

**STATE OF CALIFORNIA**

**AGRICULTURAL LABOR RELATIONS BOARD**

In the Matter of: )  
)  
HESS COLLECTION WINERY, )  
) Case No. 2003-MMC-01  
) (29 ALRB No. 6)  
)  
) REQUEST FOR DECLARATION  
) ON SERVICE OF BOARD'S  
) ORDER REQUESTING BRIEFING  
) ON NOVEL ISSUES  
Employer, )  
)  
)  
and )  
) Admin. Order No. 2009-04  
UNITED FOOD AND COMMERCIAL )  
WORKERS UNION, )  
LOCAL 5, )  
)  
Petitioner. )  
\_\_\_\_\_)

On February 9, 2009, the Board issued Administrative Order 2009-03 in the above-captioned matter requesting that the Employer, Union and ALRB General Counsel submit briefing on several novel issues raised by a January 22, 2009 memo from ALRB Salinas Regional Director Fred Capuyan and Assistant General Counsels Joseph Mendoza and Marvin Brenner from the Salinas Regional office. The order indicated that briefs were due on March 2, 2009 with replies due March 12, 2009.

On March 2, 2009 it came to the Board's attention that the Salinas Regional Office was not included on the proof of service attached to the Board's

February 9, 2009 order requesting briefing on novel issues. Salinas Regional Director Capuyan is therefore asked to submit a declaration to the Board as to whether he or anyone in the Salinas Regional Office received actual service of Administrative Order 2009-03 dated February 9, 2009, and if so, on what date the order was received. Regional Director Capuyan is asked to state whether or not he or any other staff in the Salinas Regional Office had knowledge of Administrative Order 2009-03. The declaration is due by close of business on Tuesday, March 3, 2009 and shall be filed and served by fax.

By Direction of the Board

Dated: March 2, 2009

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J. ANTONIO BARBOSA  
Executive Secretary, ALRB