

07/23/2025

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

Dear Alleged Violator and Appropriate Enforcement Agencies<sup>1</sup>:

This office represents Ramy Eden (herein “Claimant”) who serves this Notice of Violation (herein “Notice”) pursuant to California Health & Safety Code section 25249.7(d). This Notice serves to inform you that RUBIOS RESTAURANTS INC (herein “Alleged Violator”) is in violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (herein “Proposition 65 or “Prop. 65”) codified at Cal. Health & Safety Code § 25249.5, *et seq.*

Alleged Violator exposes individuals to “Alcoholic beverages” and “Alcoholic Beverages, when associated with alcohol abuse” which are chemicals officially listed by the State of California under Prop. 65 as known to cause cancer. Individuals are exposed to said listed chemicals at 252 N. El Camino Real, Encinitas, CA (herein “Location”) when they drink, at the Location, the beer sold by Alleged Violator for on-site consumption at the Location. In violation of Cal. Health & Safety Code § 25249.6, Alleged Violator exposes individuals at the Location to said listed chemicals without complying with Proposition 65’s warning requirements concerning such exposures. 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 such listed chemicals at the Location.

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 exposure to 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 has requested that he only be contacted regarding this matter through the undersigned at the telephone number and address set forth on this notice’s letterhead.

### Description of Violations:

Alleged Violator: RUBIOS RESTAURANTS INC

Product and Listed Chemicals: The type of product causing exposure in violation of Proposition 65 is all beer sold by Alleged Violator to consumers at the Location for on-site consumption there—including, without limitation, PACIFICO brand beer—(herein “Beer”). “Alcoholic beverages” and “Alcoholic Beverages, when associated with alcohol abuse” are chemicals officially listed by the State of California under Prop. 65 as known to cause cancer (herein “The Listed Chemicals”). Consumers are exposed to The Listed Chemicals when they drink the Beer. It should be noted that Claimant may continue to investigate other products sold by Alleged Violator that may reveal further violations and result in subsequent notices of violation.

Route of Exposure: The exposures that are the subject of this Notice result from consumers ingesting (drinking) Beer. No clear and reasonable warning is provided regarding the carcinogenic hazards of exposure to The Listed Chemicals at the Location.<sup>2</sup>

Time Period of Exposure: Ongoing violations have been occurring every day since at least November 21, 2024, as well as every day Beer was sold by Alleged Violator to consumers at the Location for on-site consumption there without the furnishing of a clear and reasonable warning as required by Proposition 65.

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<sup>1</sup> The public enforcement agencies are those public agencies identified in the attached proof of service.

<sup>2</sup> This Notice does not allege exposure to the Listed Chemicals beyond the Location set forth herein.

General Information about Prop. 65:

General information concerning Proposition 65 can be found in the materials herein including, without limitation, 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.

**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 WARNINGS CONCERNING EXPOSURE TO THE LISTED CHEMICALS AT THE LOCATION 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 WARNINGS—including without limitation signs and language FURNISHED ON THE LOCATION’S MENUS—THAT THE ALLEGED 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.**

**Claims Resolution:**

To address the above-described violations, Claimant<sup>3</sup>—through this law firm—intends to bring a private enforcement action against the Alleged Violator pursuant to Cal. Health & Safety Code § 25249.7(d). However, consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Claimant is interested in attempting to reach an efficient and equitable resolution of these violations without protracted litigation.

**Should the Alleged Violator be interested in discussing such a resolution, I welcome them to contact me at [nov@charolaw.com](mailto:nov@charolaw.com) or at the phone number or mailing address listed in the letterhead at the top of page 1 of this Notice.**

Please note that Claimant is represented by this firm in connection with this matter and **has requested that he only be contacted through this firm.**

Sincerely,

*/s/ Jarrett Charo, Esq.*

Jarrett Charo, Esq.

ENCLOSURES PROVIDED TO ALLEGED VIOLATOR(S): 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; 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; CERTIFICATE OF MERIT; AND PROOF OF SERVICE. ENCLOSURES PROVIDED TO OFFICE OF THE ATTORNEY GENERAL: CERTIFICATE OF MERIT WITH CONFIDENTIAL ATTACHMENT; PROOF OF SERVICE. ENCLOSURES PROVIDED TO OTHER PUBLIC ENFORCEMENT AGENCIES: CERTIFICATE OF MERIT; AND PROOF OF SERVICE.

