

**U.S. SECURITIES AND EXCHANGE COMMISSION
COMPLAINT AGAINST APPLE INC.**

FOLLOW ON TO COMPLAINTS: 16304-612-987-465 & 16345-002-699-914

Summary

I worked at Apple as a Senior Engineering Program Manager for nearly 7 years. In March 2021, I raised concerns about the physical safety of my Apple office and was intimidated & told not to talk to colleagues about my concerns. My office was a Federal EPA Superfund site on top of a mile long groundwater plume of industrial chemicals and a long history of "vapor intrusion" (those chemicals intruding through the floor of the building & into the indoor air). Apple rented the building in 2015 and after some limited clean-up & testing, moved employees in & never tested the air again.

The "responsible party" for the chemicals under the building is Northrup Grumman (TRW Microwave did the dumping, & NG acquired TRW). The previous head of both TRW & NG was Ronald Sugar, who in 2010 joined the Apple Board of Directors as the chair of the finance and audit committee, overseeing things like... EH&S due diligence.

As I continued raising concerns, Apple retaliated more & more. I notified the Federal & state EPA about my concerns about the building and about Apple's oversight and intimidation of employees. I also began organizing with other employees around concerns about retaliation & intimidation by Apple's HR & employee relations teams.

Apple forced me on indefinite paid administrative leave on Aug 4th, despite my protests, under the premise that they were investigating my managers for discriminating against me. However, it was clear they wanted to stop me from organizing & collecting evidence, and that they were trying to find a reason to fire me.

I filed charges with the NLRB, EEOC, federal DOL, state DOL, and filed complaints to the SEC. I also started publicly sharing redacted internal documents related to my concerns about safety & labor at Apple, the retaliation I faced, and also the hostile work environments & abuse I was subject to since joining Apple in 2015. I did this out of desperation to ensure the public knew about the safety issues, Apple's cover-up & corruption, and out of fear of Apple trying to retaliate against me more.

Apple fired me on Sept 9th and has yet to provide an official explanation of why they fired me.

Open Investigations into Apple Inc. (per my Complaints)

NLRB: 32-CA-284428; 32-CA-284441; 32-CA-282142; & 32-CA-283161

California DOL DIR Retaliation complaint & investigation: State Case No. RCI-CM-842830, *Ashley Gjovik v. Apple Inc.*

Federal DOL Whistleblower retaliation complaint: ECN76833 & ECN78416

Federal EPA: Submitted Aug 29 2021

State EPA: COMP-51794

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White Collar Crime & Corporate Fraud

Corporate fraud is likely implicated in the following categories:

- ***Falsification of financial information:*** False accounting entries and/or misrepresentations of financial condition;
- ***Self-dealing by corporate insiders:*** Misuse of corporate property for personal gain; and Individual tax violations related to self-dealing.
- ***Obstruction of justice*** designed to conceal any of the above-noted types of criminal conduct, particularly when the obstruction impedes the inquiries of the U.S. Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), other regulatory agencies, and/or law enforcement agencies.

Securities Fraud

Securities Fraud is likely implicated under the follow acts:

- ***Securities Exchange Act of 1934.*** This act includes corporate reporting & proxy materials, and internal controls.
- ***Sarbanes Oxley Act of 2002.*** The applies to corporate officers who commit fraud with respect to reporting requirements under securities law. The Act mandated a number of reforms to enhance corporate responsibility, enhance financial disclosures and combat corporate and accounting fraud, and created the "Public Company Accounting Oversight Board." The act prohibits misrepresentation or omission of important information about securities; & False or misleading statements about a company (including false or misleading SEC reports or financial statements)
- ***Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.*** Act includes rules around corporate governance and disclosure, and transparency.
- ***15 US Code 77x.*** Any person who willfully violates any of the provisions of this subchapter, or the rules and regulations promulgated by the Commission under authority thereof, or any person who willfully, in a registration statement filed under this subchapter, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$10,000 or imprisoned not more than five years, or both.

Code of Ethics

There is a Conflict of Interest with at least Ronald Sugar in the Board of Directors, and also Lisa Jackson as an executive.

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SEC. 406. 15 U.S.C. 7264 CODE OF ETHICS FOR SENIOR FINANCIAL OFFICERS. (a) CODE OF ETHICS DISCLOSURE (c) DEFINITION.—In this section, the term “code of ethics” means such standards as are reasonably necessary to promote— (1) honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships; (2) full, fair, accurate, timely, and understandable disclosure in the periodic reports required to be filed by the issuer; and (3) compliance with applicable governmental rules and regulations.

