

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

JOHN GARDONI ,)	
)	
Respondent ,)	Case No. 81-CE-45-SAL
)	
and)	
)	
UNITED FARM WORKERS)	8 ALRB No. 62
OF AMERICA, AFL-CIO,)	
)	
Charging Party.)	

DECISION AND ORDER

On April 23, 1982, Administrative Law Officer (ALO) Alex Reisman issued his attached Decision in this proceeding. Thereafter, John Gardoni (Respondent) filed untimely exceptions to the ALO's Decision and a supporting brief. General Counsel and the United Farm Workers of America, AFL-CIO (UFW), each timely filed reply briefs to Respondent's exceptions.

Pursuant to the provisions of California Labor Code section 1146^{1/} the Agricultural Labor Relations Board (ALRB or Board) has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the ALO's Decision in light of the exceptions and briefs^{2/} and has decided

^{1/} Unless otherwise specified, all code sections herein refer to the California Labor Code.

^{2/} In view of the unusual nature of this case, and the absence of prejudice to any party, we have reviewed and considered Respondent's untimely exceptions and brief along with the timely reply briefs of the other parties.

to affirm the ALO's rulings, findings, and conclusions, and to adopt his recommended Order, with modifications.

The sole question presented by this matter is whether Respondent demonstrated sufficient cause to the ALO to establish that summary judgment should not issue. The ALO found, and we affirm that finding, that Respondent failed to establish good cause for his failure to abide by the regulations of the Board. (See, e.g., Galesburg Construction Co., Inc. (1981) 259 NLRB No. 95 [109 LRRM 1009]; Blidisco and Blidisco (1981) 225 NLRB No. 154 [107 LRRM 1057]; Livingston Powered Metal v. NLRB (3d Cir. 1982) 669 F.2d 133 [109 LRRM 2457].) In light of Respondent's propensity to repeatedly fail to meet the deadlines imposed by the Board's regulations for filings and the failure of Respondent to offer any justification for the untimely filing of its answer following a two-week delay granted on Respondent's request specifically for that purpose, we hereby strike the answer as untimely filed and grant summary judgment based on the allegations contained in the complaint issued by the General Counsel on November 16, 1981. (Aaron Convalescent Home v. NLRB (6th Cir. 1973) 479 F.2d 736 [83 LRRM 2473]; D'Agata National Trucking Co. (1981) 259 NLRB No. 48 [108 LRRM 1350].) We therefore conclude that Respondent violated section 1153(c) and (a) of the Agricultural Labor Relations Act (Act) by discharging employees Tomas Gonzalez and Elipidio Gonzalez on or about March 24, 1981, and by evicting them from their lodgings on or about February 24, 1981, in each instance because of their membership in and/or activities on behalf of the UFW, a labor organization.

ORDER

By authority of Labor Code section 1160.3, the Agricultural Labor Relations Board hereby orders that Respondent John Gardoni, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Discharging, failing or refusing to rehire or reinstate, evicting or attempting to evict, or otherwise discriminating against any agricultural employee because of his or her membership in or activities on behalf of the United Farm Workers of America, AFL-CIO (UFW), or any other labor organization.

(b) In any like or related manner interfering with, restraining, or coercing any agricultural employee in the exercise of the rights guaranteed by section 1152 of the Act.

2. Take the following affirmative actions which are deemed necessary to effectuate the policies of the Act:

(a) Offer to Tomas Gonzalez and Elipidio Gonzalez immediate and full reinstatement to their former or substantially equivalent positions without prejudice to their seniority or other employment rights or privileges, and reimburse them for all losses of pay and other economic losses they have suffered as a result of Respondent's discrimination against them on or about March 24, 1981, such amounts to be computed in accordance with established Board precedents, with interest thereon computed in accordance with the principles set forth in Lu-Ette Farms, Inc. (Aug. 18, 1982) 8 ALRB No. 55.

(b) Offer to Tomas Gonzalez and Elipidio Gonzalez immediate and full reinstatement to company housing and reimburse

them for all economic losses they have suffered as a result of their eviction by Respondent on or about February 24, 1981, such amounts and interest thereon to be computed in accordance with paragraph 2(a) above.

