

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 30 March 2007

CASE NO.: 2006-SOX-00086

In the Matter of:

JON M. JONES,
Complainant,

v.

VENTURE FINANCIAL GROUP, INC. and VENTURE BANK,
Respondents.

**ORDER APPROVING COMPLAINANT'S WITHDRAWAL OF OBJECTIONS TO
SECRETARY'S APRIL 16, 2006 FINDINGS DISMISSING HIS SOX COMPLAINT**

On May 12, 2005, Complainant Jon M. Jones filed his complaint under the employee protection provisions of Section 806 of the Corporate and Criminal Fraud and Accountability Act, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A, *et seq.* and the implementing regulations at 29 C.F.R. Part 1980 (SOX).

On April 16, 2006, the Secretary of Labor, acting through her agent, the Regional Administrator for the Occupational Safety and Health Administration, Region X (Secretary) issued specific factual findings and legal conclusions which resulted in the dismissal of the complaint in this case.

Complainant objected to the Secretary's Findings and requested a hearing before this Office. This case was originally set for trial on August 28, 2006. Trial was continued three times on request of the parties and is set to commence on April 9, 2007 in Seattle, Washington.

On March 16, 2007, Respondents filed a motion for summary decision along with supporting declarations and record evidence.

On March 29, 2007, prior to the deadline for filing a response to the motion for summary decision, Complainant filed his written withdrawal of his objections to the Secretary's Findings (Withdrawal) pursuant to 29 Code of Federal Regulations (CFR) Section 1980.111(c). Also on March 29, 2007, Respondents filed a response to Complainant's withdrawal request stating that they do not stipulate to Complainant's withdrawal of his objections and prefer that I rule on the motion for summary decision instead.

I find that pursuant to 29 CFR Section 1980.111(c), Complainant can withdraw his objections to the Secretary's Findings because they were not final when the Withdrawal was filed.

For good cause shown:

IT IS ORDERED that Complainant's written withdrawal of his objections to the Secretary's Findings is **APPROVED**, and the SOX complaint which composes OALJ Case No. 2006-SOX-00086 is **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that with this Order, the Secretary's Findings are final and Complainant is deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters which are the subject of his complaint.

A

GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California