

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)
)
CINAGRO FARMS, INC.) Case Nos.: 2017-CE-008-SAL
)
Respondent,)
)
and)
)
MARISOL JIMENEZ,)
)
)
)
Charging Party.)

VOLUME 3

HEARING

Remote via WebEx

Thursday, February 25, 2021

Location: ALRB Oxnard Sub-Regional Office
1901 North Rice Avenue
Suite 300
Oxnard, California 93030

Reported by:
Martha Nelson

APPEARANCES

BEFORE: THE HONORABLE MARK SOBLE,
Administrative Law Judge

On behalf of Respondent:

Robert P. Roy, President
Ventura County Agricultural Association
916 W. Ventura Blvd.
Camarillo, CA 93010
rob-vcaa@pacbell.net

On behalf of Charging Party:

Franchesca Herrera, Regional Director
ALRB Salinas Regional Office
342 Pajaro Street
Salinas, CA 93901
jherrera@alrb.ca.gov

Jessica Arciniega, Assistant General Counsel
ALRB Salinas Regional Office
1901 North Rice Avenue, Suite 300
Oxnard, CA 93030
jarciniega@alrb.ca.gov

Amisha De Young-Dominguez,
ALRB Salinas Regional Office
1901 North Rice Avenue, Suite 300
Oxnard, CA 93030
Amisha.deyoung-dominguez@alrb.ca.gov

Julia Montgomery, General Counsel
Agricultural Labor Relations Board
1325 J Street
Suite 1900-A
Sacramento, CA 95814
Julia.montgomery@alrb.ca.gov

Gabriella Vega, Compliance Officer

Spanish-To-English Interpreter: Rosario Lucas

I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS VOIR DIRE

Charging Party:

Yolanda Antonio	20	41	48
Rigoberto Perez Martinez	83	109	
Maria Angelica Santiago	153		

EXHIBITS

ADMITTED

Charging Party:

GC-11			45
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Respondent:

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P R O C E E D I N G S

8:43 A.M.

(All answers through interpreter unless otherwise noted.)

ADMINISTRATIVE LAW JUDGE SOBLE: Okay, we'll go on the record. It is Thursday, February 25th. It is approximately 8:43 a.m. We're continuing on the matter of Cinagro Farms, Inc., Respondent, Case No. 2017-CE-008-SALINAS.

We have, in the hearing room in Oxnard, Ms. Yolanda Antonio. You understand that you're still under oath?

THE WITNESS: Yes.

ADMINISTRATIVE LAW JUDGE SOBLE: And since yesterday at approximately 5:00 p.m. you haven't spoken with any of the attorneys in this matter?

THE WITNESS: No.

ADMINISTRATIVE LAW JUDGE SOBLE: Thank you. I believe Mr. Roy has some more questions and so he can proceed next.

MS. ARCINIEGA: Your Honor, I did want to be heard on something before Mr. Roy started, if possible.

ADMINISTRATIVE LAW JUDGE SOBLE: Does it relate to this witness or something different?

MS. ARCINIEGA: It relates to this witness, Your

1 Honor.

2 ADMINISTRATIVE LAW JUDGE SOBLE: And is it
3 something appropriate to be in front of the witness or not.
4 Does it involve something factual related?

5 MS. ARCINIEGA: It involves the line of
6 questioning yesterday, with documents that are in Mr. Roy's
7 possession.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Then we're going
9 to have to try to go to either the breakout room or to
10 exclude the witness to have that conversations.

11 So let me, if I am able, to start a breakout
12 session and have everyone go to it.

13 MS. ARCINIEGA: I received a message that you did
14 open a breakout session.

15 (Breakout session outside presence of witness begins.)

