

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN STAINLESS STEEL  
PRODUCTS, CERTAIN PROCESSES  
FOR MANUFACTURING OR  
RELATING TO SAME, AND CERTAIN  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-933  
(Advisory)**

**COMMISSION ADVISORY OPINION**

**I. BACKGROUND**

The Commission instituted an investigation on October 10, 2014, based on a complaint filed by Valbruna Slater Stainless, Inc. of Fort Wayne, Indiana; Valbruna Stainless Inc., of Fort Wayne, Indiana; and Acciaierie Valbruna S.p.A. of Italy (collectively, “Valbruna”). 79 *Fed. Reg.* 61339 (Oct. 10, 2014). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain stainless steel products, certain processes for manufacturing or relating to same, and certain products containing same by reason of the misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation named as respondents: Viraj Profiles Limited of Mumbai, India; Viraj Holdings P. Ltd. of Mumbai, India; Viraj - U.S.A., Inc. of Garden City, New York; Flanschenwerk Bebitz GmbH of Könnern, Germany; Bebitz Flanges Works Pvt. Ltd. of Maharashtra, India; Bebitz U.S.A. of Garden City, New York; and Ta Chen Stainless Pipe Co., Ltd. of Tainan, Taiwan and Ta Chen International, Inc. of Long Beach,

California. *Id.* The Office of Unfair Import Investigations also was named as a party to the investigation. *Id.*

On December 8, 2015, the administrative law judge (“ALJ”) issued an initial determination (“ID”) (Order No. 17) finding Viraj Profiles Limited (“Viraj”) in default for spoliation of evidence and ordering the disgorgement of complainants’ operating practices in Viraj’s possession. On February 8, 2016, the Commission determined to review Order No. 17, and, in its notice of review, determined to affirm the default finding against Viraj. 81 *Fed. Reg.* 7584 (Feb. 12, 2016). The Commission also requested briefing from the parties on certain other issues on review, and requested briefing from the parties, interested government agencies, and any other interested persons on the issues of remedy, the public interest, and bonding. *Id.*

On April 4, 2016, the Commission determined not to review an ID (Order No. 19) granting Valbruna’s motion for partial termination of the investigation based on withdrawal of the complaint against all respondents except Viraj. Notice (Apr. 4, 2016).

On May 25, 2016, the Commission modified the reasoning underlying the default finding in Order No. 17, vacated the ID’s order of disgorgement, and terminated the investigation with a finding of violation of section 337 as to Viraj. The Commission issued a limited exclusion order (“LEO”) prohibiting the unlicensed entry of certain stainless steel products, certain processes for manufacturing or relating to same, and certain products containing same manufactured or sold by Viraj using any of the misappropriated trade secrets identified in the complaint (“the Valbruna Trade Secrets”). The LEO includes a provision requiring that “[p]rior to the importation of stainless steel product that may be subject to this Order, the importer or Respondent must seek a ruling from the Commission to determine whether the stainless steel product sought to be

imported is covered by this Order.” LEO at ¶3. The Commission also issued a cease and desist order (“CDO”).

On June 22, 2016, Viraj filed a request for an advisory opinion pursuant to Commission Rule 210.79. Viraj seeks an advisory opinion that will declare that stainless steel billets and ingots that have been melted, refined, and cast by an unrelated third-party are products not covered by the Commission’s orders. On July 6, 2016, Valbruna opposed the request. On July 13, 2016, Viraj filed a motion for leave to file a reply to Valbruna’s opposition. On July 21, 2016, Valbruna filed an opposition to Viraj’s motion. The Commission grants Viraj’s motion for leave to file a reply to Valbruna’s opposition.

Commission rule 210.79 states, in relevant part:

Upon request of any person, the Commission may, upon such investigation as it deems necessary, issue an advisory opinion as to whether any person’s proposed course of action or conduct would violate a Commission exclusion order, cease and desist order, or consent order. The Commission will consider whether the issuance of such an advisory opinion would facilitate the enforcement of section 337 of the Tariff Act of 1930, would be in the public interest, and would benefit consumers and competitive conditions in the United States, and whether the person has a compelling business need for the advice and has framed his request as fully and accurately as possible. . . .

