



**STATE OF CALIFORNIA
EMPLOYMENT TRAINING PANEL**

Friday, December 13, 2024

Panel Members

Rebecca Bettencourt
Chair

Dee Dee Myers
Ex-Officio Member

Rick Smiles
Member

Gretchen Newsom
Member

Doug Tracy
Member

Madison Hull
Member

Michael Hill
Member

Jennifer Fothergill
Member

Executive Staff

Jessica Grimes
Executive Director

Kumani Armstrong
Assistant Director/Chief Counsel

Peter Cooper
Assistant Director

Jaime Gutierrez
Chief Deputy Director

Tara Armstrong
Deputy Director of Technical Branch

Laura Campbell
Chief of Program Operations

**STATE OF CALIFORNIA
EMPLOYMENT TRAINING PANEL
East End Complex Auditorium
1500 Capitol Avenue
Sacramento, California 95814
Friday, December 13, 2024**

I. PUBLIC PANEL MEETING CALL TO ORDER

Acting Chair Smiles called the meeting to order at 9:32 a.m.

II. ROLL CALL

Present

Rick Smiles

Mike Hill

Gretchen Newsom

Chris Dombrowski

Madison Hull-remote participation

Jennifer Fothergill

Not in attendance

Rebecca Bettencourt

Doug Tracy

Executive Staff

Jessica Grimes, Executive Director

Kumani Armstrong, Assistant Director/Chief Counsel

Peter Cooper, Assistant Director

Jaime Gutierrez, Chief Deputy Director

III. AGENDA

The December Agenda was reviewed, and a request made to amend the agenda to include and clarify approval of the September 27, 2024 and October 8, 2024 Panel Meeting Minutes.

ACTION: Member Newsom moved and Member Fothergill seconded approval of the December Agenda, including approval of the September 27, 2024 and October 8, 2024 Panel Meeting Minutes. All Panel Members present voted in the affirmative for approval as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye

Rick Smiles - aye

Madison Hull – aye

Mike Hill – aye

Chris Dombrowski – aye

Jennifer Fothergill – aye

IV. MINUTES

The September 27, 2024 and October 8, 2024 Panel Meeting Minutes included in the Panel Packet were reviewed.

ACTION: Member Newsom moved and Member Hill seconded approval of the Minutes, including a request to amend the agenda to include and clarify approval of the September 27, 2024 and October 8, 2024 Panel Meeting Minutes. Panel Members present voted in the affirmative for approval of the Minutes as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

V. REPORT FROM THE EXECUTIVE DIRECTOR

Congratulations to Chair Rebecca Bettencourt, on the birth of her new baby.

Today's agenda will proceed in a slightly different manner since we are condensing two panel meetings into one. As such we have bisected the proposals from October Panel Meeting into two groups. Half heard following the consent agenda and the rest following the proposals slated for the December meeting.

If all proposals are funded, 16 will be from High Unemployment Areas, regions that exceed the state's average unemployment rate by at least 25%. That means about 33% of today's proposals, including Delegation Orders, are HUA with approximately 3,064 trainees out of 19,293 trainees. At this fiscal year midpoint, almost 50,000 trainees will be upskilled, retrained, and retained.

VI. LEGISLATIVE AND LEGAL UPDATE

Brief update on SB 1321 and the implementation of that bill.

On September 22, 2024, the Governor signed SB 1321 making it law effective January 1, 2025. The bill amends two sections of our enabling legislation. ETP's enabling legislation is found in the Unemployment Insurance Codes sections 10200 to 10205 and there are fourteen amendments in total to the legislation. Five that apply to section 10200 and 9 that apply to section 10205.

Section 10200 is generally about the types of projects ETP grants priority. The new amendments (10200B 3) which is looking at projects that develop workers with the skills necessary to work with new technologies and methods. Section 10200B 6 adds a provision to prioritize projects that develop High Road jobs and career ladders to workers with

demonstrated wage progression. We will continue to look at the definition to make sure we are in alignment. Section 10200B 8 adds a provision that promotes the hiring, training and advancement of disadvantages, marginalized and underrepresented workers.

Section 10205 generally address what types of minimum standards that ETP needs to consider when awarding contracts. Section 10205E & F requires an attestation of compliance with all state and federal labor, health and safety laws.

Working with stakeholder group in implementing these features and getting ideas to help interpret these changes by looking at models at work that are currently being applied in other state agencies.

Section 10205E 2B has a provision that no proposal shall be considered or approved if the applicant is ineligible to bid, be awarded, or subcontract on a public works project pursuant to the public works provision in the Labor Code. Section 10205E 2C has a provision that all applicants shall include in their application an attestation affirming that the application does not have a final judgement, determination or order against an applicant for violations of Labor law the remain unabated. There are parameters that are designed to make sure that the applicant has addressed or remediated these types of violations or orders and they satisfy the requirements for ensuring that there is nothing pending, by attesting to that. Lastly, 10205M has a requirement that ETP provide a regularly updated list at least every 60 days and make that list available to the public of all applicants that have submitted applications.

