

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ACE TOMATO COMPANY, INC.,)
A California Corporation, DELTA PRE-)
PACK CO., A California Company,)
BERENDA RANCH LLC, A Limited)
Liability Company,)
CHRISTOPHER G. LAGORIO, An)
Individual, CHRISTOPHER G.)
LAGORIO TRUSTS, CREEKSIDE)
VINEYARDS, INC., A California)
Corporation, DEAN JANSSEN,)
An Individual, JANN JANSSEN, An)
Individual, KATHLEEN LAGORIO)
JANSSEN, An Individual, KATHLEEN)
LAGORIO JANSSEN TRUST, K.L.J.)
LLC, Limited Liability Company,)
K.L. JANSSEN LIVING TRUST,)
JANSSEN PROPERTIES, LLC, A)
Limited Liability Company, JANSSEN)
& SONS LLC, Limited Liability)
Company, LAGORIO FARMING CO.,)
INC., A California Corporation,)
LAGORIO FARMS, LLC, A)
Limited Liability Company,)
LAGORIO LEASING CO.,)
A California Company, LAGORIO)
PROPERTIES LP, A Limited)
Partnership, ROLLING HILLS)
VINEYARD LP, A Limited)
Partnership, QUAIL CREEK)
VINEYARD, a California Company,)
)
Respondents,)
)
And)
)
UNITED FARM WORKERS OF)
AMERICA,)
)
Charging Party.)

Case Nos. 93-CE-037-VI
(20 ALRB No. 7)

ORDER RESPONDING TO
REGIONAL DIRECTOR'S NOTICE
OF REPRESENTATION

Admin. Order No. 2014-43

Background

On November 18, 2014¹, the Board issued Administrative Order (Admin. Order) No. 2014-41, which reaffirmed that, consistent with prior Admin. Orders No. 2014-07 and No. 2014-39, responsibility for litigating and settling the instant makewhole matter did not lie with the General Counsel, but rather with the Regional Director for the Visalia Regional Office of the Board (Regional Director), as he is delegated by the Board the authority, pursuant to sections 20290-20292 of the Board's regulations², for the handling of compliance proceedings. Admin. Order No. 2014-41 clearly stated:

Any attorneys working on this makewhole matter are directly subordinate to the Regional Director in his litigation of the matter – the General Counsel may not avoid the Board's orders and regulations by attempting to control the case from afar. The General Counsel's role in this matter is strictly limited to providing whatever resources and staff the Regional Director may require to fulfil his mandate to resolve the compliance proceedings in this matter.

On November 20, the Regional Director filed a Notice of Representation (Notice) with the Board. The Notice purported to fully authorize certain attorneys, including some from the General Counsel's office, to assist and represent the Regional Director in the litigation and resolution of this matter. However, the Notice specified

¹ All dates are for calendar year 2014 unless otherwise specified.

² The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

that the General Counsel herself was one of those attorneys – in fact, she was the first attorney named therein.

**The Regional Director’s Notice of Representation is
Inconsistent with Prior Board Orders**

The plain language and clear terms of Admin. Orders No. 2014-07, No. 2014-39, and No. 2014-41 instruct the Regional Director to take responsibility for the makewhole proceedings in this case. The Board reminds the Regional Director that its previous orders explicitly prohibit the General Counsel from having any involvement in this matter. The Notice constitutes a conscious disregard of the Board’s prior orders, and evidences a continuing failure to comprehend the proper role of the Regional Director, the lack of a role for the General Counsel in compliance matters generally, and the Board’s unequivocal directions in the instant case specifically.

The Board reemphasizes that all attorneys working on this makewhole matter are directly subordinate to the Regional Director in his litigation of the case. The General Counsel may not have any involvement in the instant litigation. The Board admonishes the Regional Director to heed Admin. Order No. 2014-41 and, specifically, its instruction that “[t]he General Counsel’s role in this matter **is strictly limited to providing whatever resources and staff the Regional Director may require** to fulfil his mandate to resolve the compliance proceedings in this matter.” (*Emphasis added.*)

Conclusion

PLEASE TAKE NOTICE, that the Regional Director's Notice of Representation is invalid and hereby REJECTED insofar as it assigns a role for the General Counsel in this compliance matter.

Dated: November 21, 2014

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member