Conflicts of Interest and Risk Governance

Carlo V. di Florio, *Director, Office of Compliance Inspections and Examinations*

What is a “conflict of interest”? I prefer to think of a conflict of interest as a scenario where a person or firm has an incentive to serve one interest at the expense of another interest or obligation. This might mean serving the interest of the firm over that of a client, or serving the interest of one client over other clients, or an employee or group of employees serving their own interests over those of the firm or its clients. This way of thinking about conflicts takes the discussion to a broad consideration of what is the right thing to do as a matter of law and ethical decision-making. It also recognizes that there are reputational risks that can be damaging or even fatal to a business organization when people or firms make decisions that may be technically within the letter of the law, but are not in keeping with the spirit of the law and hard to explain to the constituencies with which they must keep faith, such as customers, creditors, investors, or employees. This rubric is useful as far as it goes, but really just about any bad behavior can be explained in terms of conflicts of interest. The types of conflicts that I find most challenging are situations where people who profess to be ethical and clear-thinking are led astray by cultural pressure (poor tone at the top), misaligned financial incentives, herd behavior (everybody else is doing it), or just personal weaknesses –vanity, self-delusion or poor judgment. The best antidote for this type of conflict is a strong ethics program for the organization, as well as a strong internalized sense of ethics by everyone in an organization, manifested in their ability – especially executives, business managers, compliance officers and lawyers – to think independently, rigorously, and objectively. Failure to manage conflicts of interest has been a continuing theme of financial crises and scandals since before the inception of the federal securities laws. The SEC and its staff have a long tradition of focusing on conflicts of interest. <https://www.sec.gov/news/speech/2012-spch103112cvdhtm>

17 CFR PARTS 228, 229 and 249; RIN 3235-AI66

The strength of the U.S. financial markets depends on investor confidence. Recent events involving allegations of misdeeds by corporate executives, independent auditors and other market participants have undermined that confidence. In response to this threat to the U.S. financial markets, Congress passed, and the President signed into law, the Sarbanes-Oxley Act of 2002 (the "Sarbanes-Oxley Act"), which effects sweeping corporate disclosure and financial reporting reform.

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2. Definition of the Term "Code of Ethics"

Final Definition of "Code of Ethics"

The final rule defines the term "code of ethics" as written standards that are reasonably designed to deter wrongdoing and to promote:

- Honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships;
- Full, fair, accurate, timely, and understandable disclosure in reports and documents that a registrant files with, or submits to, the Commission and in other public communications made by the registrant;
- Compliance with applicable governmental laws, rules and regulations;
- The prompt internal reporting to an appropriate person or persons identified in the code of violations of the code; and
- Accountability for adherence to the code.

We have added an instruction to the code of ethics disclosure item indicating that a company may have separate codes of ethics for different types of officers. The instruction also clarifies that the provisions of the company's code of ethics that address the elements listed in the definition and apply to those officers may be part of a broader code that addresses additional issues and applies to additional persons, such as all executive officers and directors of the company.

4. Location of the Code of Ethics Disclosure

A company will have to include the new code of ethics disclosure in its annual report filed on Form 10-K, 10-KSB, 20-F or 40-F.

Summary of "Self-Help" Evidence

Ashley Gjovik Evidence

- **4/15 Email to Apple Senior Director & Ethics Leader**
 - o I raise ethical concerns to Senior Director in HR org who is ethics leader at Apple about Apple not informing employees that they work on Superfunds. I note that Alisha Johnson told the press that Apple goes "well beyond legal requirements" but that EH&S told me they only do what is absolutely legally required. Also raised concerns that Lisa Jackson was making public statements about "healthy communities" and Apple's internal behavior is the opposite.
- **6/7 – Federal EPA, Margot, responds and tells me:**

