STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

HOWARD O. WATTS, Complainant,	)	Case No. LA-PN-42
v.	)	PERB Decision No. 405
LOS ANGELES UNIFIED SCHOOL DISTRICT, Respondent.	)	September 13, 1984

Appearances: Howard 0. Watts, in propria persona.

Before Hesse, Chairperson; Tovar and Jaeger, Members.

DECISION

JAEGER, Member: This case is before the Public Employment Relations Board on exceptions filed by Howard O. Watts to the attached proposed decision of the Regional Director finding that the Los Angeles Unified School District violated subsection 3547(a) of the Educational Employment Relations Act.[1]

[1]The Educational Employment Relations Act is codified at Government Code section 3540 et seq. Subsection 3547(a) provides:

> All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.

We have reviewed the case in light of Watts' exceptions and the entire record and adopt the Regional Director's proposed decision as the Decision of the Board itself.

ORDER

Based on the foregoing, and on the record as a whole, the Public Employment Relations Board finds that the Los Angeles Unified School District violated subsection 3547(a) of the Educational Employment Relations Act and ORDERS that the Los Angeles Unified School District, its governing board and its representatives shall:

1. CEASE AND DESIST FROM:

Interfering with the public's right to know of the presentation of its initial proposals by failing to place notification of such presentation on its printed agenda.

2. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EDUCATIONAL EMPLOYMENT RELATIONS ACT.

(a) Within 35 days following the date the Decision is no longer subject to reconsideration, post at all work locations where notices to the public are customarily placed copies of the Notice attached as an Appendix hereto, signed by an authorized agent of the employer. Such posting shall be maintained for a period of 30 consecutive workdays. Reasonable steps shall be taken to insure that this Notice is not reduced in size, defaced, altered or covered by any material.

(b) Written notification of the actions taken to comply with this Order shall be made to the Los Angeles Regional Director of the Public Employment Relations Board in accordance with her instructions.

The alleged violation of Government Code section 3547(b) is hereby DISMISSED.

Chairperson Hesse and Member Tovar joined in this Decision.

APPENDIX

NOTICE TO THE PUBLIC
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California

After a hearing in Public Notice Case No. LA-PN-42, Howard 0. Watts v. Los Angeles Unified School District, in which all parties had the right to participate, it is found that the Los Angeles Unified School District violated the Educational Employment Relations Act, Government Code subsection 3547(a) by failing to place notification of presentation of its initial proposals on its printed agenda.

As a result of this conduct, we have been ordered to post this Notice and we will:

A. CEASE AND DESIST FROM:

Interfering with the public's right to know of the presentation of initial bargaining proposals.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EDUCATIONAL EMPLOYMENT RELATIONS ACT:

Place notification of initial bargaining proposals on the printed agenda of governing board meetings.

Dated: _____ LOS ANGELES UNIFIED SCHOOL DISTRICT

By _____
Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR THIRTY (30) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, REDUCED IN SIZE, DEFACED OR COVERED WITH ANY OTHER MATERIAL.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

HOWARD 0. WATTS, Complainant, v. LOS ANGELES UNIFIED SCHOOL DISTRICT, Respondent.	)	Public Notice Case No. LA-PN-42 PROPOSED DECISION (11/15/83)

Appearances; Howard 0. Watts, representing himself; Reginald T. Murphy, Administrative Coordinator, Office of Staff Relations, for Los Angeles Unified School District.

Before: Frances A. Kreiling, Regional Director.

This case presents the issue of whether a public school employer is obligated by subsection 3547(a) of the Educational Employment Relations Act (hereafter EERA)[1] to place

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[1]The EERA is codified at Government Code section 3540 et seq. All statutory references are to the Government Code unless otherwise indicated. Section 3547 provides as follows:

> (a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.
>
> (b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.
>
> (c) After the public has had the opportunity to express itself, the public

notification on the agenda of its public meeting that it intends to present its initial proposals at that meeting. It also presents the question of whether Los Angeles Unified School District (hereafter LAUSD or District) violated subsection 3547(b) by limiting Howard 0. Watts (hereafter Complainant) to three minutes' speaking time at two public meetings when he was calendared to speak to the District's initial proposals.

