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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

DEPARTMENT OF LABOR AND
INDUSTRIES OF THE STATE OF
WASHINGTON

Plaintiff,

v.

FOWLER NAT D. AND MARY M.
DBA FARM BOY DRIVE IN

Defendant.

NO. 20-2-02460-34

SECOND DECLARATION OF
LYNDSEY BANKS IN SUPPORT OF
DEPARTMENT'S MOTION FOR
SECOND ORDER OF CONTEMPT

I, Lyndsey Banks, declare under the penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am over the age of eighteen and am otherwise competent to testify. I make these statements on personal knowledge and belief.
2. I am employed by the Department of Labor & Industries of the State of Washington, Division of Occupational Safety and Health (DOSH) as the Region 4 Compliance Manager. DOSH's Region 4 covers areas from the Columbia River north to Thurston, Mason, and Grays Harbor Counties, and from the Washington Coast east to Klickitat County.
3. As the Region 4 Compliance Manager, I am responsible for all compliance activities performed in the region under the Washington Industrial Safety and Health Act (WISHA). I manage a group of Compliance Safety and Health Officers (CSHOs) and

1 their supervisors. Among other things, the CSHOs perform WISHA inspections at
2 jobsites throughout the region. Inspections may be prompted by employee or citizen
3 complaints, or observations made by DOSH staff. Some inspections are also randomly
4 performed based on factors such as the business in which an employer is engaged and
5 the employer's history of on-the-job injuries and illnesses.

- 6 4. On January 17 and 18, 2021, a DOSH representative drove past Farm Boy Drive In and
7 observed that the restaurant was open for indoor dining services. The parking lot was full
8 of vehicles on both days and they were able to see people dining at indoor tables through
9 the windows.

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11 DATED this 19 day of January, 2021 in Olympia, Washington by:

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13 *Lyndsey Banks*
14 LYNDSEY BANKS
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