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- “Thank you for conveying that during the wildfires last year the HVAC system was turned off, **as it is important for EPA to be aware if there’s a significant change to site conditions.**”
- 7/4 – I email Antonio Lageres, Apple Employee Relations Sr Manager
 - The only reason I can think of that they’re refusing to do this testing after they previously planned on doing it, was that all the questions I was asking were very good questions and revealed major gaps/issues — so they’re going out of their way to not have **evidence of their negligence**. I think everyone is forgetting I work in engineering & I’m in law school. I know how toxic torts work.... right now it feels like I’m not only being harassed by my manager and my HR BP, but it appears there’s a **conspiracy** to force me back into what appears to be a very physically unsafe office building.
- 7/7 – I email Federal EPA
 - Also, as you mentioned *"it is important for EPA to be aware if there’s a significant change to site conditions,"* I would hope you’ve already been informed that there are apparently cracks in the floor of Stewart 1 and Apple is pursuing a “floor sealing plan.”
- 7/18 – I post on Apple “Slack” where all Apple employees can see
 - “And yeah, for context the remote work ADA process was actually suggested to me by Employee Relations as some sort of accommodation in response to me yelling for months about their **negligence** with my office/the property it’s on, **failure to address my work place safety concerns**, and **misrepresentation** of their policies/protocols. Also, yup I already reported her comments and my dissatisfaction with this whole mess of a process to Employee Relations. I have a big 90m meeting with two ER people this week to go over all this, in addition to my outstanding complaints about **work place safety**, sexism, sexual harassment, failure to address hostile work env, failure to report work place injuries, FMLA & ADA violations, **intimidation and retaliation for raising concerns about all of the above, whistleblower retaliation**, and a whole bunch more...”
- 7/19 – I email Federal EPA
 - “Checking in — any update? I’m locking this down with a national journalist. P.S. if you haven’t already connected the dots, the “responsible party” for the Sunnyvale TRW Microwave site is *Northrup Grumman*, who’s ex-CEO and ex-President (and ex-CFO of TRW Microwave), Ronald Sugar, is a current & long time Apple **board member** (10yrs+). So the guy who was running the companies responsible for this site’s pollution, clean-up, vapor intrusion etc — is one of only eight Apple board members. He also **chaired Apple’s Audit & Finance committee**, which I assume would oversee budgets for things like... Apple’s facility and safety oversight. If you’re trusting they’re all **doing the right thing**, maybe they are, but I’d hope you might poke around a bit and see what exactly this whole floor crack / floor sealing thing is about — in addition to the lack of air testing, and refusal to test the air before they seal the floor

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- 7/20 – I email Federal EPA
 - o “Did you talk to Apple & NG about the cracks in the floor and floor sealing plan? They told me they didn’t notify the EPA about and didn’t plan to, despite me telling them they probably are required too.
- 7/27 – I forward entire email exchange between me & Federal EPA to Apple Employee Relations
 - o I write: “Hello! FYI, update on the EPA / EH&S / Stewart 1 situation. The Federal EPA said they’re meeting with the “site team” this week — I assume they mean EH&S. Even though y’all said you weren’t looking into this, I’ll add this to the *Work Place Safety Concerns* folder.”
 - o Forwarded emails includes my complaints to Federal EPA about:
 - Concerns about **conflict of interest with Ronald Sugar on Board of Directors**
 - Apple won’t answer my questions about safety
 - **Intimidated** to not speak about safety concerns
 - Had to remind Apple about “**labor laws & stuff**”
 - EPA says “**it is important for EPA to be aware if there’s a significant change to site conditions**”
- 7/28 – Federal EPA replies
 - o I look forward to hearing how the conversation goes and if any changes will be made to the plan of record,” & Margot replying “Thanks again for your continued interest in this site **and providing your on-the-ground observations. EPA communicates regularly with responsible parties on issues related to superfund sites as part of the agency’s CERCLA obligations. Similarly, EPA also routinely follows up on concerns raised by the public in regards to superfund sites. The agency takes these communications and on-the-ground observations seriously. Please continue to check the website for any site updates. Please do connect me with the reporter you’re working with on this and thank you again for voicing your concerns and providing us with such detailed information.**”
- 8/23 – I submit “Concern” to Apple Business Conduct & Global Compliance
 - o Form says: Apple takes all concerns seriously and has a zero-tolerance policy on retaliation.
 - o Explain what happened, “Ronald Sugar used to be CEO/President of TRW Microwave & Northrup Grumman. Sugar is now on the Board of Directors for Apple as chair of the finance & audit committee, which appears to **oversee the due diligence programs** for offices on chemical clean-up sites, including the TRW Microwave Superfund. **His previous companies caused the contamination that is now being cleaned up under my office.** See page 33 of attached PDF.”
 - o Have you reported this to anyone else? If so, who? “Yes, **Employee Relations in July 2021**”
 - o **Apple Real Estate Environment, Health, & Safety: Overall**

