

U.S. DOL Proposes Regular Rate, Joint-Employer Regulations

By: CalChamber HRWatchdog.com

In the last week, the U.S. Department of Labor (DOL) Wage and Hour Division has proposed two new rules affecting different employer regulation areas, which have not been meaningfully revised for more than 50 years.

The DOL proposed a new rule on how employers calculate an employee’s regular rate of pay for purposes of paying overtime. They also proposed a new rule to revise and clarify the responsibilities of employers and joint-employers to employees in joint-employer arrangements.

Regular Rate Requirements - Regular rate requirements define what forms of payment employers include and exclude in the “time and one-half” calculation when determining workers’ overtime rates. Overtime is paid at an employee’s regular rate of pay, which may be higher than the employee’s hourly rate because it factors in other forms of compensation the employee receives, such as commissions and production bonuses, to name a few.

The DOL’s proposal seeks to clarify what employers can properly exclude from the regular rate of pay.

The proposal identifies specific types of compensation or benefits that may be excluded from an employee’s regular rate of pay, including:

- The cost of providing wellness programs, onsite specialist treatment, gym access and fitness classes, and employee discounts on good and services;
- Payments for unused paid leave, including paid sick leave;

(U.S. DOL - continued on page 7)

Hiring Influencers: Are You Playing With Fyre?

By Ari Hersher & Elizabeth J. MacGregor

Seyfarth Synopsis: Companies marketing through social media are likely familiar with social media influencers like the Kardashian/Jenners in cosmetics, DanTDM in gaming, and Kayla Itsines in fitness. California companies using the services of such influencers must be mindful, as always, of California peculiarities when it comes to classifying these individuals as contractors or employees.

As anyone who has seen the recent Fyre Festival documentaries knows, using social media influencers is an increasingly popular way to market products. The benefits of this method are clear—social media posts by influencers can be a low-cost way of reaching an enormous audience of potential consumers. However, advertising via influencers also carries potential legal risks.

As a primary issue, companies who use influencers need to be keenly aware of Federal Trade Commission (“FTC”) guidelines on advertising and endorsements, as well as the penalties for non-compliance. In California, the risk of using influencers is further enhanced by the standard governing classification of workers as independent contractors. And if the influencers are not being paid, but instead are being treated as volunteers, potential risks

(Hiring Influencers - continued on page 6)

39TH ANNUAL GOLF TOURNAMENT

Thursday, May 9, 2019

@ San Dimas Canyon

Title Sponsor:
Athens Services

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Phone: (626) 960-6606

IrwindaleChamber.org
info@irwindalechamber.org



Calendar of Events

April

17	Ribbon Cutting	3:30 p.m.-5:30 p.m.	Bee Imagin
24	State of the City	11:30 a.m.-1:30 p.m.	Edison Energy Education Center
30	Board of Directors	3:30 p.m.	Chamber Office
30	Mixer	5:30 p.m.-7:30 p.m.	Huy Fong Foods

May

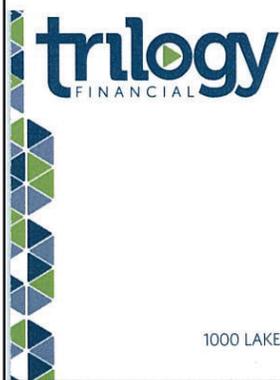
2	Ribbon Cutting	4:30 p.m.-5:30 p.m.	Lemon Drop Cookies
2	Business Ambassadors	8:00 a.m.	Chamber Office
9	Golf Tournament	CHAMBER CLOSED	
29	Board of Directors	3:30 p.m.	Chamber Office
30	Good Morning Irwindale	7:30 a.m.-9:30 a.m.	TBD

June

6	Business Ambassadors	8:00 a.m.	Chamber Office
12	Where's Lunch	11:30 a.m.-1:30 p.m.	Mariscos Urupan
19	Haynes Multi Chamber Mixer	4:30 p.m.	Haynes Family
19	Board of Directors	3:30 p.m.	Chamber Office