VII. REPORT OF THE CHIEF DEPUTY DIRECTOR

Regarding Funding:

Today's Panel meeting is for approximately \$24.2 million. It includes six Delegation Order for a total of \$327,712. Delegation Orders are proposals capped at \$75K and approved under the delegated authority of the Executive Director on a continuous flow basis. We have 18 projects on the consent calendar for approximately \$4 million. If all proposals scheduled for this Panel Meeting are funded today, the Panel will be approving 67 projects.

Regarding Demand and Allocations:

There are 201 applications currently in demand, and 97 applications are with the Regional Offices in development, 46 applications are under review with the Applications and Assessment Unit, and 58 submitted applications are pending review. The estimated value of the 201 applications is \$105.1 million (\$31.7 million in demand for single employer contracts, \$12.7 in demand for small business \$60.2 million in demand for multiple employer contracts, \$446,655 million for apprenticeships. We are currently within our total allocations for this fiscal year 2024-25.

VIII. CONSENT CALENDAR

It was requested that Tab 5 (Associated Builders & Contractors Central California Chapter), Tab 7 (California Institute of Arts and Technology, Inc.), Tab 9 (County Economic Development Council), Tab 12 (Haggerty Construction, Inc. dba Haggerty), and Tab 16 (Radonich Corp. dba Cal Coast Telecom) be pulled from the Consent Calendar.

ACTION: Member Newsom moved and Member Hill seconded approval of the Consent Calendar, with the exception of Tab 5 (Associated Builders & Contractors Central California Chapter), Tab 7 (California Institute of Arts and Technology, Inc.), Tab 9 (County Economic Development Council), Tab 12 (Haggerty Construction, Inc. dba Haggerty), and Tab 16 (Radonich Corp. dba Cal Coast Telecom). All Panel Members present voted in the affirmative for approval of the Consent Calendar as moved.

Motion carried, 6 to 0.

Gretchen Newsom – aye
Rick Smiles – aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

IX. POLICY COMMITTEE REPORT

Member Newsom provided a Policy Committee Report. First a discussion item on the recently pass Senate Bill 1321 which makes changes to ETP's legislation as Kumani reported. A discussion item on revising the Ex offender at risk youth guidelines was discussed and which will soon be referred to as Justice involved opportunity Youth. Next was a discussion item report from the application and quality work group on their efforts to streamline ETP applications. In addition, an action item approving revisions to the respond program, which will come before the Panel for full approval and an action item approving revisions to the certified safety training guidelines, which will also come before Panel for approval. Lastly, Rick Smiles announced his resignation from Policy Committee. He will continue on the Panel. If there are any Panel Members who would like to fill that vacancy please see Dr. Grimes following this meeting.

X. REVIEW AND ACTION ON CONSENT CALENDAR

Tab No. 5: Associated Builders and Contractors, Central California Chapter

Member Fothergill recused herself.

Repeat contractor. Funding requested \$579,399 to train 387 workers. Training will take place in Kern and Fresno counties.

Question regarding the priority industry of construction are apprenticeship programs being utilized to meet the training needs?

Russell Johnson answered that their chapter does not have a DAS approved apprenticeship program through the state of California. They serve construction workspace that work in private works. So no apprenticeship, they are currently upscaling using craft training and in particular, the training on this proposal is to upskill the workers to move up and advance their careers.

Comment made that this proposal is a 40% jump from the previous contract. However, the wages are not reflective of the High Road salaries and wages that we see in construction with half of your proposed workforce or 223 out of 387 trainees are only earning \$17 to \$20 per hour. The cost per trainees has increase from \$984 in 2022 to \$1497 in 2024 but there has been no wage progression over those two years.

Russell Johnson explained that they have exhausted both prior contracts to zero. Therefore, advancing and increasing the contract makes sense. There is a graying of the construction workforce and a huge need to train and provide those skills to a workforce just starting. In terms of wage rates, the Central Valley is an economically disadvantaged area with wage rates lower than the rest of the state. We feel that \$20 an hour is more in line with what we are going to see.

Question would you be willing to move the post retention wage to \$20 per hour and above?

Keith Brama explained that there was a misunderstanding the last project that was just closed did not have anybody under \$20.

Comment given was next time show some wage progression.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by Associated Builders and Contractors Central California Chapter in the amount of \$579,339 with the post retention wage of \$20 per hour. All Panel Members present voted in the affirmative to approve the proposal as moved.

