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LAWYERS
FOR LEGAL RIGHTS

+California
*New York
~Tennessee
+U.S. District Court,
Central District of California
+U.S. District Court,
Eastern District of California
^U.S. District Court of Colorado
°U.S. Immigration Courts
°U.S. Tax Court

October 22, 2025

VIA LWDA ONLINE PORTAL
https://dir.govfa.net/411

Labor and Workforce Dev. Agency
Attn: PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

Rocio Aviles v. Letter Ride, LLC
Our Client: Rocio Aviles
Our File No.: 4192
Subject: Private Attorneys General Act Notice of Labor Code Violations

To Whom It May Concern:

We are writing on behalf of our client, Rocio Aviles ("Plaintiff"), regarding Letter Ride, LLC's ("Employer(s)" or "Defendant(s)") violations of the California Labor Code, for which Plaintiff intends to seek "civil penalties" in a civil action under the California Labor Code Private Attorneys General Act of 2004 ("PAGA") on behalf of Plaintiff, other current or former aggrieved employees, and the State of California. This notice is sent to the employer pursuant to the PAGA. As used in this PAGA notice, the term "violation" applied to Labor Code statutes has the same meaning as Labor Code § 22.

Nature of PAGA

The California Supreme Court has identified a number of the legal characteristics of a PAGA representative action. First, an employee plaintiff suing under the PAGA does so as the proxy or agent of the state's labor law enforcement agencies, not other employees. *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal.4th 348, 380 (2014). Second, the employee plaintiff represents the same legal right and interest as those agencies—namely, the recovery of civil penalties that otherwise would have been assessed and collected by the Labor and Workforce Development Agency. (*Id.*) Thus, a PAGA claim "is fundamentally a law enforcement action." *Arias v. Super. Ct.*, 46 Cal. 4th at 986 (2009); *Williams v. Super. Ct.*, 3 Cal. 5th 531, 538 (2017) ("a PAGA suit, essentially a qui tam action filed on behalf of the state to assist it with labor law enforcement").

As a law enforcement action, the issue is the employer's conduct, not whether the employees suffered injury or harm. This is because the "harm" or "injury" at issue in a PAGA action is the harm to the public interest in "maximum compliance with the state labor laws." *Arias*, 46 Cal. 4th at 980. PAGA's purpose includes "deputizing private citizens to pursue violators." *Huff v. Securitas Sec. Servs. USA, Inc.*, 23 Cal. App. 5th 745, 756 (2018). And "every PAGA action, whether seeking penalties for Labor Code violations as to only one aggrieved employee—the plaintiff bringing the action—or as to other employees as well, is a representative action on behalf of the state." *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal.4th 348, 386-387 (2014).

PAGA conforms to the traditional criteria of qui tam actions, "except that a portion of the penalty goes not only to the citizen bringing the suit but to all employees affected by the Labor Code violation." *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal.4th at 382. PAGA is not meaningfully distinguishable from comparable qui tam statutes outside the employment context, including the California False Claims Act (Gov. Code, § 12650 et seq.) the Insurance Frauds Prevention Act (Ins. Code, § 1871 et seq.) the Safe Drinking Water and Toxic Enforcement Act of 1986, colloquially known as Proposition 65 (Health & Saf. Code § 25249.5 et seq.) and many others. *Cal. Bus. & Industrial Alliance v. Becerra*, 80 Cal. App. 5th 734, 739 (2022). "Moreover, civil penalties recovered on the state's behalf are intended to 'remediate present violations and deter future ones,' *not* to redress employees' injuries." *Kim v. Reins Int'l Cal., Inc.*, 9 Cal. 5th 73, 86 (2020).

A corporate employer's owner, president, secretary, and directors are liable for civil penalties as an "other person" who caused violations of the Labor Code, even if there is no allegation that the alter ego doctrine applies or that there is any other basis on which to pierce the corporate veil. *Atempa v. Pedrazzani*, 27 Cal. App. 5th 809 (2018). A "person acting on behalf of an employer, who violates, or causes to be violated, any provision regulating minimum wages or hours and days of work in any order of the Industrial Welfare Commission, or violates, or causes to be violated, Sections 203, 226, 226.7, 1193.6, 1194, or 2802, may be held liable as the employer for such violation." Lab. Code § 558.1. Even if Defendant's Managing Members, Roman Lara or Edward Tweed did not cause past violations, any continued violations of statutes or provisions, which are explained below, that are not promptly remedied will be caused by that person.

Factual Background

Defendant employed Plaintiff, as an hourly non-exempt worker, from at least around March 14, 2025 to September 5, 2025. As a company-wide practice, Defendant regularly required Plaintiff and its other non-exempt employees to work more than 8 hours per day without being paid premium overtime compensation. As a company-wide practice, Defendant regularly required Plaintiff and its other non-exempt employees to work more than 5 hours without being provided with an uninterrupted 30 minute meal break. As a company-wide practice, Defendant did not pay Plaintiff and its other non-exempt employees for using their personal cell phones for business purposes.