PROCEDURAL HISTORY

The instant public notice complaint was filed with the Public Employment Relations Board (hereafter PERB or Board) on July 13, 1982,[2] alleging numerous violations of subsections

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> school employer shall, at a meeting which is open to the public, adopt its initial proposal.
>
> (d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.
>
> (e) The Board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the the positions of their elected representatives.

[2] All dates refer to calendar year 1982 unless otherwise specified.

3547(a) and (b).[3] A notice of deficiency was sent to Mr. Watts on August 31 as to all allegations. On September 3, a request for assistance was filed by the Complainant. PERB denied the request September 8. The denial has been appealed to the Board itself and is still pending. A request for extension of time was filed September 20 and granted September 21 pursuant to LAUSD's agreement.

An amendment was filed September 30. On October 5, PERB served two allegations on LAUSD as stating a prima facie violation. A notice of partial dismissal with and without leave to amend (depending upon the allegation) was issued as to the other allegations October 6.

A second amendment was filed October 26 particularizing the amendments which had been dismissed with leave to amend. On November 8, all but one of the remaining allegations were dismissed without further leave to amend.[4] The dismissal

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[3]The original complaint alleged 14 violations of subsections 3547(a) and (b), many with multiple parts, and contained 52 attached exhibits, most of which were not material to the issues in the complaint.

[4]As discussed infra, due to confusion as to exactly when LAUSD presented its initial proposals, the Complainant alleged that there was nothing on either the June 14 committee of the whole agenda or the June 21 board of education indicating that the District would present its initial proposals at one of those meetings. Thus, until the District responded to the complaint, neither of those allegations could be dismissed. As will be shown, the rather perfunctory investigation of the facts performed by LAUSD resulted in the wrong allegation being dismissed by PERB, thereby requiring rehabilitation of that allegation herein.

of those allegations has been appealed to the Board itself and is still pending.

Informal conferences conducted by a PERB representative December 9 and December 27 failed to result in settlement of the case. Each party subsequently submitted a further offer of settlement to PERB which was rejected by the other.

The allegations which PERB determined stated a prima facie case were as follows:

1) The District's presentation of its initial proposals was not listed on the June 14 committee of the whole agenda.

2) The District's presentation of its initial proposals was not listed on the June 21 board of education agenda,

3) The District failed to allow Mr. Watts to fully express his opinion of the LAUSD's and two exclusive representatives' initial proposals when it restricted him to three minutes' speaking time at two public meetings and denied him an extension of time.

Upon LAUSD's March 10, 1983, and March 18, 1983, admission to the facts stated in allegations two and three above and denial of the facts set forth in allegation number one, the first allegation above was dismissed because subsection 3547(a) requires only one presentation.

Since no factual dispute existed, PERB determined on July 8, 1983, that the instant case should be resolved through investigation and the filing of briefs, rather than the conduct

of a hearing. Upon the receipt of briefs (see footnote 13 infra), the case was submitted August 11, 1983.

FINDINGS OF FACT

Despite the District's March 10, 1983, and March 18, 1983, contention that LAUSD presented its initial proposals on June 21, they were in fact presented June 14, 1982.

Although seemingly unnecessary, given the absence of disputed facts, the Complainant filed with his brief tapes of the June 14, June 21 and June 28 public meetings held by LAUSD regarding initial proposals.[5] At his insistence, I have listened to those tapes. The tapes, PERB's file number LA-PN-42 (of which official notice is taken), and the District's brief indicate that the District presented its initial proposals on June 14 to its committee of the whole, not June 21.6

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[5]The Complainant obtained the tapes from the District, which records regular meetings of its governing board.