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- **Concerns:** RICO; Negligence, Misrepresentation; Fraud; Recklessness; Violations of Env Laws; OSHA, & Right to Know; Toxic Torts; Corporate Corruption; Organized Intimidation; Organized Witness Tampering
- **EH&S:** Michael Steiger
- **Concerns:** Fraud, Misrepresentation, Negligence, Recklessness
- **Board of Directors I. Finance & Audit Committee :** Ronald Sugar
- **Concerns:** Conflict of Interest, Corruption; Fraud
- Is Sugar overseeing the due diligence program for clean-up, testing, employee complaints, finance for this office that his previous company caused the pollution for & is still responsible to clean up?
- Did he notify the General Counsel of this **conflict of interest**?
- Has he taken any actions that are **favorable** to NG/TRW and forsake proper safety & protection for Apple employees?
- I have been reporting safety concerns in that office since March 2021 and have escalated further concerns that EH&S has been **negligent, reckless, misrepresented** their activities, and have **intimidated** me to not speak out about the safety concerns.
- The Federal EPA was notified. of my concerns & notified Apple ER & EHS of my contact with the gov at that time.”
- **8/23 – I email Apple Employee Relations**
 - I also elaborated on my concerns around conflicts of interest & **corruption** related to Ronald Sugar. I filed a Business Conduct ticket with my concerns & also attached this document. It’s ticket HRC000017207, as noted in the v3 document.
- **8/29 - Complaint to Federal EPA**
 - “ As reported to the EPA Superfund site community contact (Margot PerezSullivan), I've had concerns since March 2021 about Apple's oversight & **lack of due diligence for the safety of their employees** in the TRW Microwave Superfund site (825 Stewart). I've expressed concerns about negligence and even recklessness, possible violations of Right to Know & OSHA. Worse, Apple's response has been to **misrepresent** their activities and the site, intimidate me to not speak about workplace safety concerns related to the site, and have **refused to notify the Federal EPA of changed circumstances at the site (e.g. cracks in the cement floor requiring repair)**. Apple has frequently told me they refuse to answer any of my questions about safety or the site, and even pressured me into requesting an ADA accommodation request to work remotely to not be exposed to the chemicals at the site, after pressuring me to file a worker's comp claim for a fainting spell I had in 2019, which I believe to be caused by vapor intrusion. Apple has refused to test the indoor air for vapor intrusion until after they seal the cracks, despite the last testing being done in 2015 and was limited (10hrs) and the only time the results ever came back without vapor intrusion above max EPA industrial limits (there was a long history of toxic indoor air vapor intrusion in the

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building). Further, Northrup Grumman is the responsible party and their ex-CEO/President, Ronald Sugar, is now on **the Board of Directors of Apple & the Chair of the Finance & Audit committee**. I can provide documentation for all of the above. I reported my **concerns about conflicts of interest** to Apple. I've also filed DOL OSHA Whistleblower retaliation complaints, and claims with the EEOC, NLRB, & CA DEFH.

- **9/1 SEC Filings (pre-termination)**

- “In your own words, describe the conduct or situation you are complaining about. One of Apple Inc's board of directors is Ronald Sugar, who joined the board in 2021. Sugar is and has been chair of the Finance & Audit Committee. Sugar used to be CEO/President of Northrup Grumman, and TRW Microwave before that, for many years. In 2014, Apple began to lease an office building at 825 Stewart Dr in Sunnyvale, CA. 825 Stewart Dr is an active EPA Superfund site (the "TRW Microwave" site). Apple calls this building "Stewart 1" and has 100+ employees working there, including myself. The EPA's "responsible party" for the clean up of the toxic chemicals under the building, is Northrup Grumman (and TRW Microwave before that, until Northrup Grumman acquired TRW Microwave). This 825 Stewart building was the California HQ for TRW Microwave, so Sugar must be very familiar with it. I have a separate complaint with the Federal EPA about my concerns about hazardous waste vapor intrusion in the indoor air of the building -- and negligent, if not reckless & **fraudulent** due diligence of the safety & health oversight of the employees by Apple. I was even intimidated by my Manager & Apple Employee Relations to not speak openly about my workplace safety concerns. I have since faced multiple types of retaliation for continuing to speak about my concerns about work place safety & Apple's unethical, if not **illegal**, behavior related to the building. (I have a separate NLRB complaint for all that). Meanwhile Ronald Sugar is supposed to be overseeing Finance & Audit for Apple, which I assume includes the budget and oversight of due diligence programs like this. This seems like a very big conflict of interest... also complained that Lisa Jackson and Alisa Johnson seem to be heavily involved in Apple's haz waste public relations (see 2x 2016 DTSC settlement PDFs attached). It worries me this is a Federal EPA Superfund site already with 1 conflict of interest with Sugar, but also more if Lisa Jackson's team is doing PR about Apple's hazardous waste **crimes/infractions** -- and Lisa used to run the Federal EPA & Alisa was the press secretary for Lisa at the Federal EPA. I complained about this apparent **conflict of interest** to Apple Business Conduct on Aug 23, 2021.
- “I complained verbally to Apple Employee Relations several times in July 2021 and asked them to look into it and they refused to look into it. I asked them who I could complain to or where I could file a complaint, and they said "no idea." I complained to the federal EPA (via Margot Perez-Sullivan) on July 19th 2021, via email. She didn't acknowledge my concern about a **conflict of interest**. I