19 C.F.R. §210.79.

## **II. SUMMARY OF THE PARTIES’ ARGUMENTS**

### **A. Viraj’s Request for an Advisory Opinion**

Viraj requests that the Commission issue its requested advisory opinion in an expedited manner pursuant to the ITC Pilot Program<sup>1</sup> or in the alternative expedite the advisory opinion pursuant to Commission Rule 210.2. Viraj Request at 1, 14-15. Viraj asserts that this request is

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<sup>1</sup> [https://www.usitc.gov/press\\_room/featured\\_news/pilot\\_program\\_will\\_test\\_expedited\\_procedures\\_usitc.htm](https://www.usitc.gov/press_room/featured_news/pilot_program_will_test_expedited_procedures_usitc.htm).

a purely legal issue and the advisory opinion should be handled by the Office of the General Counsel without a hearing. *Id.* at 14-15.

Viraj asserts that stainless steel products manufactured by Viraj or its affiliates from stainless steel billets and ingots purchased from unaffiliated stainless steel manufacturers are not stainless steel products subject to the Commission's orders. *Id.* at 2. Viraj contends that the Valbruna Trade Secrets associated with the LEO relate only to the "melting" stage of the stainless steel manufacturing process (stage 2 of a five stage manufacturing process). *Id.* at 3 (citing Comm'n Op. at 6). Viraj admits that it is involved in each of the five stages of manufacturing, but under the procedure it now proposes, Viraj would purchase ready-made billets and ingots, and perform only stages 3, 4, and 5 of manufacturing. *Id.* at 4. Viraj asserts that it will not be involved in the "melting" of the third-party billets and ingots, and therefore these products would not be products manufactured using the Valbruna Trade Secrets. *Id.* at 4-5. Viraj contends that the protocol it proposes ensures that stainless steel subject to the LEO is not incorporated into the products Viraj will import. *Id.* at 5. This protocol includes:

STEP 1 (Purchasing): Viraj will purchase, at arms-length, in market transactions, stainless steel billets and ingots from independent, unaffiliated, third-party stainless steel manufacturers.

1.a For the purpose of this proposal, third-party stainless steel manufacturers will include only companies: (i) in which Viraj, any parent or subsidiary or affiliates or shareholders (not including any shareholders who own less than 1% of the shares of, and have no role in the management of, Viraj) of Viraj (or members of their immediate families), have no ownership or other financial interest (and never had any such ownership or financial interest); and (ii) that were in the business of manufacturing stainless steel billets and ingots as of the date of the LEO.

1.b Viraj will (i) place normal market orders for the stainless steel billets and ingots to be purchased from the third-party stainless steel manufacturers; (ii) pay cash, cash equivalents, or normal commercial credit terms for the stainless steel billets and ingots (no product will be acquired in exchange for Viraj manufactured stainless steel or in other exchange or barter transactions); and, (iii) the supplier of the steel billets

and ingots will provide a receipt showing the purchase was a normal, arms-length transaction.

1.c Viraj will (i) order the stainless steel billets and ingots from the third-party stainless steel manufacturers as per international standard grade numbers and the specifications provided by the customers of Viraj, and (ii) not supply processes or formulas for stainless steel to the third-party stainless steel manufacturers.

1.d Viraj, as part of its order or contract with the third-party stainless steel manufacturers, will obtain a representation that the stainless steel billets and ingots being sold to Viraj are made from the manufacturers' own processes and equipment and with technology and intellectual property that the manufacturers own, properly license, or may otherwise lawfully use.

STEP 2 (Delivery and Handling): Viraj will take delivery of stainless steel billets and ingots purchased from the third-party stainless steel manufacturers, and will handle such stainless steel billets and ingots while in Viraj's possession, such that the stainless steel billets and ingots purchased from the third-party stainless steel manufacturers will be kept separate from, and not commingled with, any stainless steel product – billets and ingots – made from Viraj melted stainless steel. To ensure segregation, Viraj will implement measures (described below) for visibility and traceability of materials.

2.a Viraj, as part of its order or contract with the third-party stainless steel manufacturers, will require that the stainless steel billets and ingots being sold to Viraj for further manufacture for the U.S. market are ordered and invoiced separately from any other product being purchased by or delivered to Viraj, specifically under separate invoices and delivery tickets.