[6]Irrespective of its March 10, 1983, and March 18, 1983, claims that its initial proposals were presented June 21, it is found that, as discussed in the September 30 amendment to the complaint, the District presented its initial proposals when former Associate Superintendent for Staff Relations William J. Sharp placed copies of LAUSD's initial proposals on a table in front of the committee of the whole on June 14, prior to the regular board of education meeting. (Although the original complaint alleged that the minutes of the June 14 board meeting do not reflect a presentation, those minutes are for the regular board of education meeting only, not the committee of the whole which precedes it.) The District's brief supports this finding when it says that "The District contends the proposals were 'presented' by virtue of their being sent to the

At LAUSD, the committee of the whole is composed of members of the board of education. However, the committee of the whole takes no votes on its calendared items. As discussed in District Bulletin No. 18 (exhibit no. 22 of the original complaint), the District's procedure is to present its initial proposals at a public meeting of the committee of the whole. The public is allowed to express its opinion of District proposals at two subsequent meetings. Following the second opportunity for public response, the governing board adopts the District's initial proposals.

Committee of the Whole on June 14 . . ." (Emphasis in original.)

Indeed, the June 21 board agenda states as follows:

> VII. PUBLIC NOTICE OF INITIAL PROPOSALS
> Sunshine Committee Report by
> Chairperson Betty Blake
>
> United Teachers-Los Angeles (received June 7, 1982)
>
> Unit D, Office-Technical and Business Services (received June 7, 1982)
> District's Policy Positions (presented June 14, 1982)
>
> United Teachers-Los Angeles
> Unit A, Security
> Unit B, Instructional Aides
> Unit C, Operations-Support Services
> Unit D, Office-Technical and Business Services
> Unit E, Skilled Crafts
>
> Compensation and Benefit Items
>
> (Emphasis added.)

During 1982 LAUSD presented its initial proposals at the June 14 committee of the whole meeting. Public response was provided for on June 21 and June 28. Following public response, the District's initial proposals were adopted on June 28. The only mention of public notice on the agenda for the June 14 governing board meeting (including the committee of the whole agenda) was listed as follows:

> VII. PUBLIC NOTICE OF INITIAL PROPOSALS
>
> United Teachers-Los Angeles (received June 7, 1982)
> Unit D, Office-Technical and Business Services (received June 7, 1982)

The Complainant spoke to the initial proposals of the exclusive representatives of the District's certificated unit (United Teachers-Los Angeles) and office-technical and business services unit (California School Employees Association) on that date.

On June 21 the District offered the public its first opportunity to express its opinion of LAUSD's initial proposals and a second opportunity to address the initial proposals of UTLA and CSEA. Mr. Watts was among the members of the public who exercised this option. He spoke for three minutes. His speaking time then expired and he was denied an extension of time by the governing board. However, contrary to the facts alleged in the complaint and upon which a prima facie case

was determined by PERB,[7] Mr. Watts did not speak entirely to the merits of the District's and union's initial proposals. Rather, the tapes submitted by the Complainant indicate that he expended his three minutes at the June 21 meeting criticizing the manner in which LAUSD publicized its initial proposals and the failure of District officials to cooperate with him.[8] He used none of that time to express his opinion of the merits of the collective bargaining proposals.

On June 28, the public was again allowed to express itself regarding LAUSD's initial proposals. Again, Mr. Watts addressed the board. At that meeting, he alleged that the District failed to properly present its initial proposals and threatened the District with a PERB complaint. This expended approximately one of his three allotted minutes. He then spoke to the initial proposals of UTLA before addressing the District's initial proposals.[9] After three minutes, his time expired and he was again denied an extension of time.

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[7]For purposes of determining a prima facie case, the facts alleged in the charge are assumed to be true. See San Juan Unified School District (3/10/77) EERB Dec. No. 12 and its progeny. (Prior to January 1, 1978, PERB was known as the Educational Employment Relations Board.)

[8]The tapes have not been authenticated. However, since their contents harm only the Complainant's case, no prejudice comes to the District through their receipt into evidence. No prejudice comes to Mr. Watts in that it was he who submitted them.

[9]UTLA's initial proposals were actually not sunshined at this meeting since the public had already been given an opportunity to speak to them on June 14 and June 21.