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39th Annual Golf Tournament

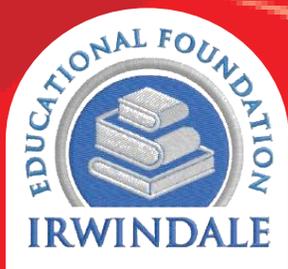
Thursday- May 9, 2019

Sponsorship Opportunities

- Eagle Sponsor- 3,500 (includes foursome)
- 19th Hole Sponsor- \$3,000 (Includes foursome)
- Birdies (Lunch) Sponsor- \$3,000 (Includes foursome)
- Fairway (Dinner) Sponsor- \$3,000 (Includes foursome)
- Corporate Sponsor- \$1,750 (Includes foursome)
- Club Sponsor/Skill Contest Sponsor/Snack & Beverage Sponsor- \$250
- Tee or Green Sponsor- \$150



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www.register.irwindalechamber.org



BBQ on the GREEN

July 19th 2019

5:30p - 9:00p



Catered BBQ

Drinks Included (2pp)

Fun Raffles

FREE \$50pp / \$60pp

Ends July 12, 2019

After July 12, 2019

Tickets may be purchased in advance from IEF Board of Directors or at the Irwindale Chamber of Commerce.

Attendees MUST be 21yrs of age or older.

IEF Board of Directors

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www.STEPScenter.org

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sgvHabitat.org

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fhardy@sgvhabitat.org

New Member Spotlight

For the past sixteen years, the founder of The S.T.E.P.S Center, Ms. Synnaye N. Walker, has worked in the field of mental health. It has been her passion to make a positive contribution in the lives of adults with intellectual disabilities, along with decreasing the stigma of mental health in the community.

The S.T.E.P.S Center, a community based day program is dedicated to providing a place for adults with intellectual disabilities so they may gain the skills necessary to obtain and retain employment. Our mission is to inspire confidence in the individuals we serve so they may fulfill their potential in life with a sense of dignity, belonging and independence.

As a new member of the Irwindale Chamber of Commerce, we are proud to announce S.T.E.P.S' partnership with the Chamber and our new location in the Covina Eastland Business Center.

Ms. Synnaye N. Walker

626-716-1213

swalker@stepscenter.org

www.stepscenter.org

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April Business of the Month



Athens Services is a local, family-owned waste collection and recycling company that has been a fixture in the greater Los Angeles community for the past 60 years. We provide innovative, consistent and quality environmental services to our more than 250,000 customers in 50+ communities. Through reuse, recycling and composting, Athens diverts valuable resources from landfills.

OUR RESPONSIBILITY TO THE ENVIRONMENT

Athens Services is committed to the environment and supports California as it moves towards a more sustainable future. We are always looking for ways to advance our recycling programs, save precious resources, and create a better environment for current generations and generations to come. We believe in a zero-waste future where businesses and consumers alike are conscious about consumption and product lifecycles, and are engaged in sustainable thinking concerning the use, management and restoration of the Earth's resources.

OUR MISSION FOR A ZERO WASTE FUTURE

Athens Services is committed to our future. We live on a finite planet and discarded material must be handled responsibly. By utilizing a Zero Waste system, we first reduce the amount of materials created, thus saving natural resources, energy and water. All actual waste material is then reused, recycled, or composted, reducing the amount of discards to landfill. Zero waste is designed to safely return materials back to industry or soil without any ill effects to human, animal or global health.

Innovative Technology - As the company that developed the first mixed-waste processor in Los Angeles county, Athens has always been ahead of the curve. We have continued to look forward, recently investing in new, near-zero emission natural gas vehicles that are 90% cleaner than the Environmental Protection Agency's strictest emissions standard. We are also the first company to utilize the Max-AI commercial unit: an artificially intelligent autonomous technology that uses mechanical vision to help sort recyclables and waste.

Athens Services has been an Irwindale Chamber member since 1995. Athens is a Cornerstone member and they sit on the Irwindale Chamber Board of Directors as well as the Ambassador committee. Athens is a continued sponsor of the Irwindale Educational Foundation. They sit on the committee and volunteer countless hours to the foundation to raise money for education.

