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February 28, 2023

VIA ONLINE SUBMISSION

Labor & Workforce Development Agency
Attn: PAGA Administrator
455 Golden Gate Avenue, 9th Floor
San Francisco, California 94102

Re: **Private Attorney General Act Notice – Victor Vasquez Zavala**

Dear PAGA Administrator:

This firm represents Victor Vasquez Zavala (“Mr. Zavala”) with respect to his claims against American Heritage Landscape LP (“American Heritage Landscape”) arising out of violations of numerous provisions of the applicable California Labor Code and IWC Wage Order committed against all of American Heritage Landscape’s non-exempt employees.

This letter shall serve as written notice, pursuant to California Labor Code section 699.3(a) (1), of American Heritage Landscape’s violations of the provisions of the Labor Code and Wage Order set forth below. Mr. Zavala is informed and believes that David Price personally promulgated and enforced the unlawful policies and practices described herein, and therefore he caused the violations at issue within the meaning of Labor Code section 558. As such, Mr. Price is personally liable for penalties under that section.

On or around March 1, 2022, Mr. Zavala was hired by American Heritage Landscape as a landscape maintenance worker. Mr. Zavala is compensated at the regular rate of pay of \$19.50/hour. Mr. Zavala generally works 5 days per week for at least 10 hours per day. American Heritage Landscape fails to pay Mr. Zavala for overtime hours worked. Instead, American Heritage Landscape compensates its employees based on schedules of work rather than actual hours worked (6:00 a.m. - 2:30 p.m.). Indeed, employees do not track their time and are instead required to sign sham time sheets pre-filled by American Heritage Landscape showing 8 hours worked every work day.

Mr. Zavala (and similarly aggrieved employees) routinely work off-the-clock prior to and past the end of their scheduled shift. For example, Mr. Zavala reports to a central work

location in Simi Valley each morning to pick up a company vehicle and transport other employees to American Heritage Landscape's Calabasas office. American Heritage Landscape does not compensate Mr. Zavala for this travel time.

In addition, Mr. Zavala regularly returns to American Heritage Landscape's Calabasas office and unloads company vehicles past the end of his scheduled shift, but is not compensated for such time. Mr. Zavala also transports employees from the Calabasas office back to the designated Simi-Valley pick-up/drop-off location. Again, American Heritage Landscape does not compensate Mr. Zavala for this travel time.

Mr. Zavala alleges that American Heritage Landscape engaged in a pattern of knowingly violating numerous Labor Code sections, including 201, 202, 203, 204, 206, 226, 510, and 1194 et seq. In particular, American Heritage Landscape has violated California's wage and hour laws by:

a) Failing to pay Mr. Zavala (and other non-exempt employees) for all hours worked (including overtime), in violation of the applicable Wage Order and Labor Code sections 204, 510, 1194 et seq. As set forth above, American Heritage Landscape failed to properly compensate Mr. Zavala for all hours worked.

b) Failing to pay all earned wages (including overtime compensation, and premium pay for missed meal and rest breaks) at least twice a month in violation of Labor Code section 204. By failing to properly compensate Mr. Zavala, as described above, American Heritage Landscape violated this provision.

c) Failing to maintain and furnish accurate, itemized statements of hours worked, gross and net wages earned all applicable hourly rates in effect during the pay period and the number of hours worked at each hourly rate, and deductions in violation of the applicable Wage Order and Labor Code sections 226 and 226.3. American Heritage Landscape did not keep accurate records of non-exempt employees' hours worked (e.g., overtime hours worked).

d) Failing to pay employees all earned wages (including premium pay for missed meal breaks) at the time of termination or within 72 hours of resignation in violation of Labor Code sections 201, 202, 203, and 206.

As an aggrieved employee, Mr. Zavala is able to bring a PAGA claim on behalf of all non-exempt American Heritage Landscape employees, and is entitled to recover penalties for all violations, as well as his attorneys' fees.

This notice is based on the facts currently known to Mr. Zavala and is made without prejudice to his right to seek all available remedies for any and all additional violations that may subsequently be discovered or identified.

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Please advise this office within 60 days of the post-mark date of this notice whether the Labor & Workforce Development Agency intends to investigate the above-noted Labor Code and Wage Order violations. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'J. Herrera', with a long horizontal flourish extending to the left.

Jose M. Herrera

cc: American Heritage Landscape, Inc. and David Price *via Certified Mail/Return Receipt Requested*