(c) Preserve and, upon request, make available to this Board and its agents, for examination, photocopying, and otherwise copying, all payroll records, social security payment records, time cards, personnel records and reports, and all other records relevant and necessary to a determination, by the Regional Director, of the backpay period and the amount of backpay due under the terms of this Order.

(d) Sign the Notice to Agricultural Employees attached hereto and, after its translation by a Board agent into all appropriate languages, reproduce sufficient copies in each language for the purposes set forth hereinafter.

(e) Mail copies of the attached Notice, in all appropriate languages, within 30 days after the date of issuance of this Order, to all agricultural employees employed by Respondent at any time during the period from February 24, 1981, until August 24, 1981.

(f) Post copies of the attached Notice, in all appropriate languages, in conspicuous places on its property for 60 days, the period(s) and place(s) of posting to be determined by the Regional Director, and exercise due care to replace any Notice which has been altered, defaced, covered, or removed.

(g) Arrange for a representative of Respondent or a Board agent to distribute and read the attached Notice, in all

appropriate languages, to all of its agricultural employees on company time and property at time(s) and place(s) to be determined by the Regional Director. Following the reading, the Board agent shall be given the opportunity, outside the presence of supervisors and management, to answer any questions the employees may have concerning the Notice and/or their rights under the Act. The Regional Director shall determine a reasonable rate of compensation to be paid by Respondent to all nonhourly wage employees in order to compensate them for time lost at this reading and during the question-and-answer period.

(h) Notify the Regional Director in writing, within 30 days after the date of issuance of this Order, of the steps Respondent has taken to comply with its terms, and continue to report periodically thereafter, at the Regional Director's request, until full compliance is achieved.

Dated: September 10, 1982

HERBERT A. PERRY, Acting Chairman

ALFRED H. SONG, Member

JEROME R. WALDIE, Member

NOTICE TO AGRICULTURAL EMPLOYEES

After investigating charges that were filed in the Salinas Regional Office, the General Counsel of the Agricultural Labor Relations Board issued a complaint which alleged that we had violated the law. After a hearing, the Board found that we did violate the law by discharging and evicting from company housing two of our employees, Tomas Gonzalez and Elipidio Gonzalez, because of their membership in, or activities on behalf of, the United Farm Workers of America, AFL-CIO (UFW).

We also want to tell you that the Agricultural Labor Relations Act is a law that gives you and all other farm workers in California these rights:

1. To organize yourselves;
2. To form, join, or help unions;
3. To vote in a secret ballot election to decide whether you want a union to represent you;
4. To bargain with your employer about your wages and working conditions through a union chosen by a majority of the employees and certified by the Board;
5. To act together with other workers to help and protect one another; and
6. To decide not to do any of these things.

Because it is true that you have these rights, we promise that:

WE WILL NOT discharge or refuse to rehire, evict or attempt to evict from company housing, or otherwise discriminate against, any agricultural employee in regard to his or her employment because he or she has joined or supported the UFW or any other labor organization.

WE WILL offer to Tomas Gonzalez and Elipidio Gonzalez full reinstatement to their former or substantially equivalent positions, without loss of seniority, housing, or other rights or privileges. We will reimburse them for all losses of pay and other economic losses they incurred because we discharged and evicted them, plus interest.

Dated:

JOHN GARDONI

By:

(Representative)

(Title)

If you have a question about your rights as farm workers or about this Notice, you may contact any office of the Agricultural Labor Relations Board. One office is located at 112 Boronda Road, Salinas, California 92243. The telephone number is 408/443-3160.

This is an official Notice of the Agricultural Labor Relations Board, an agency of the State of California.

DO NOT REMOVE OR MUTILATE.

CASE SUMMARY

John Gardoni

8 ALRB No. 62

Case No. 81-CE-45-SAL

ALO DECISION

On March 9, 1981, the United Farm Workers of America, AFL-CIO (UFW) filed a charge on behalf of employees Tomas Gonzalez and Elipidio Gonzalez, alleging that John Gardoni (Respondent) had evicted the two employees from company housing and then discharged them because of their union activity. On November 16, 1981, a complaint issued based on those alleged violations and was served on Respondent. On February 8, 1982, the General Counsel moved for summary judgment on the complaint due to Respondent's failure to file an answer thereto. The Board denied the motion and granted Respondent a continuance in which to file its answer. On March 13, the General Counsel renewed his motion for summary judgment due to the late answer filed by Respondent. The Board ordered Respondent to show cause to the Administrative Law Officer why General Counsel's motion should not be granted.

