden State Consumer Law Group, Inc. intends to file a citizen enforcement lawsuit against violator(s) unless it agrees in a binding written agreement to: (1) recall products already sold or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future to eliminate unknowing exposures or reformulate such products to eliminate Listed Chemicals exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If violator is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact Nooshin Didarmorshedi, who is the responsible individual for Claimant, directly on behalf of Golden State Consumer Law Group, Inc.

It should be noted that counsel cannot (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement with ALG will resolve its claims; such an agreement may not satisfy the public prosecutors.

Proposition 65 requires that notice of intent to sue be given to the violator(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code* § 25249.7(d)(1). With this letter, Claimant gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the date of sending this notice (plus ten (10) calendar days because the place of address is beyond the State of California but within the United States), Claimant may file suit. See *Cal. Code Civ. Proc.* §1013; *Cal. Health & Safety Code* § 25249.7(d)(1); and *Cal. Code Regs.* tit. 27 § 25903(d)(1). Claimant remains open and willing to discuss the possibility of resolving the grievances short of formal litigation.

All communications regarding this notice may be made to Alvandi Law Group at the above-listed firm individual, address and telephone number.

Attachments:

Certificate of Merit

Supporting Documentation for Certificate of Merit (to Attorney General Only)

Proposition 65: A Summary

Proof of Service

Appendix B – Special compliance procedure

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Gil Alvandi, Esq., 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 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 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 Violators will be able to establish any of the affirmative defenses set forth in the statute; and
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: 10/07/24



Gil Alvandi, Esq.

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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 over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. My business address is 20301 SW Acacia Street, Second Floor, Newport Beach, CA 92660.

ON THE DATE SHOWN BELOW, I SERVED THE FOLLOWING DOCUMENTS:

- *60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.*
- *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*
- *Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)*
- *Appendix B – Special Compliance Procedures*

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Name & Address	
Thomas Baldwin, CEO Benihana Marina Corp. 21500 Biscayne Blvd. Ste 900 Aventura, FL 33180	

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by USPS mail:

Name:	Address:
LA County District Attorney	c/o Prop 65 Violations, 211 W. Temple St. Ste. 1200, Los Angeles, CA 90012

on the following parties via electronic service:

Name:	Address:

Executed on October 07, 2024, in Newport Beach, California.

Blair M. Hamilton

Blair M. Hamilton
Senior Paralegal

Proof of Service via Electronic Upload

I declare that I am a citizen of the United States and a resident of the County of Orange. I am over the age of eighteen (18) and not a party to the within action. My business address is 20301 SW Acacia Street, Second Floor, Newport Beach, CA 92660.

On the date shown below, I caused the following documents to be electronically served upon the Office of the Attorney General, State of California, via upload to the Office of the Attorney General's website at the following web address: <https://oag.ca.gov/prop65/add-60-day-notice>:

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

- 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act;
- Certificate of Merit, with confidential attachment;
- The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary; and
- Appendix B – Special Compliance Procedures.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 07, 2024, at Newport Beach, California.

Blair M. Hamilton

Blair M. Hamilton
Senior Paralegal

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no

observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

² See Section 25501(a)(4).

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

APPENDIX B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date: 10/07/24

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Name of Noticing Party or attorney for Noticing Party: Alvandi Law Group

Address: 20301 SW Acacia Street, 2nd Floor, Newport Beach, CA 92660

Phone number: 949-333-8083

SPECIAL COMPLIANCE PROCEDURE
PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

XXXX Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

___ A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

___ Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

___ Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

IMPORTANT NOTES:

- (1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.
- (2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date: 10/07/24

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Name of Noticing Party or attorney for Noticing Party: Alvandi Law Group

Address: 20301 SW Acacia Street, 2nd Floor, Newport Beach, CA 92660

Phone number: 949-333-8083

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;

Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR

Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative

Date

Name and title of signatory

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.