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(Hiring Influencers - continued from coverage)

multiply. Failure to properly classify and pay influencers might violate numerous California employment laws and could even result in class action litigation. Misclassifying influencers could also invite an audit from the California Employment Development Department (“EDD”) into whether employment taxes may be owed.

A company considering using influencers should carefully evaluate each of three legal risks:

FTC Guidelines: FTC guidelines specify that an “endorsement” includes any advertising message that consumers are likely to believe reflects the opinions of a party other than the sponsoring advertisers. 16 C.F.R. § 255.0(b). A connection between an endorser and the seller of the product must be disclosed when that connection “might materially affect the weight or credibility of the endorsement.” 16 C.F.R. § 255.5. In the case of social media influencers, simply posting a picture of a certain product to a social media site could constitute an endorsement in the eyes of the FTC. Thus, if the influencer is paid for the post, or is asked to write a review of a free product, such a connection



would have to be disclosed. Failure to do so could invite scrutiny and potential legal action from the FTC.

California Classification Laws: In addition to staying on the right side of the FTC, companies should also be careful to stay on the right side of the recent California Supreme Court decision in *Dynamex Operations West, Inc. v. Superior Court*. That decision lays out the “ABC” test, under which a worker qualifies as an independent contractor only if the hiring entity establishes:

(A) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;

(B) that the worker performs work that is outside the usual course of the hiring entity’s business; and

(C) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

As the first prong of the test makes clear, the degree of control the hiring entity exercises over the worker remains an important factor in determining whether or not an employment relationship exists. Depending on the degree to which the company is involved in creating social media posts, determining their content, or dictating an influencer’s review of a product, the company may run the risk of not meeting one or more of the prongs of the ABC test, which could result in creating an employment relationship where none was intended. If that occurs, the influencer may be deemed an “employee” of the company and thus misclassified. Litigation could then ensue, and an adverse determination could result in liability and penalties for unpaid minimum wages or overtime, statutory penalties, and attorneys’ fees.

California Tax Laws: A determination that an influencer is an employee rather than an independent contractor (or volunteer) would implicate a host of California employment laws. The issue also implicates whether payroll taxes may be owed to the EDD for any such misclassification. In determining whether to audit potential misclassification, the EDD tends to consider whether a company is issuing 1099s to an individual, or to an LLC. If the company is issuing multiple 1099s directly to the influencer (or to a number of influencers), it could be courting an EDD audit.

Workplace Solution: The concept of influencers is still new and the governing law is developing. As a result, the guidelines for hiring and compensating influencers is limited and the risks are real. Before utilizing influencers, California companies should take time to consider the legal implications. If you would like to learn more about these issues, please contact a Seyfarth Shaw attorney for assistance.

Revised Rules Affect Steel/Concrete, Electrical Work and More

By: CalChamber Alert

Can you provide a summary of occupational safety rules that went into effect over the last year that haven't yet been included in a Cal/OSHA Corner article?

The Occupational Safety and Health (Cal/OSHA) Standards Board adopted a number of new regulations in 2018 that will affect a broad spectrum of California employers.

For instance, one regulation is specific to the marine terminal industry, another to construction, a third to users and operators of cranes, and another to those who do electrical maintenance, installation and repair.

New Regulations - Steel/Concrete Construction

- On January 1, 2018 new regulations relating to reinforcing steel and concrete construction went into effect.

Construction safety order 1711, oil forms was repealed and replaced by requirements for reinforcing steel and post-tensioning in concrete construction.

Likewise, Section 1712 was revised to address requirements for impalement protection.

Electrical Safety Orders

- On April 1, 2018, as the result of federal rulemaking and subsequent action by the Standards Board, revisions to the Low and High Voltage Safety Orders went into effect.

The following articles were revised: Low-Voltage Electrical Safety Orders: Article 1, Definitions; Article 3, Work Procedures; Article 4, Requirements for Electrical Installations. High-Voltage Electrical Safety Orders: Article 1, Definitions; Article 23, Transformers; Article 29, Capacitors; Article 36, Work Procedures and Operating Procedures; New Appendix A, Appendix C, New Appendix D and E; Article 37, Provisions for Preventing Accidents Due to Proximity to Overhead Lines; Article 38, Line Clearance Tree Trimming Operations.