Public Comment:

David Vincent wanted to echo some of the comments nothing below \$20. He noticed that a lot of the participating employers in this group are already public works contractors and wonders if they will be helping, whether it's off site on prevailing wage work.

Motion carried by roll call vote, 5 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – recused

Tab No. 7: California Institute of Arts and Technology, Inc.

First time contractor. Funding requested \$479,200 to train 160 retrainees. Training will take place at locations statewide.

Kirsten, VP of Strategy and Analytics gave an overview of the changes to proposal and lowered the contract proposal amounts and that they are committed to execute 100%. They reduced the total amount of hours per trainees from 200 to 100. Re-engaged with employers to

discuss employee retention, wage progression and how many employees they opt to send and which levels of technical skills they are looking for. Finally, to reiterate there is zero cost to our employer partners or to the actual end employees. CAT is contributing additional funds in order to support all of our employer partners with hardware support, industry certification, support resources, expert faculty and more.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by California Institute of Arts and Technology, Inc. in the amount of \$479,200. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye

Rick Smiles - aye

Madison Hull – aye

Mike Hill – aye

Chris Dombrowski – aye

Jennifer Fothergill – aye

Tab No. 9: East County Economic Development Council

Repeat contractor. Funding requested \$643,500 to train 500 retrainees. Training will take place at their locations in San Diego and Imperial counties. Third ETP contract. Second in past 5 years.

Comment was made regarding the post retention wage is \$22.55 an hour and is not showing wage progression.

James Sly responded that they see a lot of entry-level range but they see wage progression as they start to be certified. Some come in at \$23 or \$24 per hour. After training as a machinist or welder, trained an additional lean five Sigma and quality control practices, then they move up into the \$30 and mid-\$40 range.

Questions regarding this proposal and the significant jump in requested funding \$643,500 from the previous awarded contract of \$118,000. East County Economic Development Council is referenced later in the agenda under the tab for a critical proposal, GKN Aerospace as the administrator of that proposed contract at \$785,000 and stand to receive 13% or \$102,000 from that contract. Explain what is your bench to ensure performance, and where it states that you and the HR administrative team will oversee this project. What are some of the assurances that it would be a smart move to do a six-fold jump plus the other significant contract?

James Sly explained on the requested funding we aimed low with the \$118,000 to make sure that we did not have more money that we could successfully administer and became very quickly oversubscribed. So given the interest of manufacturers and the role that we plan in San Diego County we were in the unfortunate position of turning people away. That is why we came back requesting the larger amount. As far as our administrative bench, we run a number of federal and state programs. The most relevant are the small business centers, were we train close to 2000 entrepreneurs a year. Therefore, for us administration of the contract is relatively

straightforward. We have plenty of employees and a number of consultants and advisors to administer this.

ACTION: Member Newsom moved, and Member Fothergill seconded, motion to approve the proposal submitted by East County Economic Development Council in the amount of \$643,500. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Request from Staff to move Tabs 12 & 16 to the end of the Panel meeting to allow the representatives to attend virtually.

XI. ACTION ON PROPOSALS

GROUP ONE (October Panel)

Tab No. 20: Clorox Manufacturing Company dba Clorox

This proposal also includes two participating affiliates Clorox Service Company and Clorox Company. First time contractors. Funding requested \$540,960 to train 460 workers. Training will take place at locations in Oakland, Pleasanton, Fairfield and Redlands.

Justin Larkin requested to start contract effective October 25, 2024 since they were scheduled for the October Panel meeting.

Question to staff regarding whether allowed and what would it look like?

Staff explained that they were scheduled to go to the October Panel, so applicant is asking for Panel approval to see if they can still have the October 25, 2024 start date.

Question is it legal?

Assistant Director/Chief Counsel responded it would have to be specified in the motion.

Question about turnover rate.

Justin Yarkin replied that they had an ERP transformation over the last few years, looking at current roles and had to reevaluate some of those roles to map the new ERP.

ACTION: Member Newsom moved, and Member Fothergill seconded, motion to approve the proposal submitted by Clorox Manufacturing Company dba Clorox in the amount of

\$540,960 with a contract effective date of October 25, 2024. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 21: Pacific Gas and Electric Company

First time contractor. Funding requested \$500,796 to train 639 line workers and lineman journey workers. Training will take place at their headquarters in Livermore and in the field throughout Northern and Central California.

ACTION: Member Hill moved, and Member Fothergill seconded, motion to approve the proposal submitted by Pacific Gas and Electric Company in the amount of \$500,790 with a contract effective date of October 25, 2024. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 5 to 0.

Gretchen Newsom – abstained
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 22: Tesla, Inc.

Requested Withdrawal

SINGLE EMPLOYER CONTRACTS

Tab No. 23: UHS-Corona, Inc. dba Corona Regional Medical Center

Repeat contractor. Funding requested \$498,456 to train 387 workers. Serving Riverside County. Fourth ETP contract. First in 5 years.