The ALO ruled that Respondent failed to show any cause for the late filing and granted summary judgment, making findings of fact and conclusions of law based on the allegations of the complaint.

BOARD DECISION

The Board affirmed the rulings, findings, and conclusions of the ALO, struck Respondent's answer as untimely, and granted summary judgment based on the allegations contained in the complaint. Accordingly, the Board ordered Respondent to reinstate Tomas Gonzalez and Elipidio Gonzalez to their former jobs and company housing, and to make them whole for all economic losses suffered as a result of Respondent's violations of section 1153 (c) and (a) of the Act.

* * *

This Case Summary is furnished for information only and is not an official statement of the case, or of the ALRB.

* * *

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD



In the matter of)
)
JOHN GARDONI,)
)
Employer-Respondent,)
)
and)
)
UNITED FARM WORKERS OF)
AMERICA, AFL-CIO,)
)
Petitioner-Charging)
Party.)
)

Case No. 81-CE-45-SAL
ADMINISTRATIVE LAW
OFFICER'S DECISION

MELVIN R. STEINER, ESQ., of Carmel, California, for Employer-Respondent.

JOSE B. MARTINEZ, ESQ., ALRB, Salinas, California, for Petitioner, General Counsel.

STATEMENT OF THE CASE

ALEX REISMAN, Administrative Law Officer: The Pre-Hearing Conference in this case was heard by me on March 30, 1982 in Salinas, California.

On March 9, 1981, the United Farm Workers of America, AFL-CIO, filed an unfair labor practice charge against JOHN GARDONI (hereinafter "Respondent" or "Employer") alleging that Respondent, since on or about February 24, 1981, has refused to rehire and/or discharged employees TOMAG GONZALEZ and ELPIDIO GONZALEZ, and illegally evicted them from company housing because of their concerted and union activities. Said unfair labor practice charge was duly served by the Charging Party

on Respondent on or about March 7, 1981.

A Complaint was issued on November 13, 1981 alleging as follows: 1) On or about February 24, 1981, Respondent evicted TOMAS GONZALEZ and ELPIDIO GONZALEZ from company housing because of their concerted and union activities; and 2) on or about March 24, 1981, Respondent discharged Thomas Gonzalez and Elpidio Gonzalez because of their concerted and union activities. The Complaint further alleges that said actions by Respondent were in violation of Sections 1153(a) and (c) of the Agricultural Labor Relations Act (hereinafter the "Act"). Said Complaint was duly served on Respondent on November 13, 1981, along with a Notice of Hearing designating February 23, 1982 as the hearing date in this matter. Also on November 13, 1981, the United Farm Workers of America, AFL-CIO (hereinafter "UFW"), filed a Motion to Intervene in this case.

On February 2, 1981, the General Counsel filed a Motion to Make Allegations in Complaint True; Motion for Summary Judgment; Motion for Order to Show Cause based on Respondent's failure to file an answer to the November 13, 1981 Complaint as required by 8 Cal. Adm. Code §20230.

On February 18, 1982, Respondent filed a mailgram requesting a continuance of the February 23, 1982 hearing date due to Respondent's failure to forward the papers herein to his attorney or notify his attorney, Melvin R. Steiner, Esq., of said hearing date. Pursuant to Respondent's request, the Agricultural Labor Relations Board (hereinafter "Board") issued an order on

February 19, 1982 denying General Counsel's motions, continuing the hearing date herein to March 30, 1982, and directing Respondent to file its answer by February 28, 1982.

Thereafter, on March 5, 1982, Respondent filed its Answer denying all violations of the Act alleged in the Complaint.

On March 12, 1982, the General Counsel filed a second Motion to Make Allegations in Complaint True; Motion for Summary Judgment; Motion for Order to Show Cause. On March 22, 1982, the UFW filed a Motion to Strike Respondent's Answer to Complaint; Motion for Summary Judgment. Both of these motions were based on Respondent's failure to file its answer by the February 28, 1982 deadline set by the Board.