2.b Upon receipt and delivery of the stainless steel billets and ingots from third-party stainless steel manufacturers, Viraj will keep the third-party stainless steel separate from any stainless steel melted by Viraj. Specifically, the third-party stainless steel will not be allowed into, or in areas adjacent to the melt shop facilities where Viraj conducts stainless steel melting, de-carbonization or initial casting or pouring activities.

2.c At all times the third-party stainless steel in Viraj's possession, will have each container, pallet, or other lot of the third-party stainless steel, and each lot of any products made from such third-party stainless steel, marked to identify it as (or as made from) non-Viraj melted stainless steel.

2.d Viraj will adopt separate codes (or code prefixes or suffixes), so that third-party stainless steel billets and ingots and stainless steel products made from third-party stainless steel, can be identified as being, or having been, made from non-Viraj melted stainless steel.

2.e The third-party heat numbers of the billets and ingots purchased from third party manufacturers (as indicated on the mill test certificates from the third-party manufacturers) will be tracked end to end in Viraj operations and included on the mill test certificates supplied by Viraj for final products made from billets or ingots purchased from third party stainless steel manufacturers.

STEP 3 (Recordkeeping and Compliance): Viraj will obtain and keep records sufficient to show compliance with the above requirements and will engage an independent audit company to verify Viraj's compliance with these procedures.

3.a Viraj will obtain and keep records, including orders, purchase invoices, delivery tickets, shipping records, inventory records, shop processing records and sales invoices, sufficient to show compliance with the above procedures.

3.b Viraj will hire a third-party compliance company to verify that Viraj is complying with all these procedures. The compliance company will (i) be experienced in monitoring and certifying compliance with manufacturing activities; (ii) will have open access to Viraj's facilities where the third-party stainless steel is kept or processed; and, (iii) will inspect and certify Viraj's ordering, receipt, storage, handling and shipment of third-party stainless steel billets and ingots and stainless steel products made from third-party stainless steel.

STEP 4 (Certification): Viraj will provide a certification with all products subject to this protocol, certifying that the products comply with the protocol. Such certification will enable U.S. Customs and Border Protection ("CBP") to readily and efficiently enforce the LEO while allowing importation of products subject to the protocol without excessive burden.

*Id.* at 7-10.

Viraj argues that its request falls within the requirements for requesting an advisory opinion. *Id.* at 10-13. Thus, Viraj argues that an advisory opinion will facilitate enforcement of section 337. *Id.* at 11. Viraj explains that the Commission's orders cover certain stainless steel products, but not others, and an advisory opinion would provide clear delineation of the stainless steel products that fall outside the scope of the orders. *Id.* Viraj also argues that an advisory opinion is in the public interest because it would prevent the Commission's orders from being extended to cover products that do not utilize the Valbruna Trade Secrets. *Id.* at 11-12. Viraj

further argues that an advisory opinion will benefit consumers and competitive conditions by allowing the importation of non-infringing stainless steel. *Id.* at 12-13.

Last, Viraj asserts that it has a compelling business need for an advisory opinion because, under the LEO, it is prohibited from importing any stainless steel product into the U.S. that may be subject to the LEO. *Id.* at 13. In addition, Viraj asserts that an advisory opinion would give CBP the guidance necessary to properly enforce the LEO. *Id.* Viraj contends it “cannot reasonably undertake contracting with third-party suppliers and the other proposed steps set forth herein unless it knows it would be able to import [products] into the U.S. [by] following such protocol.” *Id.*

**B. Valbruna’s Response to Viraj’s Request for an Advisory Opinion**

Valbruna argues that the Commission should not grant Viraj’s request for an advisory opinion because there is no factual basis to support it. Valbruna Response at 1. Valbruna contends that Viraj has not framed its request as fully and accurately as possible because it has not come forward with sufficient facts to establish that the products it seeks to import are not covered by the Commission’s orders. *Id.* at 2-3. Valbruna argues that Viraj’s credibility in this investigation is tainted because it was found to have spoliated evidence. Based on that finding the Commission fashioned a remedy requiring Viraj to obtain a ruling before importing any stainless steel that may be the subject of the LEO. *Id.* Valbruna asserts that neither the Commission nor Valbruna can assess Viraj’s contentions without specific, verifiable information regarding the manufacturing protocol and the stainless steel articles at issue. *Id.* at 3. Valbruna notes that Viraj has not identified any specific stainless steel product already manufactured using its proposed protocol and has not submitted any actual articles. *Id.* Valbruna argues that advisory opinions are not appropriate for such a hypothetical scenario. *Id.*

