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In Memoriam

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February 26, 2021

VIA LWDA ONLINE FILING SYSTEM

AMENDED PAGA NOTICE NO: LWDA-CM-819137-21

Labor & Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612
PAGA@dir.ca.gov
<https://dir.tfaforms.net/207>

Dear PAGA Administrator,

The purpose of this letter is to amend Ms. Tina Ahoubim's notice to pursue a claim for Labor Code violations against her former employers on behalf of herself and others current and former aggrieved employees submitted on January 19, 2021. Under the California Labor Code Private Attorneys General Act of 2004 ("PAGA"), the purpose of this letter is to satisfy the requirements of Labor Code¹ section 2699.3 and all other applicable notice and exhaustion requirements.

The employers and persons liable and/or responsible for the violations listed herein are: (1) Educational Awakening Center, LLC, located at 18345 Ventura Blvd, Tarzana, CA 91356; (2) Sam Navid; (3) Ariya Malek; and (4) all other related parties that have at this time not been identified (collectively, the "Employers").

Education Awakening Center, LLC, is a limited liability company organized in California, File Number: 201526610115. Education Awakening Center is in the business of selling seminars and workshops for profit costing from \$345 to \$2,195.

¹ All references herein to Labor Code are to the California Labor Code.

The Employers select some of its participants to become staff members. The Employers classify these staff members as volunteers. These staff members perform all sort of work including but not limited to:

- logging in into “GroupMe” chat to keep track of the work performed
- calling potential customers
- recruiting customers
- providing status updates throughout the day on recruiting and new customer’s sign-ups
- undergoing performance improvement coaching with Mr. Malek for failing to sign-up customers or if the team is not performing satisfactorily
- printing and preparing sign-up packages for customers
- setting up for meetings
- signing up customers
- going to the storage facility to get tools and supplies for seminars and workshops
- loading and transporting tools and supplies to and from the seminars and workshops
- setting up tools and supplies for the seminars and workshops
- taking down the set ups for the seminars and workshops
- taking an inventory of tools and supplies
- organizing seminars and workshops
- leading seminars and workshops
- attending mandatory conference calls on Sundays to set the weekly goals
- attending in person meeting on Tuesdays to go over enrollment status and to discuss sales skills to improve enrollment.

There are no general regulations that permit volunteering of services to an employer in the private sector. All hours worked must be paid. Ms. Ahoubim was employed as a non-exempt staff member at Educational Awakening Center. The Employers failed to pay any wages to Ms. Ahoubim for the work she performed.

Our investigation has also revealed that these Employers and persons have all violated and/or are liable under numerous provisions of California law with respect to Ms. Ahoubim, and all other current or former similarly situated employees who were misclassified as volunteers/staffs and/or reported, complained, and/or refused to participate in the unhealthy, unsafe, and/or unlawful work conditions at Educational Awakening Center,² including but not limited to the following:

² All references to Ms. Ahoubim include all other current and former employees of the Employers.

- Not paid wages as required by Labor Code §§ 201 & 204;
- Not paid minimum wage as required by Labor Code § 1182.12, the applicable IWC Wage Order;
- Not paid all wages due upon termination as required by Labor Code § 201;
- Not paid all wages due upon quitting, or within 72 hours of quitting, as required by Labor Code §§ 202, 203;
- Not paid overtime as required by Labor Code § 510
- Not paid for all necessary business expenses or losses incurred upon termination as required by Labor Code § 2802;
- Denied meal periods required by Labor Code § 512 and the applicable IWC Wage Order and have not been compensated for such missed meal periods as required by Labor Code § 226.7;
- Denied rest periods required by the applicable ICW Wage Order and have not been compensated for such missed rest periods as required by Labor Code § 226.7; and
- Denied premiums and/or penalties injunctive relief, attorneys' fees, costs, and interest under the Labor Code including, but not limited to, under §§ 210, 218, 218.5, 218.6, 226, 226.3, 558, 1174.5, 1194, 1194.2, 1194.3, 1194.5, 1197.1, 1198, and 2802.

In addition, the Employers require its staff members to sign "a volunteer agreement form" to waive all form of compensation or wages for the work performed in violation Labor Code §432.5 and §206.5.

On information and belief, the Employers have a pattern and practice of preventing and/or discouraging employees from reporting legal violations and retaliating against employees who report legal violations by Employers. Unless the Labor & Workforce Development Agency proceeds with an action, Ms. Ahoubim intends to pursue claims against Employers pursuant to Labor Code §§ 2698, 2699 et seq. on behalf of herself and all other similarly situated, aggrieved employees/staff/volunteers.

If you wish to investigate this matter, we respectfully request that you provide notice within 60 days. Because this letter is not intended as an exhaustive recitation of the facts, if you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Genie Harrison, Esq.

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cc: Educational Awakening Center, LLC
c/o Brian Ning, Esq.
Farivar Law firm
18345 Ventura Blvd, Ste. 518
Tarzana, CA 91356-4245
(via email and certified mail)

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