On March 23, 1982, Respondent issued its Response to General Counsel's Motion.

On March 25, 1982, the Board issued its Order that Respondent appear at the Pre-Hearing Conference on March 30, 1982 and submit written response to the Administrative Law Officer showing cause, if any exists, why the Motions for Summary Judgment in this case should not be granted.

At the Pre-Hearing Conference on March 30, 1982, a hearing was held on the Order to Show Cause issued by the Board. All parties were given a full opportunity to participate in the hearing. At the close of his hearing, the General Counsel and the UFW's Motions for Summary Judgment were granted.

FINDINGS OF FACT

I. JURISDICTION

Respondent is engaged in agriculture in Monterey County and is and has been, at all times material herein, an agricultural employer within the meaning of §1140.4(c) of the Act;

TOMAS GONZALEZ and ELPIDIO GONZALEZ are and have been, at all times material herein, agricultural employees within the meaning of §1140.4(b) of the Act; and

At all times material herein, JOHN GARDONI and Gilardo Sanchez have been supervisors within the meaning of §1140.4(j) of the Act and agents of Respondent acting on its behalf.

II. RESPONDENT'S FAILURE TO FILE ITS ANSWER BY FEBRUARY 28, 1982, AS ORDERED BY THE BOARD.

Much of the testimony adduced at the hearing on the Order to Show Cause concerned Respondent's explanation for its failure to file its Answer within the ten days of receiving service of the November 13, 1981 Complaint as required by 8 Cal. Adm. Code §20230. Any issues presented by Respondent's initial failure to file an Answer were resolved when the Board granted Respondent's February 18, 1982 request for a continuance and denied General Counsel's first Motion for Summary Judgment.

At the hearing on the Order to Show Cause why the second Motion for Summary Judgment should not be granted, Melvin R. Steiner, Esq., attorney for Respondent, stated that he learned

of the Complaint herein and the initial February 23, 1982 hearing date on or about February 17, 1982. He further stated that on February 20, 1982, he received notice from the Board that Respondent's February 18, 1982 request for a continuance had been granted, and that Respondent was ordered to file an Answer to the Complaint by February 28, 1982. JOHN GARDONI also stated that he was served with notice of said continuance and Order.

It is uncontradicted that Respondent's Answer was not filed until March 5, 1982, and that Respondent did not request an extension of time for filing an answer. At the March 30, 1982 hearing on the Order to Show Cause, Respondent offered no explanation for its failure to file its Answer by the February 28, 1982 deadline. Mr. Steiner stated only that he did not believe that the General Counsel was prejudiced by the five-day delay, particularly since this case had been pending for some time.

ANALYSIS AND CONCLUSIONS

I. GENERAL PRINCIPLES OF LAW

8 Cal.Adm. Code §20230 reads, in pertinent part, as follows:

"The respondent shall file an answer within 10 days of the service of the complaint or any amendment to the complaint ..."

8 Cal.Adm. Code §20232 further provides:

"The answer shall state which facts in the complaint are admitted, which are denied, and which are outside the knowledge of the

respondent or any of its agents. The answer may make any appropriate explanation of the circumstances surrounding the facts set forth in the complaint.

"Any allegation not denied shall be considered admitted." (Emphasis supplied.)

Section 1148 of the Act states that the Board shall follow applicable precedents of the National Labor Relations Act (hereinafter "NLRA").

National Labor Relations Board (hereinafter "NLRB") Rules and Regulations §102.20 contains essentially identical language to 8 Cal. Adm. Code §§ 20230 and 20232. However, §102.20 contains the following additional provision:

"All allegations in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown." (Emphasis supplied.)

Although the 8 Cal. Adm. Code §§ 20230 and 20232 do not explicitly provide for a showing of good cause by the respondent prior to a finding by the Board that the allegations in the Complaint are admitted to be true, the Board's decision in Western Tomato Growers & Shippers, Inc., Stockton Tomato Company, Inc., and Ernest Perry (1977) 3 ALRB No. 51 indicates that it is appropriate for the Board to allow a respondent, who has not filed an answer denying allegations in the complaint within §§ 20230 and 20232, to show good cause for its failure to make such a denial before the allegations in the complaint are found by the Board to be true. In that case, 13 of the 21 individuals

named as respondents in the complaint failed to file an answer. The Board stated:

"As to these 13 individuals we issue an Order to Show Cause why the Board should not enter an order against them. If no adequate response is received within 10 days we shall deem all allegations in the complaint to be true and issue an order accordingly."