Revisions also were necessary to Sections 3314, 3389, 3422, 3425, 3428 and 5156 of the General Industry Safety Orders and the Telecommunications Safety Orders, Section 8617.

Other Revisions

- The maritime rulemaking, which took effect on April 1, 2019, addressed the requirement to provide life rings or personal flotation devices where work exposes employees to drowning.
- The compliance date for crane operator qualification and certification was extended from 2017 to 2018 to permit the completion of necessary federal rulemaking.

The full text of these rulemakings can be found at the Department of Industrial Relations website, dir.ca.gov. Hover over Boards and select the Occupational Safety and Health Standards Board, then click on approved standards.

- Pay for time that would not qualify as “hours worked;”
- Discretionary bonuses;
- Benefit plans, including accident, unemployment and legal services; and
- Tuition programs, such as reimbursement programs or repayment of educational debt.

Find information on the proposed rule on the DOL’s website, including Frequently Asked Questions and a Fact Sheet.

Comment now on the proposed regular rate rule! Comments received by May 28, 2019, will be considered part of the rulemaking record.

You can submit comments, identified by Regulatory Information Number (RIN) 1235-AA24, by either:

- Electronically: Submit comments through the Federal eRulemaking Portal; or
- Mail: Address written submissions to:
Division of Regulations, Legislation, and Interpretation,
Wage and Hour Division
U.S. Department of Labor
Room S-3502, 200 Constitution Ave NW
Washington, DC 20210.

All submissions must include the agency name and RIN.

Joint-Employer Regulation - The DOL-proposed joint employer regulation would institute a clear, four-factor test – based on well-established precedent – that would consider whether the joint employer actually exercises the power to:

- Hire or fire the employee;
- Supervise and control the employee’s work schedules or conditions of employment;
- Determine the employee’s rate and method of payment;
- Maintain the employee’s employment records.

The proposal also includes a set of joint employment examples that would further assist in clarifying joint employer status.

Find more information on the proposed joint employer status rule on the DOL’s website, including Frequently Asked Questions and a Fact Sheet.

Comment now on the proposed joint employer rule! Comments received by June 10, 2019, will be considered part of the rulemaking record.

You can submit comments, identified by Regulatory Information Number (RIN) 1235-AA26, by either:

- Electronically: Submit comments through the Federal eRulemaking Portal; or
- Mail: Address written submissions to:
Division of Regulations, Legislation, and Interpretation,
Wage and Hour Division
U.S. Department of Labor
Room S-3502, 200 Constitution Ave NW
Washington, DC 20210.

All submissions must include the agency name and RIN.



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Movies in the Park

Join us for a night of popcorn, drinks & amazing flicks!



Mondays
July 1st - August 5th
Movies begin at dusk

MOVIE SCHEDULE

July 1st - Ralph Breaks the Internet

July 8th - Smallfoot

July 15th - The Incredibles 2

July 22nd - Hotel Transylvania 3

July 29th - The Grinch

August 5th - Teen Titans Go To the Movies

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Important information on the back of this flyer







- Introduction of new Engineering Technician Mehdi Alifard
- The Irwindale Library hosted an amazing group of authors and community members at the Library's Book Festival to share stories and talk about their favorite reads. (photos on page 9)
- Irwindale Corporal Diego Cornejo (photo top right) & Officer Byron Araica (photo top left) were recipients of the CHPs 10851 Award for their efforts toward the reduction of stolen vehicle crimes
- Los Angeles County Fire Department Firefighter Judson Kading, was honored for his 36 years of service to the citizens of Los Angeles County, 18 of those years serving as an Engineer at Fire Station 48 right here in the City of Irwindale. (photo below)
- Presented a Certificate of Recognition to Chamber Business of the Month California Custom Fruits & Flavors The City of Irwindale celebrated the grand opening of Wendy's with a well-attended community ribbon cutting ceremony!
- Council Actions
- Approved the 1st Amendment to the Existing Contract Agreement with FS Contractors, Inc. for the Sidewalk, Driveway and Access Ramp Improvements
- Accepted the City Hall and Police Department Roof Rehabilitation Project and authorized the filing of a Notice of Completion
- Received a presentation on New Solid Waste and Organics Laws Affecting Cities and Businesses



