

DEPARTMENT OF INDUSTRIAL RELATIONS
CA LABOR COMMISSIONER
DIVISION OF LABOR STANDARDS ENFORCEMENT
LEGAL UNIT
3737 Main Street, Suite 850
Riverside, CA 92501
Tel.: 951.966.2697
Fax: 951.848.9511



E-mail:
kotani@dir.ca.gov

June 27, 2025

Via Certified Mail

Jacob N. Whitehead
Whitehead Employment Law, APC
7700 Irvine Center Drive, Suite 930
Irvine, CA 92618
Certified No. 9589 0710 5270 1420 2301 97

Rolling Frito-Lay Sales, LP
c/o C T Corporation System (Agent)
330 North Brand Blvd., Ste. 700
Glendale, CA 91203
Certified No. 9589 0710 5270 1420 2302 03

Frito-Lay North America, Inc.
c/o C T Corporation System (Agent)
330 North Brand Blvd., Ste. 700
Glendale, CA 91203
Certified No. 9589 0710 5270 1420 2302 10

Re: PAGA Notice of *Sunpreet Athwal*.
PAGA Case Number LWDA-CM-957674-23.
Courtesy notice re Frito-Lay North America, Inc.

Dear Mr. Whitehead, Sir or Madame:

This is a courtesy notice regarding the investigation of Frito-Lay North America, Inc. The Division of Labor Standards Enforcement ("DLSE") does not know if there is any relation between Frito-Lay North America, Inc., and Rolling Frito-Lay Sales, LP. This courtesy notice is given in case there is a relationship unknown to the DLSE.

The Division of Labor Standards Enforcement ("DLSE") has commenced an investigation of Frito-Lay North America, Inc., and their owners, directors, officers, managing agents and other persons acting on behalf of them. The Labor Commissioner will investigate Labor Code violation(s) as to issues related to Labor Code sections 2100 to 2112 ("Sections 2100 to 2112").

It is not clear if plaintiff Sunpreet Athwal's PAGA notice in PAGA Case Number LWDA-CM-957674-23 extends to Sections 2100 to 2112. It does not assert any claims under Sections 2100 to 2112. It does mention "quotas" in relation to rest break, meal break, and overtime violations. But not in relation to violations under Sections 2100 to 2112.

If Rolling Frito-Lay Sales, LP, is related to Frito-Lay North America, Inc., so as to affect the DLSE's investigation or jurisdiction; and a court, hearing officer, or other authorized adjudication finds Sunpreet Athwal's PAGA notice in PAGA Case Number LWDA-CM-957674-23 extends to Sections 2100 to 2112; then the DLSE gives notice that it retains jurisdiction from May 27, 2023, and all times after that date, for all civil-penalty issues regarding Sections 2100 to 2112. The Labor Commissioner would seek 100 percent of civil penalties regarding Sections 2100 to 2112 for violations occurring on or after May 27, 2023. For civil penalties for violations occurring before May 27, 2023, California would receive 75 percent of all civil penalties recovered under PAGA.

Given the potential division of authority before and after May 27, 2023, please provide the DLSE with the complaint, amended complaints, and any proposed settlement of claims affecting Rolling Frito-Lay Sales, LP, or Frito-Lay North America, Inc., before the settlement is finalized. Complaints and proposed settlements should be emailed to Kay Otani, Staff Attorney, at kotani@dir.ca.gov; David Balter, Assistant Chief Counsel, at dbalter@dir.ca.gov; and submitted to the DLSE at <https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>.

Sincerely,

Kay Otani
Staff Attorney