Although the Board, in Western Tomato Growers & Shippers, Inc., et al., supra, did not use the words "good cause", its use of the phrase "adequate response" indicates that the "good cause" standard set forth by the NLRB and the NLRB cases interpreting that standard are "applicable precedents" within the meaning of §1148 of the Act.

II. RESPONDENT DID NOT DEMONSTRATE GOOD CAUSE FOR ITS FAILURE TO FILE A TIMELY ANSWER HEREIN; THEREFORE, GENERAL COUNSEL AND THE UFW'S MOTIONS FOR SUMMARY JUDGMENT MUST BE GRANTED.

In the instant case, it is clear that Respondent and his attorney had notice of the November 13, 1981 Complaint by February 17, 1982 at the latest, and on February 20, 1982, Respondent and his attorney received notice of Respondent's duty to file an Answer by February 28, 1982. Respondent never requested an extension of this deadline. Therefore, without question, Respondent's Answer, dated and filed five days after the February 28, 1982 deadline, was untimely under 8 Cal. Adm. Code §20230.

At the hearing on the Order to Show Cause on March 30, 1982, Respondent and his attorney were given ample opportunity to provide an explanation for the late filing of the Answer. However,

no such explanation was given. Respondent's attorney merely asserted that the case had been pending for many months and that the five-day delay did not prejudice the General Counsel.

In several recent cases, the NLRB has held that, even though the respondent offered some explanation for its failure to file a timely answer, respondent failed to demonstrate good cause for the untimeliness and therefore summary judgment was granted.

In Bildisco & Bildisco, 255 NLRB No. 154, 107 LRRM 1507 (1981), respondent asserted that it failed to file an answer because its operations had been disrupted by reorganization proceedings in the U.S. Bankruptcy Court and that court had not yet issued an order for special labor counsel for respondent. The NLRB held that this did not constitute good cause, particularly in light of the fact that respondent never requested an extension of the filing date, and the general counsel's motion for summary judgment was granted.

In D'Agata Nat'l Trucking Co., 259 NLRB No. 48, 108 LRRM 1350 (1981), respondent typed and signed its answer one day prior to the deadline but, through its own negligence, never mailed the answer. In spite of the apparent lack of bad faith on respondent's part, the NLRB held that respondent failed to demonstrate good cause and granted a motion for summary judgment.

In Galesberg Construction Co., 259 NLRB No. 95, 109 LRRM, 1009 (1981) and Urban Laboratories, 254 NLRB No. 61, 106 LRRM 1199,

respondents claimed they had inadequate notice of their duty to file an answer. These claims were found not to constitute good cause for respondents' failures to comply with §102.20 of the NLRB Rules and Regulations, and in both cases, motions for summary judgment were granted.

In light of the above-cited cases, Respondent's failure, in the instant case, to offer any explanation for filing its Answer five days late without having requested and received an extension, certainly cannot support a finding of good cause herein.

However, Respondent asserted that, because the General Counsel was not prejudiced by the five-day delay, the Motion for Summary Judgment should not be granted. While the NLRB, in the above-cited cases, did not consider lack of prejudice to the general counsel as a factor in deciding whether to grant the motions for summary judgment, the United States Court of Appeals, in Livingston Powered Metal v. NLRB, 669 F.2d 133 (3rd Cir. 1982), 109 LRRM 2457, employed a balancing of equities approach in which one factor was whether the delay in filing of the answer would have delayed the ultimate resolution of the case. In that case, the Court based its finding of good cause to allow the answer to be filed on the following factors: 1) the answer was mailed on the final date for filing; 2) the answer set forth a meritorious defense to the charges in the complaint; 3) late filing would not have delayed a hearing; 4) respondent's attorney lacked experience with the NLRB and his legal work had been delayed

by a death in his family; and 5) the Board's order, if carried out, would have dire financial consequences for respondent and its parent company.