ACTION: Member Newsom moved, and Member Fothergill seconded, motion to approve the proposal submitted by UHS-Corona, Inc. dba Corona Regional Medical Center in the amount of \$498,456. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 24: Deltronic Corporation

Repeat contractor. Funding requested \$100,800 to train 72 retrainees. Training will take place at their location in Orange County.

ACTION: Member Newsom moved, and Member Fothergill seconded, motion to approve the proposal submitted by Deltronic Corporation in the amount of \$100,800. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 25: GKN Aerospace Chem-Tronics Inc. dba DKN Aerospace

First time contractor. Funding requested \$785,680 to train 610 retrainees. Training will take place at GKN Aerospace locations in San Diego County.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by GKN Aerospace Chem-Tronics Inc. dba DKN Aerospace in the amount of \$785,680. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 26: Simpson Strong-Tie Company Inc.

Repeat contractor. Funding requested \$596,960 to train 533 trainees. Training will take place at their Riverside and Stockton locations. 11th ETP contract. Fifth in past 5 years.

ACTION: Member Newsom moved and Member Hill seconded motion to approve the proposal submitted by Simpson Strong Tie Company Inc. in the amount of \$596,960. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 27: TTM Technologies North America, LLC

Repeat contractor. Funding requested \$571,200 to train 680 retrainees. Training will take place at their Orange, San Diego and Santa Clara locations.

Question regarding wage progression for the occupation of inspector and operator and when they could anticipate wage progression?

Representative of TTM responded that in October they rolled out a plan that clearly defines what expectation are for each role. Looking at the project plan over 50% of trainees will be under it and seeing a three-year goal. Each cycle will be 3 months.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by TTM Technologies North America, LLC in the amount of \$571,200. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 28: Vortex Industries, LLC

First time contractor. Funding requested \$501,760 to train 448 retrainees. Training will take place at their location in Orange County

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by Vortex Industries, LLC in the amount of \$501,760. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 29: Nibbi Bros. Associates, Inc.

Repeat contractor. Funding requested \$444,528 to train 324 workers. Training will take place at their headquarters in San Francisco and a facility in Oakland.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by Nibbi Bros. Associate, Inc. in the amount of \$444,528. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 30: Ryzlink Corp. dba Chuwa America

Repeat contractor. Funding requested \$593,600 to train 400 workers. Training will take place at their headquarters in Santa Clara.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by Ryzlink Corp. dba Chuwa America in the amount of \$593,600. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 31: West Coast MediaNews LLC dba California Newspapers Partnership

Includes two participation affiliates, Los Angeles Daily News Publishing Company and

Monterey Newspapers LLC. Repeat contractor. Funding requested \$579,768 to train 609 workers. Training will take place at their locations statewide.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by West Coast MediaNews LLC dba California Newspapers Partnership in the amount of \$579,768. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 32: Maxco Supply, Inc.

First time contractor. Funding requested \$284,760 to train 226 workers, including 12 new employees. Training will take place at their in Fresno and Kern counties.

Questions regarding occupation of machine operator and production workers post retention wages of \$20.10 to \$28.00 how soon could these workers anticipate wage progression?

Erin Bagley stated that they do annual performance reviews.

It was suggested that the work with the contract administrator paying specific attention to the productive lab component, it is a large chunk of hours.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by Maxco Supply, Inc. in the amount of \$284,760. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 33: The Wine Group LLC

Repeat contractor. Funding requested \$595,980 to train 495 workers Training will take place at their three locations in Fresno, Madera and San Joaquin counties.

Question regarding why the turnover is at 18%.

Susan Tonkin replied that it was due to COVID and are working on this.

Comment was made that the development and administrator subcontractor is from out of state (Lubbock, TX), it would be nice to keep those dollars in California.

ACTION: Member Newsom moved, and Member Hill seconded, motion to approve the proposal submitted by The Wine Group LLC in the amount of \$595,980. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

MULTIPLE EMPLOYER CONTRACTS (MEC)

Tab No. 34: Greater San Fernando Valley Chamber of Commerce

Repeat contractor. Funding requested \$845,604 to train 572 new hires. 10th ETP contract. Ninth in past 5 years.

ACTION: Member Newsom moved, and Member Hill seconded, a motion to approve the proposal submitted by Greater San Fernando Valley Chamber of Commerce funding amount of \$845,604. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 35: National Veterans Chamber of Commerce

Repeat contractor. Funding requested \$149,700 to train 100 retrainees. Training will take place at their locations statewide.

