

OFFICE OF ADMINISTRATIVE LAW JUDGES  
U.S. DEPARTMENT OF LABOR  
WASHINGTON, D.C. 20001

In the Matter of

U.S. DEPARTMENT OF LABOR, OFFICE )  
OF APPRENTICESHIP TRAINING, )  
EMPLOYER AND LABOR SERVICES, )

Prosecuting Party, )

v. )

Case No. 2002-CCP-1

CALIFORNIA DEPARTMENT OF )  
INDUSTRIAL RELATIONS, )

Respondent. )

In the Matter of

U.S. DEPARTMENT OF LABOR, OFFICE )  
OF APPRENTICESHIP TRAINING, )  
EMPLOYER AND LABOR SERVICES, )

Prosecuting Party, )

v. )

Case No. 2003-CCP-1

CALIFORNIA APPRENTICESHIP COUNCIL, )

Respondent. )

DECLARATION OF FRED D. LONSDALE IN SUPPORT OF RESPONDENT'S

RESPONSE TO PROSECUTING PARTY'S MOTION TO COMPEL

1. I am an attorney for respondent California Department of Industrial Relations (“CDIR”), and am licensed to practice in the state of California. The following is true of my own personal knowledge, and if sworn as a witness I would testify competently thereto, except as to matters which I state on information and belief and as to those matters I am informed and believe them to be true.

2. On March 27, 2003, I participated in a telephone conference with counsel for OATELS during which counsel was advised that CDIR had some documents ready for copying and was continuing to review other documents. Counsel for OATELS agreed to provide a written request for clarification of CDIR answers to interrogatories and request for production

3. On April 28, 2003, Carol Belcher and I met with Chris Wilkinson, an attorney for Department of Labor in San Francisco. We showed Mr. Wilkinson the material CDIR had ready to be copied. We showed him the audio tapes of the California Apprenticeship Council (“CAC”) meetings, the CAC minutes, CAC Commissioner’s Folders, as well as Administrative Records for three CAC appeals hearings. These were organized into six boxes. We also showed Mr. Wilkinson the Division of Apprenticeship Standards (“DAS”) file room and showed him a sample “program file” which I indicated was the sort of program file that would need to be reviewed in connection with our answer to interrogatories about program approval. A photo copy of a sample folder is attached hereto as Exhibit 1.

4. On May 1, six boxes of documents were picked up by Copy Central for OATELS. A copy of page 1,000 is attached as Exh. 2. This is the first page of box

one, the CAC minutes. A copy of page 9844 is attached as Exh. 3. This is the first page of box 4, the PHCC Administrative record.

5. After we were served with the OATELS Motion to Compel, we called Stephen Jones, OATELS counsel on June 19, 2003. We advised him that we felt his motion was based on a misunderstanding of fact and offered to allow the review of "program files" which we had proposed in connection with Interrogatories 4 and 18. He agreed to have Mr. Wilkinson contact us. We sent Mr. Jones a confirming letter on June 25, 2003, attached as Exh. 4. On July 3, I called Mr. Jones about whether, in light of Mr. Wilkinson's ongoing review of files, OATELS would take its motion off. Mr. Jones indicated that he had written me a letter dated July 2, and offered to fax that letter. A copy is attached as Exh. 5.

6. CDIR has reviewed dozens of boxes of material. A retired annuitant, Mike Mortell, formerly an Area Administrator for DAS, has been hired to review material and we have offered to have Mr. Mortell assist Mr. Wilkinson. CDIR is continuing to review material. No date has been set for further copying.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on this 7th day of July 2003, at San Francisco, California.

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FRED D. LONSDALE  
Attorney, Office of the Director,  
Legal Unit, California Department of  
Industrial Relations