Valbruna further argues that the requested advisory opinion would not facilitate enforcement of section 337. *Id.* at 5. Specifically, Valbruna argues that Viraj's request would undermine the enforcement of section 337 and the orders that issued in this investigation because it would permit Viraj to import stainless steel products merely by self-certifying them as compliant with its hypothetical protocol. *Id.* Valbruna asserts that this is not what the Commission contemplated. *Id.*

Valbruna also argues that the requested advisory opinion is not in the public interest. *Id.* Valbruna asserts that the issuance of the LEO and CDO in this investigation was a result of Viraj's deliberate and wholesale spoliation of crucial evidence. *Id.* at 6. Valbruna argues that to adopt Viraj's proposed protocol, the Commission would have to take Viraj's word that it will comply with its proposed protocol. *Id.* Valbruna contends that there is no public interest in allowing Viraj to sidestep its obligation to prove that the goods it seeks to import were not made using the Valbruna Trade Secrets. *Id.*

Valbruna contends that there is no evidence that Viraj's proposed conduct would benefit consumers or competitive conditions. *Id.* Valbruna argues that the assertions that Viraj makes that competitive conditions would be served are conclusory and unsupported. *Id.* Valbruna notes that as the Commission's orders currently stand there is no negative impact on U.S. consumers. *Id.* at 6-7.

Valbruna asserts that there is no compelling business need for the requested advisory opinion. *Id.* at 7. Valbruna argues that it is not enough that Viraj would have the ability to import stainless steel products if the requested advisory opinion issues because if that were the case, every party requesting an advisory opinion would have a compelling business need. *Id.* Valbruna explains that Viraj is not investing in expensive plant and equipment to manufacture



the proposed articles but instead proposes to outsource a stage of the manufacturing process to an unaffiliated entity and adopt a compliance mechanism. *Id.* at 7-8.

Valbruna argues that Viraj's misappropriation is not limited to a single stage of the manufacturing process as Viraj asserts. *Id.* at 8. Valbruna contends that Viraj gained knowledge from its misappropriation that has carried over into other aspects of the manufacturing process and into its sale of stainless steel products in the United States and therefore Viraj's entire manufacturing and distribution process is tainted. *Id.* at 8-10. Valbruna further argues that Viraj misappropriated Valbruna's customer lists, and this misappropriation has given Viraj an advantage in selling stainless steel to Valbruna's customers in the United States. *Id.* at 9-10. Therefore, Valbruna asserts that outsourcing stage 2 will not address Viraj's unfair conduct. *Id.* at 10.

Valbruna argues that the Commission has the discretion not to issue an advisory opinion. *Id.* Valbruna contends that Viraj has only proposed a hypothetical protocol and "has come forward with no actual facts to show whether its proposed conduct would violate the remedial orders in this case." *Id.* Valbruna asserts that an advisory opinion would be premature and a waste of Commission resources. *Id.*

However, Valbruna argues that if the Commission determines to issue an advisory opinion, that it should be referred to an ALJ because there are numerous questions of fact. *Id.* at 11. For example, Valbruna explains that it is unknown what information would be provided to the third-party manufacturers, or how the Commission could verify that Viraj or its agents provided no information derived from the Valbruna Trade Secrets to the third-party manufacturer. *Id.* Accordingly, Valbruna asserts that the ALJ is best positioned to address Viraj's request. *Id.* at 12.

**C. Viraj's Motion For Leave to File a Reply to Complainant Valbruna's Opposition to Viraj's Request for an Advisory Opinion**

Viraj filed a motion for leave to file a reply to address three issues: (1) Valbruna's contention that the scope of the LEO extends beyond stage 2 of the manufacturing process; (2) Valbruna's attempt to prevent Viraj from using the advisory opinion process which the Commission ordered Viraj to use; and (3) Valbruna's argument that the requested importations will rely on Viraj's own certification. Viraj Reply at 1.