The instant case is clearly distinguishable from Livingston Powdered Metal, supra. Here, while the lateness in filing may not have delayed the hearing, no facts regarding any of the numerous other factors cited by the court in Livingston Powdered Metal, supra, are present in the record.

What the record does demonstrate is a clear failure on Respondent's part to either file a timely Answer or request an extension of the time for filing, and no explanation for this failure. I, therefore, find that Respondent did not meet its burden of showing good cause for the late filing of its Answer. Pursuant to 8 Cal. Adm. Code §20232, the allegations in the Complaint herein are deemed admitted and found to be true and the General Counsel and UFW's Motions for Summary Judgment are granted.

I find that Respondent discharged TOMAS GONZALEZ and ELPIDIO GONZALEZ and evicted them from company housing in violation of §1153(a) and (c) of the Act.

REMEDY

Having found that Respondent violated §1153(a) and (c) of the Act, I shall recommend that it cease and desist therefrom and take affirmative action designed to effectuate the policies of the Act as delineated by the following order.

ORDER

Respondent, JOHN GARDONI, its owners, partners, officers, agents, successors and assigns shall:

1. Cease and desist from interfering with, restraining and coercing employees in the exercise of their right to engage in concerted activities for mutual aid or protection;

2. Cease and desist from discriminating against employees regarding hiring or tenure of employment, or any term or condition of employment, to encourage or discourage membership in any labor organization;

3. Reinstate TOMAS GONZALES and ELPIDIO GONZALEZ to their former or substantially equivalent positions of employment;

4. Make whole TOMAS GONZALEZ and ELPIDIO GONZALEZ for any loss of pay or economic losses suffered by the unlawful acts of Respondent, plus interest thereon;

5. Sign the Notice to Employees attached hereto. Upon its translation into all appropriate languages, Respondent shall reproduce sufficient copies in each language for the purposes set forth herewith;

6. Post copies of the attached Notice in all appropriate languages, for one year in conspicuous places on its properties, the time and places of posting to be determined by the Regional Director;

7. Deliver the attached Notice in all appropriate languages to its employees during the next peak season;

8. Mail the attached Notice, in all appropriate languages, to the home addresses of all Respondent's employees employed

since June 30, 1981;

9. Preserve and make available to the Board or its agents, upon request, for examination and copying, all payroll records, social security payment records, time cards, personnel records and reports and other records necessary to analyze the back pay and reinstatement rights due under the terms of this Order;

10. Offer to TOMAS GONZALEZ and ELPIDIO GONZALEZ housing on the terms and conditions in effect prior to their eviction by Respondent and make them whole for any losses they may have suffered as a result of the eviction;

11. Notify the Regional Director within thirty (30) days after the issuance of this Order of the steps it has taken to comply herewith, and continue to report periodically thereafter, at the Regional Director's request, until full compliance is achieved.

DATED: April 23, 1982.


ALEX REISMAN
Administrative Law Officer

NOTICE TO AGRICULTURAL EMPLOYEES

After investigating charges that were filed in the Salinas Office, the General Counsel of the Agricultural Labor Relations Board issued a complaint that alleged that we had violated the law. The Board found that we did violate the law by discharging Tomas Gonzalez and Elpidio Gonzalez on March 24, 1981 and evicting them from company housing on February 24, 1981. The Board has told us to post and publish this Notice. We will do what the Board has ordered us to do. We also want to tell you that the Agricultural Labor Relations Act is a law that gives you and all farm workers these rights:

1. To organize yourselves;
2. To form, join or help unions;
3. To vote in a secret ballot election to decide whether you want a union to represent you;
4. To bargain with your employer to obtain a contract covering your wages and working conditions through a union chosen by a majority of the employees certified by the Board;
5. To act together with other workers to help or protect one another;
and
6. To decide not to do any of these things.

Because this is true, we promise that:

WE WILL NOT do anything in the future that forces you to do, or stops you from doing, any of the things listed above.

If you have any questions about your rights as farm workers or this Notice, you may contact any office of the Agricultural Labor Relations Board. One is located at 112 Boronda Road, Salinas, California, telephone: (408) 443-3161.

DATED: _____

JOHN GARDONI

By: _____
Representative Title

This is an official Notice of the Agricultural Labor Relations Board, an agency of the State of California.

DO NOT REMOVE OR MUTILATE.