Hence, Mr. Watts expended only about two of the three minutes allotted him on June 28 to express his opinion of the merits of the initial proposals. He thus used only approximately one and one-half of the six minutes granted him at the June 21 and June 28 meetings to express his opinion of the District's initial proposals.[10]

DISCUSSION

The June 14 Agenda

The Board has said that the failure to notify the public by placing the subject of presentation of collective bargaining proposals on an employer's printed agenda is a prima facie violation of the subsection 3547(a) presentation requirements. Los Angeles Unified School District (12/30/80) PERB Dec. No. 151 (hereafter LAUSD #1) and Los Angeles Unified School District (12/30/80) PERB Dec. No. 152 (hereafter LAUSD #2).

In the instant case, the only reference to public notice of collective bargaining proposals on the June 14 agenda was notification that the governing board would hold a public meeting to allow presentation of the initial proposals of two exclusive representatives. While this would apprise the public

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[10]It is noted that Mr. Watts could not suggest that he needed to use this time to bring to the attention of the governing board his objections to the District's 1982 method of noticing the public, since the complaint he filed through LAUSD's internal complaint policy (ending in a decision by the governing board) accomplished this.

that the initial proposals relative to two LAUSD negotiating units would be presented, it is insufficient to find that the public would have been aware that LAUSD intended to present its initial proposals.

It is noted that LAUSD #1, supra and LAUSD #2, supra involved the instant respondent public school employer. PERB, has, therefore, already formally advised the District of the necessity of apprising the public of its intent to present its initial proposals by listing such on its agenda. This it failed to do with respect to its June 14 public meeting. That conduct is therefore found to be a violation of subsection 3547(a). *16.*

Restriction of Complainant to Six Minutes' Speaking Time

As an affirmative defense to this charge, the District contends that its rule limiting speakers to three minutes is reasonable and has been found by PERB to be in conformance with the requirements of section 3547. The District cites PERB case numbers LA-PN-28 (i.e. LAUSD #2, supra) and LA-PN-6 in asserting that PERB's disposition, the parties' settlement and Mr. Watts' withdrawal, respectively, of those cases is res judicata on the instant issue and that, therefore, Mr. Watts should be barred from asserting the issue. However, that argument misconstrues PERB's holding in LAUSD #2, the doctrine of res judicata and the instant issue.

In LAUSD #2, the Board held that Mr. Watts' allegation that the District's rule limiting him to three minutes speaking time was insufficient to allow him to express his opinion of collective bargaining proposals should have been dismissed with leave to amend. In other words, the Board found that, with more, the allegation could conceivably have stated a prima facie case.

The instant allegation made by Mr. Watts was that he expressed his opinion regarding initial proposals being sunshined for public response on June 21 and June 28, and that he used the entire time granted him at both meetings and was then denied an extension of time. In LA-PN-28, Mr. Watts alleged only that the District's three minute speaking limitation prevented him from fully responding to the proposals.

The doctrine of res judicata applies only to a judgment on the same cause of action. See, generally, Witkin, California Procedure (2nd ed. 1971) at 3292. Therefore, the different facts alleged in this case preclude application of the doctrine. Further, Mr. Watts' withdrawal of LA-PN-28 subsequent to a remand by the Board itself cannot have res judicata effect on the instant action since a withdrawal is not a judgment on the merits by PERB.

Official notice is taken of closed file number LA-PN-6. That complaint, involving these same parties, again did not address the instant issue. Mr. Watts withdrew LA-PN-6 pursuant to LAUSD's agreement to amend its internal public notice

policy. Again, a withdrawal is not a judgment on the merits by PERB.[11] Further, that case was also not concerned with the issue to be resolved here.

It is therefore found that Mr. Watts may pursue the instant allegation. Nonetheless, for the following reasons, it is found that no subsection 3547(b) violation occurred.

As determined by the regional representative in finding a prima facie case, under the facts stated in the complaint, the District would be in violation of subsection 3547(b) absent sufficient affirmative defenses for its actions. However, as evidenced by the tapes submitted by the Complainant, those facts are erroneous.