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<sup>3</sup> Claimant’s mailing address and telephone number are: 1286 University Ave. #1052, San Diego, CA 92103; 619-752-4862. However, as indicated above, Claimant is represented by counsel and has requested that any communications regarding this matter be directed to the undersigned.

### Certificate of Merit

I, Jarrett S. Charo, hereby declare:

- (1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 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 the 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 plaintiffs' 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 the information identified in Health and Safety Code section 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: July 22, 2025



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Jarrett S. Charo, Esq.

## 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.<sup>1</sup> 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

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<sup>1</sup> 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>.

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](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:

***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 contaminant<sup>2</sup> 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.

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<sup>2</sup> See Section 25501(a)(4).

## *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.

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 OEHHA'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](mailto: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: 07/23/2025

Page 1

Name of Noticing Party or attorney for Noticing Party: Jarrett Charo, APC, attorney for Noticing Party

Address: 4079 Governor Dr., No. 1018, San Diego, CA 92122

Phone number: 619-350-3334

### **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)

☒ X 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: 07/23/2025

Page 2

Name of Noticing Party or attorney for Noticing Party: Jarrett Charo, APC, attorney for Noticing Party

Address: 4079 Governor Dr., No. 1018, San Diego, CA 92122

Phone number: 619-350-3334

## **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
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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](mailto:P65Public.Comments@oehha.ca.gov).

Revised: May 2017

### **Credits**

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.

## PROOF OF SERVICE BY USPS MAIL

I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

- On July 23, 2025, I caused the following documents to be served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary, Appendix B: Prop 65 Special Compliance Procedure, as indicated below:

RUBIOS RESTAURANTS INC  
c/o ANNE WILLMONT, AGENT FOR SERVICE  
2200 FARADAY AVENUE SUITE 250  
CARLSBAD, CA 92008

RUBIOS RESTAURANTS INC.  
c/o HANK SIMPSON, CEO  
2200 FARADAY AVENUE # 250  
CARLSBAD, CA 92008

☒ BY USPS MAIL – by placing a true and correct copy of the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm’s outgoing mail. I am “readily familiar” with the firm’s practice of collecting and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

☐ BY HAND DELIVERY – by delivering by hand and leaving a true copy addressed to the person at the address shown above.

☐ BY EMAIL – by causing a true copy thereof to be electronically transmitted to the parties, by using their email address as indicated above.

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

Executed on July 23, 2025, at Penryn, California

  
\_\_\_\_\_  
Janis Dingman

## PROOF OF SERVICE BY E-MAIL

I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

On July 23, 2025, I caused the following documents to be electronically served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit, as indicated below:

SAN DIEGO COUNTY DISTRICT ATTORNEY  
SanDiegoDAProp65@sdcdca.org

- ☐ BY MAIL – by placing a true and correct copy of the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm’s outgoing mail. A signed return receipt was requested. I am “readily familiar” with the firm’s practice of collecting and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.
- ☐ BY HAND DELIVERY – by delivering by hand and leaving a true copy addressed to the person at the address shown above.
- ☒ BY EMAIL – by causing a true copy thereof to be electronically transmitted to the parties, by using their email address as indicated above.
- ☒ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 23, 2025, at Penryn, California

  
\_\_\_\_\_  
Janis Dingman

**Proof of Service via Electronic Upload**

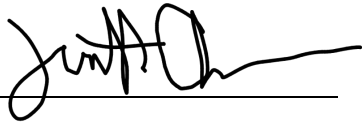
I declare that I am a citizen of the United States and a resident of the County of San Diego. I am over the age of eighteen (18) and not a party to the within action. My business address is 4079 Governor Dr., No. 1018, San Diego, CA, 92122.

On July 23, 2025, 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 <https://oag.ca.gov/prop65/add-60-day-notice> web address:

- 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; and
- Certificate of Merit, with confidential attachment.

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

Executed on July 23, 2025, at San Diego, California.

  
\_\_\_\_\_