

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

COASTAL VINEYARD CARE)	Case No. 2018-CE-067-SAL
ASSOCIATES,)	
)	ORDER GRANTING GENERAL
Respondent,)	COUNSEL’S REQUEST FOR
)	SUBPOENA ENFORCEMENT
and)	
)	
SERAFIN ORTIZ,)	Admin. Order No. 2019-02
)	
Charging Party.)	(June 11, 2019)
)	
)	
)	

On May 20, 2019, the General Counsel of the Agricultural Labor Relations Board (ALRB or Board) filed a request for Board authorization to commence subpoena enforcement proceedings in superior court. The General Counsel asserts that a subpoena duces tecum and four subpoenas ad testificandum were properly served upon respondent Coastal Vineyard Care Associates, and that respondent did not respond to the subpoenas within the required time or file a petition to revoke any of the subpoenas. The General Counsel states that the subpoenaed documents and testimony are relevant and necessary to her investigation of the unfair labor practice charges filed against respondent, and requests that the Board authorize subpoena enforcement proceedings in superior court pursuant to California Code of Regulations, title 8, section 20250, subdivision (k).¹

¹ The Board’s regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

On June 7, we issued an administrative order directing the General Counsel to submit to the Board a copy of the underlying unfair labor practice charge filed in this matter. (*Coastal Vineyard Care Associates* (June 7, 2019) ALRB Admin. Order No. 2019-01.) The General Counsel submitted the charge that same day.

Board regulation 20217 authorizes the General Counsel to issue and serve investigative subpoenas to aid in her investigation of unfair labor practice charges. A pre-complaint investigatory subpoena may require the production of records by the person upon whom it is served (subpoena duces tecum), his or her testimony (subpoena ad testificandum), or both. (Lab. Code, § 1151, subd. (a); Cal. Code Regs., tit. 8, § 20217; see *NLRB v. North Bay Plumbing* (9th Cir. 1996) 102 F.3d 1005, 1008.) A person who does not intend to comply with a subpoena may file a petition to revoke with the Board's Executive Secretary. (Cal. Code Regs., tit. 8, § 20217, subd. (d).) Respondent filed no such petition after being served the General Counsel's investigative subpoenas. Pursuant to subdivision (g) of Board regulation 20217, the General Counsel may request the Board commence an action in superior court to enforce an investigative subpoena where a party has not or refuses to comply. (See Cal. Code Regs., tit. 8, § 20250, subd. (k).)

The Board has reviewed the General Counsel's request for enforcement and supporting documents. On the record before the Board it appears the subpoenas were issued in accordance with the provisions of Board regulation 20217. The records and testimony sought by the subpoenas are described with sufficient particularity and further appear relevant to the General Counsel's investigation of the underlying unfair labor practice charge. (See *ALRB v. Laflin & Laflin* (1979) 89 Cal.App.3d 651, 663-664; *NLRB v. G.H.R. Energy Corp.* (5th Cir.

1982) 707 F.2d 110, 113; see also *NLRB v. Kava Holdings, Inc.* (C.D.Cal. Aug. 8, 2017) 2017 U.S. Dist. LEXIS 142405.)

PLEASE TAKE NOTICE THAT the General Counsel's Request for Subpoena Enforcement is GRANTED pursuant to sections 20217, subdivision (g), and 20250, subdivision (k) of the Board's regulations. Authority is delegated to the General Counsel to commence such enforcement proceedings in superior court pursuant to Labor Code section 1151, subdivision (b), as necessary.

DATED: June 11, 2019

Cathryn Rivera-Hernandez, Member

Isadore Hall, III, Member

Barry D. Broad, Member