

EXHIBIT 2


BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

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September 15, 2005

Messrs. Neal Mace and Gary Russey
 RGH Environmental
 1305 North Dutton Avenue
 Santa Rosa, CA 95401

Dear Messrs. Mace and Russey

**Subject: Compliance with Business and Professions Code Section 7800 et seq.
 (Geologist and Geophysicist Act)**

The Board for Geologists and Geophysicists (Board) is responsible for regulating the practice of geology and geophysics in the state of California. The Board's mission is to continuously enhance the quality, significance and availability of geological and geophysical services offered to the people of California. The Board's goal is to protect the health, safety and welfare of California consumers who utilize the services of geologists and geophysicists.

The Board has received a complaint against you regarding your geologic report, dated July 15, 2005, characterizing the extent and quality of ground water resources for a proposed winery at 420 Wappo Road in Sonoma County California.

Pursuant to Title 16, California Code of Regulations section 3063, the Board for Geologists and Geophysicists is authorized to issue citations containing an order of abatement or an administrative fine against a professional geologist, geophysicist, or certified specialist who has committed any act or omission which constitutes a violation of the Geologist and Geophysicist Act or regulations. An order of abatement requires the cited person to cease the violation. Where appropriate, an administrative fine may be assessed which requires the cited person to pay a monetary fine of up to \$2,500.00.

Section 7860 of the Business and Professions Code empowers the board to investigate the professional actions of any Professional Geologist and make findings thereon. In part, Section 3065 of Title 16, California Code of Regulations (CCR) states:

"A violation of any of the following professional standards in the practice of geology or geophysics constitutes a ground for disciplinary action:

(a) Competence:

(1) A geologist or geophysicist shall undertake to perform professional services only when he or she, together with those whom the registrant may engage as consultants, are qualified by education, training, and experience in the specific technical and

The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California

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scientific areas involved. (2) When practicing geology or geophysics, a registrant shall act with competence and reasonable care and shall apply the technical knowledge and skill which is ordinarily applied by registrants of good standing, practicing in this state under similar circumstances and conditions.

(b) Misrepresentation:

(1) A registrant shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, affiliations, or purposes or those of the institutions, organizations or other businesses with which he or she is associated. (2) A registrant may advertise or solicit for any services for which he or she is authorized by registration provided such services are within his or her field of competence. (3) A registrant shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is receiving or will receive compensation. (4) A registrant shall only express professional opinions that have a basis in fact or experience. (5) A registrant shall not plagiarize the professional work of others and shall attribute proper credit to others for their work or contribution. (6) A registrant shall not knowingly permit the publication or use of his or her data, reports or maps for unlawful purposes. (7) A registrant shall not falsely or maliciously attempt to injure or in fact injure the reputation or business of others. (8) A registrant shall not misrepresent data and its relative significance in any geologic or geophysical report.

(c) Conflict of Interest:

(1) A registrant shall not concurrently engage in any other business of occupation which impairs the registrant's independence, objectivity, or creates a conflict of interest in rendering professional services. (2) A registrant shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to by all such parties. Such disclosure and agreement shall be in writing. (3) If a registrant has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the registrant shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the registrant shall either terminate such association or interest or offer to give up the project or employment. (4) A registrant shall not solicit or accept payments, rebates, refunds or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products or services to a client or employer of the registrant.

Therefore, a licensee's professional services that fail to meet the standard of care of a competent Professional Geologist operating under similar circumstances in this state is subject to disciplinary action by the Board. The report presented to the Board indicate that you may be practicing geology under the standard of care of a competent Professional Geologist relating to the proposed winery project at the subject site.

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The Board will not take further action on this case at this time as the internal report review dialogue with the Solano County Planning Department has not been finalized. Please submit written confirmation that you are in compliance with the terms of the Act and the Board's Regulations presented herein within 20 days of receipt of this notice.

A copy of the Geologist and Geophysicist Act and Rules and Regulations is posted on the Board's website at www.dca.ca.gov/geology. If you need more information, clarification or have any other questions, please call George Dunfield, the Board's Enforcement Manager, at (916) 263-0341

Sincerely,



PAUL SWEEENEY
Executive Officer

cc: Mr. Gary Duke, Department of Consumer Affairs, Legal Office
Ms. Sigrid Swedenborg, Solano County Planning Department