Viraj contends that Valbruna's argument improperly expands the scope of the LEO. *Id.* at 2. Viraj notes that the LEO excludes only products manufactured using the Valbruna Trade Secrets during stage 2 of the stainless steel manufacturing process and that those Trade Secrets are identified in the complaint. *Id.* at 2-3. Viraj argues that the Commission's opinion is clear on this point and the Commission should disregard Valbruna's arguments that other steel products and customer lists are covered by the LEO. *Id.* at 3-5.

Viraj also argues that its request for an advisory opinion is sufficiently framed. *Id.* at 5. Viraj explains that under the Commission's orders, there are clearly products that may be, but are not in fact, within the scope of the LEO, and an advisory opinion "delineating the indicia of non-infringement is appropriate." *Id.*

Viraj contends that the circumstances of this investigation are unique, and Viraj should be allowed to seek and obtain the advisory opinion that the Commission has required in the LEO for importing stainless steel not incorporating the Valbruna Trade Secrets. *Id.* at 6. Viraj asserts that Valbruna's argument that the Commission should decline to even open an advisory opinion proceeding, not only flies in the face of Commission policy, but would in effect bar the importation of products not incorporating the Valbruna Trade Secrets—contrary to the Commission's statutory authority. *Id.*

Viraj further asserts that Valbruna's argument that Viraj must submit some specific article in order to obtain an advisory opinion is ill-founded. *Id.* at 7. Viraj explains that Valbruna has alleged that after completion of the stage 2 melting process, the stainless steel products cannot be modified to another product that would infringe the Valbruna Trade Secrets. *Id.* at 7-8 (citing Complaint at ¶23). Viraj also asserts that contracting with third-parties prior to an advisory opinion is not practicable because the contract would have to incorporate provisions which require Commission approval. *Id.* at 8. Viraj also argues that it is impractical to submit a sample of every stainless steel grade each time it needs to source from a new third-party manufacturer. *Id.* Therefore, Viraj asserts that the requested advisory opinion is necessary and proper. *Id.*

Last, Viraj asserts that its proposed protocol does not rely on self-certification as Valbruna contends. *Id.* Specifically, Viraj explains that the written terms of the proposed purchase contracts with the independent third-party manufacturers would verify that no Valbruna Trade Secrets were used in making the purchased steel. *Id.* In addition, there would be independent monitoring by a compliance company as well as Viraj's documentary records. *Id.* Viraj asserts that Valbruna disregards the specific details of the proposed procedures to conclude that Viraj would be self-certifying. *Id.* at 9. Viraj argues that based on its protocol, the Commission will know who the third parties are and what their relationship with Viraj entails. *Id.* at 9-10. Therefore, Viraj asserts that under the proposed procedures, the assurances are not solely Viraj's self-certification. *Id.* at 10.

#### **D. Valbruna's Opposition to Viraj's Motion for Leave to File a Reply**

Valbruna argues that the Commission should deny Viraj's motion for leave to file a reply. Valbruna first argues that Viraj's motion repeats arguments previously made in its June 22, 2016 request, "adding little or nothing new." Valbruna Motion Opposition at 1.

Second, Valbruna contends that Viraj mischaracterizes its own protocol concerning certification. *Id.* at 2. Valbruna notes that Viraj fails to mention that step 4 of its proposed protocol provides that "Viraj will provide a certification with all products subject to this protocol, certifying that the products comply with the protocol." *Id.* Valbruna asserts that this step only requires Viraj to make this certification upon importation and then the burden would shift to Valbruna, after importation, to prove that the protocol was not satisfied. *Id.* Valbruna contends that under this protocol, the Commission and Valbruna must rely on Viraj's "recordkeeping" even though the LEO was issued as a sanction for Viraj's spoliation. *Id.* at 2-3.

### **III. ANALYSIS**

Commission Rule 210.79, 19 C.F.R. § 210.79, requires the Commission to consider various factors in determining whether to institute an advisory opinion including the following: (1) whether the issuance of such an advisory opinion would facilitate the enforcement of section 337 of the Tariff Act of 1930; (2) whether the issuance of such an advisory opinion would be in the public interest; (3) whether the issuance of such an advisory opinion would benefit consumers and competitive conditions in the United States; and (4) whether the requestor has a compelling business need for the advice and has framed his request as fully and accurately as possible.

