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8 WESTERN ELECTRICAL
9 CONTRACTORS ASSOCIATION, INC.

10 BEFORE THE
11 UNITED STATES DEPARTMENT OF LABOR

12 *In the Matters of:*)
13 U.S. DEPARTMENT OF LABOR,)
14 OFFICE OF APPRENTICESHIP)
15 TRAINING, EMPLOYER AND LABOR)
16 SERVICES,)
17 Prosecuting Party,)
18 v.)
19 CALIFORNIA DEPARTMENT OF)
20 INDUSTRIAL RELATIONS)
21 Respondent)
22 and)
23 CALIFORNIA APPRENTICESHIP)
24 COUNCIL)
25 Respondent)

Case Nos. 2002-CCP-1; 2003-CCP-1

DECLARATION OF L. TERRY SEABURY IN SUPPORT OF WESTERN ELECTRICAL CONTRACTORS ASSOCIATION, INC.'S *AMICUS CURIAE* BRIEF IN SUPPORT OF OATELS

Chief Administrative Law Judge:
The Honorable John M. Vitton

US DEPT OF LABOR
ADMIN LAW JUDGES
SEP 21 P 1:47

DECLARATION OF L. TERRY SEABURY

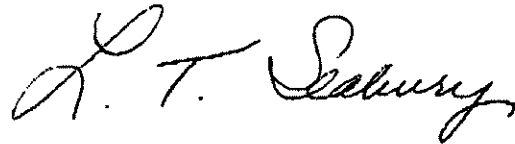
I, Laura "Terry" Seabury, hereby declare as follows:

1. I am the Executive Director and Chief Executive Officer of the Western Electrical Contractors' Association, Inc. ("WECA"). I make this declaration in support of WECA's *Amicus Curiae* Brief in Support of OATFIS.
2. WECA is a statewide non-profit trade organization which represents hundreds of merit shop (*i.e.* non-union) electrical contractors and thousands of their workers throughout the State of California. WECA also sponsors three unilateral (*i.e.* non-union) apprenticeship programs: a commercial electrician program, a residential electrician program and a sound and communication system installer program.
3. On September 2, 2003, WECA re-submitted updated statewide standards for its commercial electrician program to DAS for approval. Prior to the Administrator's decision to revoke WECA's statewide approval, WECA had approximately 650 apprentices enrolled in its program across the State. Following the Administrator's decision, WECA's commercial electrician apprentice enrollment dropped to a low of 314 apprentices.
4. On April 11, 2003, WECA submitted to DAS proposed standards for a new statewide program for the occupation of Sound and Communication System Installer and has been in limbo ever since. WECA has been unable to obtain DAS's authorization to indenture sound and communication system installer apprentices, despite a great demand to do so by existing and potential contractor members, because DAS has thus far refused to acknowledge the validity of Chief Nunn's approval of the program due to the bogus appeal filed by the union.
5. The Department of Labor has reviewed and found WECA's apprenticeship programs, including its commercial electrician and sound and communication system installer

programs, to be in compliance with all federal requirements and has issued federal approval of WECA's programs.

I hereby declare under penalty of perjury that the foregoing is true and correct and of my personal knowledge and that, if asked, I could and would testify competently thereto in a court of law.

Executed on this 20th day of September, 2004 at Sacramento, California.

A handwritten signature in black ink, appearing to read "L. T. Seabury". The signature is written in a cursive, flowing style.

L. TERRY SEABURY

PROOF OF SERVICE

1
2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is Cook Brown, LLP, 555 Capitol Mall, Suite 425,
4 Sacramento, California 95814. On September 20, 2004, I served the within documents described
5 as: **DECLARATION OF L. TERRY SEABURY IN SUPPORT OF WESTERN ELECTRICAL**
6 **CONTRACTORS ASSOCIATION INC.'S AMICUS CURIAE BRIEF IN SUPPORT OF**
7 **OATELS**

8 X (BY OVERNIGHT MAIL) I caused such document(s) to be sent by overnight mail by using
9 Federal Express Mail addressed as set forth below. Under that practice it would be deposited
that same day in a Federal Express drop box for delivery the next business day.

10 John M. Vittone
11 Chief Administrative Judge
12 U.S. Department of Labor
800 K Street, NW., Suite 400-N
Washington, D.C. 200001-8002

13 X (BY U.S. MAIL) by placing the document(s) listed above in a sealed envelope with
14 postage thereon fully prepaid, in the United States mail at Sacramento, California
addressed as set forth below.

15 Stephen R. Jones, Esq.
16 U.S. Department of Labor Office
of the Solicitor
17 Employment and Training Legal
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18 Room N-2101, FPB
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19 Washington, D.C. 20210

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20 Anthony Swoope
21 Administrator
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28 I am readily familiar with the firm's practice of collection and processing correspondence for

1 mailing. Under that practice it would be deposited with U.S. postal service on that same day with
2 postage thereon fully prepaid.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing
4 is true and correct. Executed on September 20, 2004, at Sacramento, California.

5 
6 KRISTIN D. BIGLEY

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