



May 29, 2025

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Via Certified Mail

TestEquity LLC
6100 Condor Drive
Moorpark, CA 93021

Subject: *Gandulfo v. TestEquity, LLC*

Dear Representative:

This office along with Salusky Law Group, APC, represents Rosendo Gandulfo (hereinafter referred to as "Plaintiff"), in connection with Labor Code violation claims related to his employment with TestEquity, LLC (Hereinafter referred to as "TE").

Plaintiff intends to seek PAGA penalties on behalf of himself and all other California hourly Hispanic employees who are paid less than their white counterparts. Each position has the exact same qualifications, yet TE pays non-white employees less than their white counterparts for no valid reason.

The PAGA Period begins one year prior to the date of this letter.

LABOR CODE VIOLATIONS

§ 1199.5. Discrimination in wages on basis of sex, race, or ethnicity as misdemeanor; Punishment

Labor Code §1199.5 prohibits an employer to pay an employee a wage less than a comparable employee based on race, sex or ethnicity. Labor Code § 1199.5 states in relevant part:

- "(a)** Pays or causes to be paid any employee a wage less than the rate paid to an employee of another sex, race, or ethnicity, as required by Section **1197.5**.
- (b)** Reduces the wages of any employee in order to comply with Section **1197.5**."

Defendant paid Hispanic employees less than their white counter parts in violation of §1199.5 and Plaintiff seeks penalties pursuant to §§ 558, 1199.5, and 2699.3.

Minimum Wage Violations

Labor Code section 1197 and the applicable Wage Order 9 require an employer to pay an employee no less than the minimum wage for all hours worked.

Unpaid Time

Plaintiff alleges that TE failed to pay himself and the Aggrieved Employees the minimum wage for all hours worked because they were required to go through security screenings off-the-clock at work, leading to unpaid wages. Plaintiff and the aggrieved employees were required to go through security checks with TE, but they were not paid for the screening periods in violation of *Frlekin v. Apple* (2020) 8 Cal.5th 1038.) Plaintiff and the aggrieved employees were subject to the employer while going through the mandatory unpaid security lines.

Applicable Civil Penalties

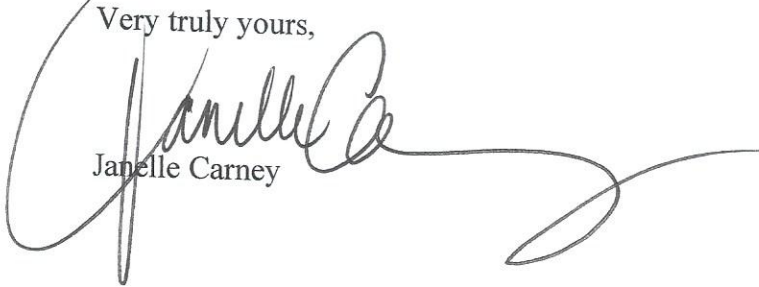
As a result of the above minimum wage violations, TE is subject to the civil penalties listed in Labor Code sections 210, 558, 1194.2, 1197.1 and 2699.

Reservation of Rights

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through discovery and/or expert review, Plaintiff become aware of additional compensation owed or losses incurred by Plaintiff or by any other aggrieved employee, Plaintiffs expressly reserve the right to revise these facts and/or add any new claims by amending the claim letter or by adding applicable causes of action to the complaint which will relate back to the date of this letter.

Please advise the undersigned if the agency intends to investigate the alleged violations. If not, Plaintiff intends to pursue his claims and those of the aggrieved employees under PAGA in a civil lawsuit. Please also consider this letter as providing notice on behalf of other aggrieved employees working for the employer that were subject to the same Labor Code violations described above.

Very truly yours,


Janelle Carney

JC/jw