ACTION: Member Newsom moved, and Member Hill seconded, a motion to approve the proposal submitted by National Veterans Chamber of Commerce funding amount of \$149,700. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 36: University of California Riverside Extension

Repeat contractor. Funding requested \$145,321 to train 608 retrainees. Training will take place at locations statewide. Third ETP contract. Third in past 5 years. Clarification to the proposal on the wage range occupation table. The administrative and customer service occupation wage range max states \$30.28 but should be \$25.00 as indicated in the other column as the correct amount of distribution of the trainees.

Comment was made that a demonstrated wage progression and some personal success stories would be helpful.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by University of California Riverside Extension in the amount of \$145,321. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 37: JobTrain, Inc.

Repeat contractor. Funding requested \$598,350 to train 150 new hires trainees who have multiple barriers to employment in the healthcare and construction industries. Training will take place at their Menlo Park location.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by JobTrain, Inc. in the amount of \$598,350. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye

Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 38: Opportunity Junction, Inc.

Repeat contractor. Funding requested \$486,658 to train 122 new hire trainees, who are Justice involved or Opportunity youth. Training them in the medical assistant, certified nurse assistant or administrative support services. Training will take place at their Antioch facility.

Comment that the website states that the total cost of tuition and fees for this course range from between \$3000-\$6000 but Opportunity Junction identifies funding sources so that none of the costs are passed on to those enrolled. Why is this on the website?

Brianna Robinson replied that it is on the website in compliance with the Bureau of Private or Secondary Education. In order to access funds we need to provide a cost for the training even though nobody pays any money out of pocket even if they are not ETP trainees.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Opportunity Junction, Inc. in the funding amount of \$486,658. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 39: SOMA AEC, Inc. dba Oxman College

Repeat contractor. Funding requested \$848,148 to train 237 trainees, including 20 new hires. Training will take place at their two main facilities in Citrus Height and Daly City and at participating employer facilities throughout California.

Comment that this is a private post-secondary for profit vocational school. This their 19th contract. On the website, it lists the tuition associated with many of your programs. Where are the ETP funded trainees? You are not allowed to charge them anything. When they complete training, are they then transferred into a costly program associated with your school? Recommendation to return to Staff to address these concerns and additional questions along with right sizing to be done and then come back.

ACTION: Member Newsom moved, and Member Hull seconded, motion to table the proposal submitted by SOMA AEC, Inc. dba Oxman College. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 40: AGC Construction Education Foundation

First time contractor. Funding requested \$849,957 to train 631 retrainees. Training will take place at their training facilities and participating employer locations and work sites.

Question regarding as to why they are coming in for this as opposed to apprenticeship what is the difference?

Kendra Bella explained that their training programs are overseen by a board of directors through the Construction Education Foundation of the 30 board members six represent union partners. We are focused on people who are already in the industry and upscaling. Therefore, they are journey level workers coming back for either a new classification or new technology (project manager, superintendents, and foreman).

Recommendation to get union letters of support next time.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by AGC Construction Education Foundation in the amount of \$849,957. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 41: Tulare-Kings Counties Builders Exchange, Inc.

First time contractor. Funding requested \$167,720 to train 140 trainees. Training will take place at the participating employer locations in Fresno, Kern, Kings and Tulare counties.

ACTION: Member Newsom moved, and Member Fothergill seconded, approval of the proposal submitted by Tulare-Kings Counties Builders Exchange, Inc. in the amount of \$167,720. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 42: Valley Builders Exchange, Inc.

First time contractor. Funding requested \$849,290 to train 455 trainees. Training will take place at the participating employer worksites and training facilities in Madera, Mariposa, and Merced, Stanislaus, Tuolumne and San Joaquin counties. Correction to the subcontractors administrative cost percentage to 10% of the earned amount.

Comment that wages are subpar for the construction industry. Therefore, you are a pipeline or gateway to an apprenticeship program. Next time would like to see the total number of trainees and how many of them transition into apprenticeship programs for construction specifically?

Christine Schwanegar explained that the goal is to try to get them into positions with members are they start to get more experience and then partner with our unions so they can be successful.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Valley Builders Exchange, Inc. in the amount of 849,920. All Panel Members present voted in the affirmative to approve the proposal as moved.

Public comment:

David Vincent has concerns the 13 employers are public works contractors who have different OSHA violations within the last four years. Of the 29 violations, five of these seven contractors had serious violations. In addition, a handful of the contractors had Division of Labor Standards enforcement, civil wage and penalty assessment for the failure to utilize apprentices in a proper way to comply with state law on public works projects. His concern is that they are utilizing these workers as a lower paid pseudo apprenticeship program where the work processes and training curriculum seems to overlap with the state approved apprenticeship programs.

Question was asked by Panel if the applicant had a response to the public comments.

Christine Schwanegar stated that she was not aware of that and that every member that comes in is checked to make sure they are licensed to be a member of the exchange; those are checked periodically because they go through the board and if there are any problems they cannot be members.