In the underlying investigation, the Commission issued an LEO prohibiting Viraj (and its affiliates) from importing stainless steel products using any of the Valbruna Trade Secrets for a

period of 16.7 years. LEO ¶ 1. In addition, the Commission required that prior to the importation of any stainless steel products that may be subject to the LEO, Viraj (including its affiliated companies and importers) must seek a ruling from the Commission to determine whether the stainless steel product sought to be imported is covered by the LEO. LEO ¶ 3. In view of this pre-importation requirement that Viraj must seek a ruling from the Commission regarding its proposed stainless steel products, we agree there is a compelling business need for the advisory opinion. In addition, it would be beneficial to consumers and competitive conditions in the United States if stainless steel products that are demonstrably free of the use of the Valbruna Trade Secrets were allowed to be imported. An advisory opinion may also facilitate the enforcement of the LEO. The public interest would also be served by allowing Viraj to import steel products upon a determination that specific steel products are manufactured without the benefit of the Valbruna Trade Secrets. As discussed below in more detail, Viraj has framed its request as a protocol by which it proposes to import steel that it asserts would not fall within the scope of the LEO. Accordingly, the Commission has determined to issue an advisory opinion. Because no fact finding is necessary to render this opinion, this matter has not been delegated to OUII or an ALJ.

The Commission Opinion accompanying the LEO explicitly states that “Viraj Profiles will bear the burden of demonstrating, in ancillary proceedings before the Commission, that *specific products* that it seeks to import are not manufactured using any of the trade secrets identified in Valbruna’s complaint.” Comm’n Op. at 31 (emphasis added). The Commission found that this provision was warranted because “it (1) reduces the burden on CBP, which would otherwise be responsible for making a decision on importation without the benefit of a factual record and decision by the ALJ and the Commission; (2) places the burden on Viraj Profiles to

establish that the goods it seeks to import were not manufactured using knowledge from its misappropriation of Valbruna's trade secrets and prevents circumvention of the exclusion order, while maintaining fairness to Viraj Profiles; and (3) gives Valbruna the opportunity to respond and contest any issues or evidence raised by Viraj Profiles." *Id.* at 32. The Commission further stated that "[s]hould the Commission determine that particular products are outside the scope of the limited exclusion order, Viraj Profiles or the importer may certify to Customs that future shipments are identical to the products adjudicated in an ancillary proceeding before the Commission." *Id.*

Viraj's request provides scant information concerning its proposed course of action. The request does not identify the "specific products" it alleges are outside the scope of the Commission's orders, but instead proposes a four-step protocol for the Commission to consider without any factual context or detail, or any supporting documentation. For example, Viraj's request does not disclose (1) any specific third-party manufacturers from whom it seeks to purchase steel billets or ingots, or (2) any specific third-party certification company, thereby preventing the Commission from verifying that the manufacturer and/or third-party certifier are actually unrelated third-parties. Viraj also proposes no means, mechanism, or documentation for the Commission or Valbruna to validate Viraj's allegation that steel manufactured using Viraj's proposed protocol does not utilize the Valbruna Trade Secrets. Moreover, Valbruna's response identifies additional data and information that would aid the Commission's determination as to whether any stainless steel products produced by Viraj are outside the scope of the order. Viraj does not dispute that such supporting information and documentation would be relevant and material, other than contesting that a product sample is not necessary. Accordingly, the Commission has determined that Viraj has not provided sufficient information for the

Commission to determine whether any specific stainless steel products sought to be imported by Viraj would be covered by the LEO.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: October 14, 2016

**CERTAIN STAINLESS STEEL PRODUCTS, CERTAIN  
PROCESSES FOR MANUFACTURING OR RELATING TO  
SAME AND CERTAIN PRODUCTS CONTAINING SAME**

**Inv. No. 337-TA-933**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ADVISORY  
OPINION** has been served by hand upon the Commission Investigative Attorney, Reginald D. Lucas, Esq., and the following parties as indicated, on **October 14, 2016**.



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Lisa R. Barton, Secretary  
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