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complained about this apparent **conflict of interest** to Apple Business Conduct on Aug 23, 2021. On Aug 28, 2021 Apple Business Conduct closed my ticket and said, "Thank you for raising your concerns to the Business Conduct Helpline. Apple takes your concerns seriously, and we have shared them with the appropriate internal teams for review and investigation. This request is closed and can't be reopened. If you need more help with this issue, create a new request."

- 9/2 - **Bloomberg article (public)**
 - o Publishes article mentioning my NLRB complaint, **Fed OSHA**, CA DOL, & EEOC claims against Apple
 - o <https://www.bloombergquint.com/technology/national-labor-relations-board-fields-complaints-about-apple>
- 9/6 Tweet <https://twitter.com/ashleygjovik/status/1434836915086188544>
 - o "@NLRB Case: 32-CA-282142
 - o @OSHA_DOL Whistleblower Claim: 1218-023
 - o @USEEOC Case: 556-2021-00608
 - o **@SEC Enforcement Whistleblower Claim: 16304-612-987-465**
 - o **@CA_DIR Whistleblower Claim: RCI-CM-842830**

10-K Evidence

- Risk Factors ("When any one or more of these risks materialize from time to time, the Company's business, reputation, results of operations and financial condition, as well as the price of the Company's stock, can be materially and adversely affected.")
 - **The Company's financial condition and operating results could be adversely impacted by unfavorable results of legal proceedings or government investigations.** [The Company is subject to various claims, legal proceedings and government investigations that have arisen in the ordinary course of business and have not yet been fully resolved, and new matters may arise in the future. The number of claims, legal proceedings and **government investigations involving the Company**, and the alleged magnitude of such claims, proceedings and government investigations, has generally increased over time and may continue to increase. [2020, 2021]
 - The Company's business can be impacted by political events, trade and other international disputes, war, terrorism, natural disasters, public health issues, industrial accidents and other business interruptions. [**Risk of material impact due to industrial accidents; public health issues – 2020, 2021**]
 - The Company is subject to complex and changing laws and regulations worldwide, which exposes the Company to potential liabilities, increased costs and other adverse effects on the Company's business. [Including: labor and employment; **environmental health & safety – 2020, 2021**]
 - **The Company has implemented policies and procedures designed to ensure compliance with applicable laws and regulations, but there can be no assurance that the Company's employees, contractors or agents will not violate such laws and regulations or the Company's policies and procedures. If the Company is found to**

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have violated laws and regulations, it could materially adversely affect the Company's reputation, financial condition and operating results.

- **Properties:** The Company's headquarters are located in Cupertino, California. As of September 26, 2020, the Company owned or leased facilities and land for corporate functions, R&D, data centers, retail and other purposes at locations throughout the U.S. and in various places outside the U.S. **The Company believes its existing facilities and equipment, which are used by all reportable segments, are in good operating condition and are suitable for the conduct of its business. [2020, 2021]**

<https://investor.apple.com/investor-relations/sec-filings/>

Apple Inc Finance & Audit Committee Charter, as required by the SEC

- The Finance & Audit committee 2020 charter includes responsibilities such as: The purpose of the Committee is to: 1. Assist the Board in oversight and monitoring of: compliance with legal, regulatory and public disclosure requirements; the independent auditors, including their qualifications and independence; enterprise risk management
- Guidelines Regarding Director of Conflicts of Interest says Directors should take all reasonable **steps to avoid conflicts of interest with the corporation**. Any director who becomes aware of an actual or **potential conflict of interest** with the Corporation at any time shall notify the Corp GC promptly in writing of the material facts of the actual or potential conflict of interest.
- Corporate Governance Guideline say: The Board expects its directors, as well as officers and employees, to act ethically. Directors are expected to adhere to the Corporation's Business Conduct Policy and the Guidelines Regarding Director Conflicts of Interest.
- https://s2.q4cdn.com/470004039/files/doc_downloads/2020/20200819-Corporate-Governance-Guidelines.pdf
- <https://www.apple.com/newsroom/2010/11/17Ronald-D-Sugar-Joins-Apples-Board-of-Directors/>
- https://s2.q4cdn.com/470004039/files/doc_downloads/2020/20200819-Audit-and-Finance-Committee-Charter.pdf

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