Comment was made that the concern about some of your contracts that are members that are working on public works projects and the apparent violation of not utilizing an apprenticeship programs when it is mandatory on public works projects is something that you definitely want to watch out for since you are not an apprenticeship program and need to make sure that they

are in compliance.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

AGRICULTURE

Tab No. 43: Wonderful Orchards LLC

First time contractor. Funding requested \$299,880 to train 357 trainees. Training will take place in Kern and Fresno counties.

Comment made that for our agriculture initiative. We are supposed to fund proposals that highlight how training is upskilling farm workers, enabling trainees to work in good quality jobs and paid good wages as well as providing opportunity for advancement and encourage worker voice. Can you elaborate on how you encourage worker voice?

Joseph Sepulveda answered that part of their continuous improvement programs is where we go out and ask our employees for feedback. Asking what they want to see, what progression they would like to do. We have seen some growth; some employees make progress as well as a number of large scale changes.

ACTION: Member Smiles moved, and Member Hill seconded, approval of the proposal submitted by Wonderful Orchards LLC in the amount of \$299,380. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 5 to 0.

Gretchen Newsom – nay
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 44: Crain Walnut Shelling, LP

Repeat contractor. Funding requested \$282,240 to train 196 workers. Training will take place at their three locations in Tahoma County.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted Crain Walnut Shelling, LP in the amount of \$282,240. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 45: Sutter Home Winery, Inc.

Repeat contractor. Funding requested \$554,400 to train 600 workers. Training will take place at their five locations.

Comment regarding great wages and time taken to give narrative of what they are doing to uplift their workforce.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Sutter Home Winery, Inc. in the amount of \$554,400. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

REVIEW AND ACTION ON CONSENT CALENDAR CONTINUED

Tab No. 12: Haggerty Construction dba Haggerty

Acting Chair Smiles recused himself.

Repeat contractor. Funding requested \$170,240 to train 76 workers. Training will take place at their location in Stockton.

ACTION: Member Fothergill moved, and Member Hill seconded, approval of the proposal submitted Haggerty Construction dba Haggerty in the amount of \$170,240. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 5 to 0.

Gretchen Newsom – aye
Rick Smiles - recused
Madison Hull – aye

Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 16: Radonich Corp. dba Cal Coast Telecom

Member Newsom recused herself

First time contractor. Funding requested \$207,172.

ACTION: Member Fothergill moved, and Member Hill seconded, approval of the proposal submitted by Radonich Corp. dba Cal Coast Telecom in the amount of \$207,172. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 5 to 0.

Gretchen Newsom – recused
Rick Smiles – aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

GROUP TWO (October Panel)

Tab No. 46: Anduril Industries, Inc.

Critical proposal. First time contractor. Funding requested \$831,040 to train 742 workers. Training will take place at their locations in Costa Mesa, Santa Ana and Irvine.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Anduril Industries, Inc. in the amount of \$831,040. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 47: Glendale Community College Professional Development Center

Repeat contractor. Funding requested \$798,114 to train 534 workers.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Glendale Community College Professional Development Center in the

amount of \$798,114. All Panel Members present voted in the affirmative to approve the proposal as moved.

Applicant request for October 25, 2024 contract effective date.

ACTION: Member Newsom moved, and Member Hill seconded, amended approval of the proposal submitted by Glendale Community College Professional Development Center in the amount of \$798,114 with the contract start date of October 25, 2024. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 48: Relativity Space, Inc.

Repeat contractor. Funding requested \$596,960 to train 533 workers in Long Beach.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Relativity Space, Inc. in the amount of \$596,960. All Panel Members present voted in the affirmative to approve the proposal as moved.

Applicant representative Kate Potts requested a December 31, 2024 contract start date.

ACTION: Member Newsom moved, and Member Hill seconded, amended approval of the proposal submitted by Relativity Space, Inc. in the amount of \$596,960 with the contract start date of December 31, 2024. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 49: Riviera, Inc. dba The Enterprise U.

Repeat contractor. Funding requested \$848,934 to train 542 workers. 14th ETP contract. Sixth in past 5 years.

Winnie Ho, Executive Director requested a contract start date of October 28, 2024

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Riviera, Inc. dba The Enterprise U in the amount of \$848,934 with the contract start date of October 28, 2024. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 50: Shultz Steel LLC

First time contractor. Funding requested \$446,088 to train 287 workers in Los Angeles County.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Shultz Steel LLC in the amount of \$446,088. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 51: Omni Hotels Management Corporation

Repeat contractor. Funding requested \$366,240 to train 218 retrainees. Training will take place at their locations in Los Angeles, Riverside, San Francisco and San Diego counties. Second ETP contract. First in past 5 years.