IRWINDALE CHAMBER OF COMMERCE

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Mailing Address: P.O. Box 2307, Irwindale, CA 91706-1168
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E-Mail: info@irwindalechamber.org
Website: www.irwindalechamber.org

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CHAMBER MEETINGS

Board of Directors Last Tuesday
3:30 p.m. Location Varies
Business Ambassadors 1st Thursday at the Chamber
8:00 a.m.
Breakfast/Luncheon 4th Thursday-Location Varies
Breakfast 7:30 a.m. - Lunch 11:30 a.m.
Toastmasters 1st & 3rd Wednesday
8:00 a.m.

IRWINDALE SERVICE ORGANIZATIONS

Irwindale Educational Foundation
P.O. Box 2307, Irwindale, CA 91706-1168
Board Meets 2nd Thursday, 7:30 a.m. at the Chamber

Irwindale Sister City
PO Box 2333, Irwindale, CA 91706
Meeting information call Marguerite Lopez @ 626-329-6405

Irwindale Lions Club
PO Box 2093, Irwindale CA 91706
Board Meets 2nd & 4th Tuesday at Irwindale Community Center-11:45 a.m.
Contact Dolores Amador (626) 340-5734

City of Irwindale

City Hall
5050 Irwindale Avenue
Irwindale, CA 91706-1168

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Fax: (626) 430-2295 (Building Dept.)
Website: www.ci.irwindale.ca.us
e-mail: postoffice@ci.irwindale.ca.us

City Council

Mayor: Albert F. Ambriz
Mayor Pro Tem: Larry G. Burrola
Council Members: Mark A. Brecedas, Manuel R. Garcia
and H. Manuel Ortiz

City Council Meetings

2nd and 4th Wednesday, 6:30 p.m. at City Hall

City Staff

City Manager William Tam
Assistant City Manager Theresa Olivares
Finance Director & City Treasurer: Eva Carreon
Deputy City Clerk: Laura Nieto
City Engineer/Building Official: Arsanious Hanna
City Planner/Community Development Manager: Marilyn Simpson
Economic Development Coordinator: Iris Espino

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Commissioners: Enoch Burrola, Loretta Corpis, and Robert E. Hartman

Parks & Recreation Commission

Chair: Dan Diaz Vice Chair: Paula Fraijo
Commissioners: Jason Hickman, Marguerite S. Lopez, and Belen Zepeda

Senior Citizen Commission

Chair: Maggie Guzman Vice Chair: Natalie Orosco
Commissioners: Virginia Diaz, Natalie Orosco, and Iris Rodriguez

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City Librarian: Shayna Balli
5050 Irwindale Avenue

Recreation.....(626) 430-2224
16053 Calle de Paseo Fax: (626) 962-3022
Recreation Manager: Priscilla Zepeda

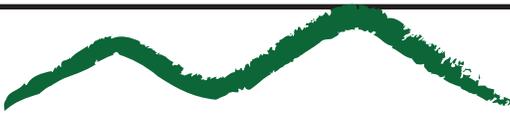
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16116 Arrow Highway Fax: (626) 430-2275
Senior Center Manager: Eloise Beltran

Service Yard.....(626) 430-2211
16034 Calle del Norte
Public Works Services Manager: Elizabeth Rodriguez

Police Department

Police Chief Ty Henshaw
Emergency..... 9-1-1
Phone (non emergency)...(626) 430-2244
5050 Irwindale Avenue Fax: (626) 962-8212

Los Angeles County Fire- Irwindale Station
Emergency..... 9-1-1
Phone (non emergency)...(626) 337-8919
15546 Arrow Hwy, Irwindale



IRWINDALE

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“Jardin de Roca” Garden of Rocks

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