As discussed above, Mr. Watts actually used only approximately one-third of the six minutes allotted him to speak to the merits of the initial proposals at the two meetings. Because by his own actions the Complainant did not exercise his full opportunity to express himself regarding the merits of LAUSD's initial proposals, the District did not violate EERA's public notice provisions through its actions alleged in the complaint. Consequently, it is found that Mr. Watts was not denied full opportunity to express his opinion by

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[11]While a withdrawal may serve as a retraxit to future litigation of the same issue, it may do so only if specifically withdrawn with prejudice to refile. See *Id*, at 3318; Ghiringhelli v. Riboni (1950) 95 Cal. App.2d 506 [213 P.2d 17]. LA-PN-6 was not withdrawn with prejudice.

the District's denial of additional time for him to speak. Accordingly, the allegation of a subsection 3547(b) violation must be DISMISSED.

The Instant Parties Should Learn that Section 3547 Is Not a Prescription for Litigation

The instant case is, unfortunately, an example of the inordinate amount of time this office is spending on the processing of public notice complaints filed by Mr. Watts.

Since section 3547 became effective July 1, 1976, there have been, to date, 69 public notice complaints filed with the Los Angeles regional office of the PERB. Only five complaints have been filed with the San Francisco office and only two in the Sacramento region. Of the 76 total, 10 have involved the instant parties. Thirty-six others have been filed by Mr. Watts against other respondents.

As cited in the District's brief, in Los Angeles Unified School District (2/22/82) PERB Dec. No. 181a (hereafter LAUSD #3), the Board admonished Mr. Watts to cease and desist from filing unmeritorious complaints pursuant to his vehement determination to fully litigate even complaints which simply restated issues already decided by the Board. Granted, the two instant issues are not vexatious to the degree of those in LAUSD #3. Nevertheless, a review of the voluminous instant case file indicates that the "abuses [of] Board processes and [waste] of State resources" discussed in LAUSD #3 are present

here. The Board agent who originally screened the complaint identified 14 allegations, some with multiple parts, many of which can be labeled frivolous or at least greatly lacking in specificity. As discussed, supra, all but two allegations failed to state a prima facie violation of section 3547 and, as found herein, one of those allegations misstated the facts.

It is acknowledged that the Complainant lacks legal counsel. However, as noted above, Mr. Watts is no stranger to the filing of public notice complaints and has expended innumerable hours of PERB staff time discussing section 3547 and its requirements. Still, his complaints necessitate an inordinate amount of staff time to process,[12] with the end result normally being a dismissal of nearly all allegations, generally through time-consuming initial screening.[13] Moreover, even when Mr. Watts' complaints are litigated, the merits of the complaint are generally subordinated to the unmeritorious procedural issues raised by Mr. Watts. See, e.g., Los Angeles Unified School District (8/18/83) PERB Dec. No. 335; Los Angeles Community College District (8/15/83) PERB

[12]Approximately 74 hours of one staff member's time on this complaint alone.

[13]Official notice is taken of other public notice complaints filed by the Complainant. Those files indicate that of the last 14 closed cases, all 14 were dismissed by the regional office. All dismissals appealed to the Board itself were affirmed. The last closed public notice case filed by Mr. Watts which was not disposed of by dismissal was withdrawn in November 1980.

Dec. No. 331; Los Angeles Community College District (12/15/81) PERB Dec. No. 186.14

As to LAUSD, given Mr. Watts' past proclivity to file unmeritorious complaints, a tendency to treat his allegations lightly and therefore give them only cursory attention might be understandable. Nonetheless, the processing of the instant case would have been substantially facilitated by greater diligence on the part of the District in investigating the facts behind the complaint, including when LAUSD presented its initial proposals and what the Complainant said in addressing the governing board.[15] Greater effort on their part could have saved PERB, and, no doubt, LAUSD, substantial staff time.

The Legislature has seen fit to provide the California public with a unique opportunity to participate to a limited extent in the collective bargaining process and the Board itself has adopted a public notice complaint procedure to

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[14]In the instant case, the Complainant again raises a procedural issue, i.e. that the District's brief should not be accepted because it was not timely filed. As Mr. Watts has been advised verbally, both parties' briefs have been accepted despite the fact that since neither originally met PERB's filing requirements both were untimely filed.