Comment that the facility is union (San Francisco, San Diego and Los Angeles) but in the proposal, there is no union representation. So why are there no union letters of support?

Allie Mary explained that Los Angeles is not, San Diego is not and Rancho Mirage is not represented under the collective bargaining agreements.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Omni Hotels Management Corporation in the amount of \$366,240. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 52: Bay Ship & Yacht Co.

Repeat contractor. Funding requested \$414,400 to train 296 shipyard workers. Training will take place at their headquarters in Alameda.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Bay Ship & Yacht Co. in the amount of \$414,400. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 53: Headway Technologies, Inc.

Repeat contractor. Funding requested \$474,880 to train 424 workers. Training will take place at their five locations in Milpitas.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Headway Technologies, Inc. in the amount of \$474,880. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 54: Crystal Creamery, Inc.

Repeat contractor. Funding requested \$343,000 to train 245 workers. Training will take place at their 18 locations.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Crystal Creamery, Inc. in the amount of \$343,000. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 55: Kagome Inc.

Repeat contractor. Funding requested \$217,140 to train 235 workers. Training will take place at their locations in Kern, Merced and San Benito counties.

Question regarding the occupation of operator and the wage progression. It appear the bulk of your workforce is stuck in the \$15 to \$20 an hour wage range. It is evident that you are starting people of at \$17 an hour, how soon can those workers anticipate wage progression?

Eduardo Espinoza stated that the operators are mostly packaging operators, which is an entry-level position. Most of the time new employees are right out of high school. The wage progression timeline depends on the individual capabilities and initiative. Some within three months, there are 90-day evaluations and annual reviews.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Kagome, Inc. in the amount of \$217,140. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 56: Lyons Magnus, LLD dba Lyons Magnus

Repeat contractor. Funding requested \$194,040 to train 198 workers. Training will take place at their location in Fresno.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal

submitted by Lyons Magnus LLC dba Lyons Magnus in the amount of \$194,040. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 57: S. Martinelli & Company

This is an Amendment requesting the use of an out of state training vendor.

Question can the applicant elaborate as to why they are seeking this permission.

Jennifer Madrid explained that it's really the specialization of the equipment for the bottling company and they needed providers that could actually handle their production volume as well as some of the unique bottle sizes so that's why they went out of the state and out of the country with Italy.

Question regarding after the initial training the company should be able to train their own staff so the question is how frequently do you use this out of country training process?

Jennifer Madrid responded that the out of country and out of state training has already been conducted. Now those individuals are in our facility training additional employees, so everything else is being done here in California on site.

ACTION: Member Newsom moved, and Member Hill seconded, to approve the S. Martinelli & Company amendment proposal and allow them to use the out of state vendors and out of country vendors that they have specified. All Panel Members present voted in the affirmative to approve the amendment proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 58: California State Society for Opticians

To train, dispense optician and optometric assistance.

Comment made that as we proceed down this path of non-traditional apprenticeship programs,

we invest in the programs that are the gold standard of apprenticeship and have wage progression, quality training with potentially certifications and consistent employment.

Concerns expressed regarding the bulk of the training being self-taught computer based training.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by California State Society for Opticians in the amount of \$19,760. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 59: El Sol Neighborhood Educational Center

To train community health workers.

Reiteration of previous comment regarding non-traditional apprenticeship programs.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by El Sol Neighborhood Educational Center in the amount of \$69,730. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 60: G & C Auto Body, Inc. dba G & C Autobody

This proposal was right sized.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by G & C Auto Body, Inc. dba G & C Autobody in the amount of \$291,995. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 61: Hospitality Industry Training and Education Fund dba Hospitality Training Academy (HTA)

Proposal for hospitality industry training and educational fund HTA to train baristas and Line Cooks.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Hospitality Industry Training and Education Fund dba Hospitality Training Academy (HTA) in the amount of \$74,820. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Tab No. 62: Spaulding Marine Center

This is one of our successful non-construction apprenticeship programs. They did 100% last year.

ACTION: Member Newsom moved, and Member Hill seconded, approval of the proposal submitted by Spaulding Marine Center in the amount of \$35,568. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

XII. SECOND LEVEL APPEAL OF VINO FARMS

Vino Farms submitted a Second-Level Appeal under 22 California Code of Regulation Section 4450. This matter concerns the Panel decision to deny Vino Farms, Inc. application under the

ETP agriculture initiative, which took place at the April 2024 Panel Meeting.

Procedural History: On June 10, 2024, the applicant submitted a First-Level Appeal alleging, among other things, that the Statement of Decision does not accurately identify or support the Panel's decision to deny the training application. On August 19, 2024, ETP issued a determination denying the First-Level Appeal. On August 29, 2024, the appellant submitted a Second-Level Appeal. With the cancellation of a prior panel meeting, the matter is here today.