The relevant period of the below allegations for this notice is from one year preceding this letter, to present and ongoing.

Violations of Labor Code §§ 221, 1182.12, 1197, 510, 226.7, 512, 226, 204, 1198, 2802, 1174(d), 558, 210, 226.3, 1174.5, 201, 202, 203, 1197.1

Labor Code § 510

"Any work in excess of eight hours in one workday and any work in excess of 40 hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee." Lab. Code § 510(a).

Plaintiff and his co-workers regularly worked more than eight hours per workday. They were not compensated with premium overtime pay for those overtime hours worked more than eight per day. As such, Defendants violated Labor Code § 510.

California Labor Code section 510 does not provide for its own self-contained "civil penalty" within the statute. Thus, California Labor Code section 2699(f)(2) applies. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 512

"An employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee. An employer may not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes." Lab. Code § 512(a).

As set forth above, Defendants did not permit Plaintiff and other aggrieved employees uninterrupted duty-free meal periods with the opportunity to be relieved of all duties for meal breaks on the days they worked more than five hours. Defendants did not permit Plaintiff and other aggrieved employees uninterrupted second duty-free meal periods with the opportunity to be relieved of all duties for meal breaks on the days they worked more than 10 hours.

California Labor Code section 512 does not provide for its own self-contained "civil penalty" within the statute. Thus, California Labor Code section 2699(f)(2) applies. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 226

"An employer, semimonthly or at the time of each payment of wages, shall furnish to his or her employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately if wages are paid by personal check or cash, an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, except as provided in subdivision (j), (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and only the last four digits of his or her social security number or an employee identification number other than a social security number, (8) the name and address of the legal entity that is the employer . . ., and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee." Lab. Code § 226(a).

Due to Defendant's failure to account for all the time worked including owed break premiums, Plaintiff and other aggrieved employees' itemized wage records did not show: (1) the accurate total hours worked; (2) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate; (3) the accurate gross wages earned; and (4) the accurate net wages earned. As such, Defendants violated Labor Code Section 226(a)(1)(2)(5)(9). Defendant also failed to keep itemized wage statement records of the foregoing.

Labor Code Section 226 does not provide for its own self-contained "civil" penalty within the statute. Thus, Labor Code Section 2699(f)(2) applies. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 1198

California Labor Code section 1198 provides that the maximum hours of work and the standard conditions of labor fixed by the commission shall be the maximum hours of work and the standard conditions of labor for employees. California Labor Code section 1173 defines commission as the IWC. Further, the "employment of any employee for longer hours than those fixed by the order or under conditions of labor prohibited by the order is unlawful." Lab. Code § 1198.

Relevant Wage Orders of the IWC, applicable to Defendants, such as Wage Order No. 4-2001 section 11, provide that "(A) No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of the employer and the employee. (C) Unless the employee is relieved of all duty during a 30 minute meal period, the meal period shall be considered an ―on duty meal period and counted as time worked. An ―on duty meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to. The written agreement shall state that the employee may, in writing, revoke the agreement at any time."

As set forth above, on numerous occasions, Defendants did not permit Plaintiff and other aggrieved employees to have uninterrupted duty-free meal breaks with the opportunity to be relieved of all duties for meal breaks.

Based on the foregoing, Defendants violated California Labor Code section 1198 by violating the above-referenced sections of relevant Wage Orders of the IWC.

California Labor Code section 1198 does not provide for its own self-contained "civil penalty" within the statute. Thus, California Labor Code section 2699(f)(2) applies.

Based on the foregoing, Defendants violated California Labor Code section 1198 by violating the above-referenced sections of relevant Wage Orders of the IWC.

California Labor Code section 1198 does not provide for its own self-contained "civil penalty" within the statute. Thus, California Labor Code section 2699(f)(2) applies. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 2802

"An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer." Lab. Code § 2802(a). In *Cochran v. Schwan's*, the court held:

> If an employee is required to make work-related calls on a personal cell phone, then he or she is incurring an expense for purposes of section 2802. It does not matter whether the phone bill is paid for by a third person, or at all. In other words, it is no concern to the employer that the employee may pass on the expense to a family member or friend, or to a carrier that has to then write off a loss. It is irrelevant whether the employee changed plans to accommodate work-related cell phone usage. Also, the details of the employee's cell phone plan do not factor into the liability analysis. Not only does our interpretation prevent employers from passing on operating expenses, it also prevents them from digging into the private lives of their employees to unearth how they handle their finances vis-à -vis family, friends and creditors. To show liability under section 2802, an employee need only show that he or she was required to use a personal cell phone to make work-related calls, and he or she was not reimbursed.

Cochran v. Schwan's Home Serv., Inc., 228 Cal. App. 4th 1137, 1144–45 (2014), *review denied* (Nov. 25, 2014).

Here, like in *Cochran*, if an employee is required to do work-related activities on a personal cell phone, then he is incurring an expense for purposes of section 2802. Here, as in *Cochran*, to show liability under section 2802, an employee need only show that he was required or directed to use a personal cell phone to do work-related activities and was not reimbursed.