[15]The District's culpability is mitigated by Mr. Sharpe's retirement from service with the District and generally by the fact that LAUSD undoubtedly has the most extensive public notice policy in the state, including, inter alia, two opportunities for the public to express its opinion of initial proposals, an internal complaint procedure, a "sunshine committee" and copies of certificated initial proposals sent to all schools.

ensure this. While giving PERB the task of administering the public notice provisions of EERA, the Legislature has, at the same time, greatly limited this agency's budget. Hence, PERB cannot afford to expend its limited resources investigating frivolous charges or to discover on its own evidence which a respondent could provide with a moderate degree of diligence.

Therefore, I find it necessary to admonish both parties to make a greater effort to accomplish the provisions of section 3547 through cooperation and compromise. Mr. Watts should exercise greater restraint in his selection of issues to litigate, and LAUSD should pay heed to what the Board has determined the law requires and become more diligent in the investigation of the facts. It is expected that the parties will acknowledge this admonition and, in the future, act accordingly.

PROPOSED REMEDY

It has been found that the District violated subsection 3547(a) by failing to place notification to the public on its June 14, 1982, printed agenda that it would present its initial proposals at that public meeting. It is appropriate to order the District to cease and desist from violating Government Code subsection 3547 (a) in the future.

It is also appropriate that the District be required to post a notice incorporating the terms of the order. The notice should be subscribed by an authorized agent of the District

indicating that it will comply with the terms thereof. The notice shall be posted in the locations normally used for posting public notices regarding regular meetings of the District. The notice shall not be reduced in size. Posting such a notice effectuates the purposes of EERA and will announce the District's readiness to comply with the ordered remedy. See Placerville Union School District (9/18/78) PERB Dec. No. 69.

PROPOSED ORDER

Based upon the foregoing findings of fact and conclusions of law and the entire record in the case, it is found that the Los Angeles Unified School District has violated Government Code subsection 3547(a). Pursuant to Government Code subsection 3547(e), it is hereby ordered that the Los Angeles Unified School District, its governing board and its representatives shall:

1. CEASE AND DESIST FROM:

Interfering with the public's right to know of the presentation of its initial proposals by failing to place notification of such presentation on its printed agenda.

2. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EDUCATIONAL EMPLOYMENT RELATIONS ACT.

(a) Within ten (10) days after this decision becomes final, prepare and post copies of the NOTICE TO THE PUBLIC, attached as an appendix hereto, for thirty (30), consecutive

workdays at its headquarters offices and in conspicuous places at the locations where notices to the public regarding regular meetings of the District are customarily posted and shall indicate the times and places where the public may inspect a copy of this decision. The notice must not be reduced in size and reasonable steps should be taken to see that it is not defaced, altered or covered by any material.

(b) Within 25 days from service of the final decision herein, give written notification to the Los Angeles Regional Director of the actions taken to comply with this order. Continue to report to the Regional Director thereafter as directed. All reports to the Regional Director shall be concurrently served on the Complainant herein.

The alleged violation of Government Code subsection 3547(b) is hereby DISMISSED.

Pursuant to California Administrative Code, title 8, part III, section 32305, this Proposed Decision and Order shall become final on December 5, 1983, unless a party files a timely statement of exceptions. In accordance with the rules, the statement of exceptions should identify by page citation or exhibit number the portions of the record relied upon for such exceptions. See California Administrative Code, title 8, part III, section 32300. Such statement of exceptions and supporting brief must be actually received by the Public Employment Relations Board itself at the headquarters office in Sacramento before the close of business (5:00 p.m.)

on December 5, 1983, or sent by telegraph or certified United States mail, postmarked not later than the last day for filing in order to be timely filed. See California Administrative Code, title 8, part III, section 32135. Any statement of exceptions and supporting brief must be served concurrently with its filing upon each party to this proceeding. Proof of service shall be filed with the Board itself. See California Administrative Code, title 8, part III, section 32300 and 32305.

Dated: November 15, 1983

Prances A. Kreiling
Regional Director