There are three items for the Panel to consider, these items are authorized under 22 CCR 4450(b)(2)(A). Panel must take one of the following actions: one, refuse to hear the matter, giving the appellant written reasons for the denial; two, conduct a hearing on a regularly scheduled meeting date; or three delegate the authority to conduct a hearing to a subcommittee of one or more Panel members or to an Administrative Law Judge with the Office of Administrative Hearings.

Ronnie Notora from VINO Farms stated VINO Farms has been a repeat successful applicant, which is why they are pursuing this appeal process. VINO Farms is family owned and operated in California since 2008. VINO Farms has generous benefits and pay and is an innovator. It values its employees, many of which have worked there for decades. VINO Farms have been involved in creating the Lodi Sustainability program and has 300 acres of organic vineyards. They were awarded a Regenerative Organic certification, one of the hardest to get. VINO Farms has an open door policy with employees and is actively engaged to consistently evaluate and improve employee experience. VINO Farms has proven itself a successful participant in the ETP program. VINO Farms put significant resources and time into submitting a strong application. They increased the number of employees who are licensed and certified supervisor. Providing training and certifications that are transferable, providing computer skills, commercial skills and business skills. VINO Farms never received an explanation for the unprecedented denial of its application. The Panel seemed to be focused on unsubstantiated, non-factual considerations. We are asking the Panel to set a hearing and grant the application.

Mr. Kopp, VINO Farms attorney submitted that the legal grounds for the appeal are already laid out in the first and second level appeal of the Panel decisions. Those grounds are clear and straightforward, namely that the considerations for granting or denying an application are laid out by regulation and the Panel is not granted unlimited discretion, but rather the decision has to be supported by the finding and the finding have to be supported by the facts. The record here couldn't be clearer that each of the conclusory grounds asserted in the Panel's original denial, both the original decision as well as the appeals, isn't supported by the fact of the record. As to the first finding regarding wages, there wasn't a single adverse fact that was elicited regarding the wages that would be paid, the benefits provided and the applications actual proposal to assist employees in moving into higher paid wages. Instead of facts, the questions focused on a settlement of a PAGE suite, which by law and by fact is not a fact establishing any violation. By law, a settlement can't be considered a fact of a violation, and with respect to PAGE, during the pendency of these appeals. PAGE itself was revised on an emergency basis due to the recognized abuse of the process, which previously didn't require the plaintiff to have suffered the Labor Code alleged violations in the lawsuit. The only other questions, aside from a PAGE settlement concerned a political consideration of an outside organization's activities which were not supported by any VINO Farms workers. As to the second finding regarding the provision of safe and secure jobs that is not even a proper articulation of the legal standard which doesn't identify safety. Even if safety were part of the

regulatory standard, no facts were elicited to identify any fact based safety issue. The only question regarding safety pertained to Glycosphate, which is an EPA approved product for which Vino has been inspected repeatedly by the state agency charged with pesticide safety, with the agency confirming Vino Farms safety compliance. Safety concerns regarding Glycosphate are also unsupported. As to the third finding that the Panel wasn't satisfied with the concerns regarding trainee safety, working conditions, management turnover or past performance, only the conclusion was stated. No facts were present to support that finding. The finding that the proposal does not upskill workers, there were no questions on that topic, no engagement with the upskilling components of the proposal and no facts identified. Throughout the appeals process, at every level of decision making, there has been no transparency to the facts underlying the conclusion. There is a clear case for reversal, the application should be granted and a hearing set to properly evaluate and grant the application based on facts and the applicable regulatory standards.

Comment was made that the Panel is here today solely to decide one of the three options, and not to litigate or decide any issue of fact or otherwise today.

ACTION: Member Newsom moved, and Member Hill seconded, approval to delegate the authority to a subcommittee of one or more Panel Members per Regulation 22 CCR Section 4450(b)(2)(A)(3). All Panel Members present voted in the affirmative to approve the action as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

XIII. OPPORTUNITY FOR PANEL MEMBERS TO REQUEST AGENDA ITEMS FOR FUTURE PANEL MEETING

No comments.

XIV. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No comments.

XV. MEETING ADJOURNMENT

Acting Chair Smiles asked for motion to adjourn the panel meeting.

ACTION: Member Newsom moved and Member Hill seconded motion to adjourn the Panel meeting. All Panel Members present voted in the affirmative to adjourn the Panel meeting as moved.

Motion carried by roll call vote, 6 to 0.

Gretchen Newsom – aye
Rick Smiles - aye
Madison Hull – aye
Mike Hill – aye
Chris Dombrowski – aye
Jennifer Fothergill – aye

Acting Chair Smiles Adjourned the meeting at 2:30 p.m.