Defendants did not reimburse or pay Plaintiff or the other aggrieved employees for any portion of their cell phone expenses, in violation of Labor Code § 2802(a).

Labor Code § 2802 does not have a civil penalty specifically provided. Thus, Labor Code § 2699(f) is applicable to impose civil penalties of one hundred dollars ($100) for each aggrieved employee per pay period for the initial violation and two hundred dollars ($200) for each aggrieved employee per pay period for each subsequent violation. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 1174(d)

Labor Code Section 1174(d) provides that every person employing labor in this state shall keep payroll records showing the hours worked daily by and the wages paid to employees employed for not less than three years. "Person" means any person, association, organization, partnership, business trust, limited liability company, or corporation. Lab. Code § 18.

Defendants failed to maintain records showing the actual and accurate hours worked by Plaintiff and Plaintiff's co-workers, aggrieved employees, in violation of Labor Code Section 1174(d). Labor Code Section 1174 does not provide for its own self-contained civil penalty within the statute. Thus, Labor Code Section 2699(f)(2) applies. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 558

Pursuant to Labor Code section 558(a) any employer or other person acting on behalf of an employer who violates, or causes to be violated, [Labor Code sections 510 and 512] or any provision regulating hours and days of work in any order of the Industrial Welfare Commission shall be subject to a civil penalty in a PAGA action as follows:

> (1) For any initial violation, fifty dollars ($50) for each underpaid employee for each pay period for which the employee was underpaid . . .
> (2) For each subsequent violation, one hundred dollars ($100) for each underpaid employee for each pay period for which the employee was underpaid . . .

As discussed above, Defendants violated Labor Code section 510 and the above-referenced provisions of IWC Wage Orders as applicable. As such, Defendants are subject to pay the pre-determined amount of civil penalties for the initial and subsequent violations. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 226.3

"Any employer who violates subdivision (a) of section 226 shall be subject to a civil penalty in the amount" set forth in Labor Code section 226.3 for failing to provide the employee a wage deduction statement or failing "to keep the records required in subdivision (a) of Section 226." Lab. Code § 226.3. This section "sets out a civil penalty for all violations of section 226." *Raines v. Coastal Pacific Food Distribs., Inc.*, 23 Cal. App. 5th 667, 675 (2018). "[A] representative PAGA claim for civil penalties for a violation of section 226(a) **does not require proof of injury or a knowing and intentional violation**. This is true even though these two elements are required to be proven when bringing an individual claim for damages or statutory penalties under section 226(e)." *Raines*, at 670 (emphasis added). Because Defendant violated

California Labor Code section 226(a), Defendant is subject to civil penalties under section 226.3 applicable to Plaintiff and other current and former aggrieved employees. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Labor Code § 1174.5

Pursuant to Labor Code Section 1174.5, any person employing labor who willfully fails to maintain accurate and complete records required by subdivision (d) of Section 1174 shall be subject to a civil penalty of five hundred dollars ($500). As discussed above, Defendant violated Labor Code Labor Code Section 1174(d). Defendant willfully failed to maintain records showing the accurate hours worked daily by the aggrieved employees. Thus, Defendants are subject to civil penalties. The relevant period of the foregoing allegations for this notice is from one year preceding this letter, to present and ongoing.

Civil Action

Plaintiff demands that Defendant take immediate measures to redress the above-referenced violations. Plaintiff intends to initiate a civil action, on behalf of the State of California to seek civil penalties in a cause of action under the PAGA for every violation that affected Plaintiff and other aggrieved employees. If Defendant, or its attorneys if it is represented in this matter, have any questions about the aggrieved employees or the extent of the violations, please see above details and feel free to contact the undersigned, in writing, for any clarification.

The civil action will be a representative action and, as held by the California Supreme Court in *Arias*, need not meet the requirements for class certification. Moreover, the PAGA has no notice requirements for unnamed aggrieved employees in federal courts, unlike Rule 23 of the Federal Rules of Civil Procedure, nor may such employees opt out of a PAGA action. *Baumann v. Chase Inv. Services Corp.*, 747 F.3d 1117 (9th Cir. Mar. 13, 2014). In a PAGA action, the court does not inquire into the named plaintiff's and class counsel's ability to fairly and adequately represent unnamed employees. *Id.* Further, an employee plaintiff need not comply with the Rule 23 requirements, including the "manageability" requirement, to assert a PAGA cause of action. *Hamilton v. Wal-Mart Stores* (9th Cir. 19-56161 6/30/22).

Based on the foregoing, Plaintiff requests an immediate notification from the Labor and Workforce Development Agency, so Plaintiff may pursue civil penalties on behalf of the State of California.

Sincerely,

Matthew Gutierrez, Esq.

MG:ep

cc: Managing Members, Roma Lara and Edward Tweed
Letter Ride, LLC
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Suite 500
San Diego, CA 92154

[*Via Certified Mail*]