16 MR. ROY: Hello?

17 THE INTERPRETER: I'm here, although I'm not sure
18 if I need to be here.

19 MR. ROY: I logged on to join the breakout
20 meeting and here I am.

21 Your Honor, can you hear me?

22 MS. ARCINIEGA: It doesn't look like His Honor's
23 in here, Rob.

24 MR. ROY: Somehow I have to get to the Judge
25 then, that I'm not in the breakout room.

1 MS. ARCINIEGA: Well, we are in the breakout
2 room.

3 MR. ROY: Oh, you are. I am too?

4 MS. ARCINIEGA: Yes.

5 THE INTERPRETER: Yes.

6 MR. ROY: Oh, so we're missing Jessica and the
7 Judge?

8 MS. ARCINIEGA: No. I think -- here they come.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, I now show
10 a breakout session that has the court reporter, the
11 interpreter, Mr. Roy, Ms. Vega, but I don't see either of
12 the Assistant General Counsels or the Regional Director.

13 MS. VEGA: I'm letting them know right now, Your
14 Honor.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

16 THE INTERPRETER: And Your Honor, did you need me
17 in here, or did you --

18 ADMINISTRATIVE LAW JUDGE SOBLE: It really
19 doesn't make any difference which room you're in. I mean,
20 we're not going to have you interpret anything, but I don't
21 think I'm going to need to be back with the witness to
22 reassure her either.

23 THE INTERPRETER: Okay. Well, I'll sit here, and
24 I'll just stop by video and audio. Does that work?

25 ADMINISTRATIVE LAW JUDGE SOBLE: Whichever,

1 whichever you prefer.

2 THE INTERPRETER: Okay. Great.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

4 MS. VEGA: Your Honor, I've just been informed by
5 General Counsel, Assistant General Counsel Arciniega, and
6 our Regional Director, that they are not able to go into
7 the breakout room.

8 If you like if it would be easier, Your Honor, to
9 just exclude the witness, exclude the hearing room and then
10 I --

11 ADMINISTRATIVE LAW JUDGE SOBLE: It wouldn't not
12 be because they're not able to, from that computer, do that
13 and so I would literally have to expel her from the meeting
14 and have you guys start over, but I have --

15 MS. VEGA: Okay. I can go log her back in if you
16 expel her.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Yeah, but I've
18 already clicked the thing to -- that the others can move to
19 the session and they just haven't done it on their end, as
20 far as I can tell.

21 MS. VEGA: General -- Assistant General Counsel
22 Arciniega says that her screen has something that says that
23 her -- that the host will assign her a session to join

24 ADMINISTRATIVE LAW JUDGE SOBLE: Not only did I
25 try moving them, my --

1 MS. VEGA: Oh, here comes -- here they come, Your
2 Honor. Here they come.

3 MS. ARCINIEGA: We received an invite now, Your
4 Honor. We were able to move. Thank you.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, so we are
6 going to be on the record for this and Ms. Nelson, we're
7 still on the record?

8 Okay, that's what I thought. I believe it's
9 Ms. Arciniega who had something she wanted to raise.

10 MS. ARCINIEGA: Yes, Your Honor.

11 Yesterday, Mr. Roy, when he was cross examining
12 Yolanda Antonio about her work after Cinagro, he was in
13 possession of documents that show her name and show her
14 social security number, as well as a document from Silent
15 Springs that shows that person's name and social security
16 number and where did the (indiscernible) match, Your Honor?
17 And so I would like to request -- I'd like to put that on
18 the record, and I would like to request that you admonish
19 Mr. Roy that engaging in a line of questioning when he has
20 the evidence in front of him that shows that tow people are
21 not the same, and they don't have the same social security
22 number, is improper and can -- was meant to intimidate or
23 harass the witness, Your Honor.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Before
25 anyone responds, I'm not sure I understood what you're

1 saying, so I need you to basically repeat or paraphrase it.

2 I understand what the questioning was, and I understand
3 you said he had a document, but is it -- you're saying that
4 it was someone with the same name and a different social
5 security number?

6 MS. ARCINIEGA: Different name and different
7 social security, and they're documents that Mr. Roy's
8 office produced to us. One, a W4 that his client Cinagro
9 had Ms. Antonio fill out that shows her full name and her
10 social security number and then the Silent Springs document
11 that shows a different name and a different social security
12 number. And that was also -- that's also what he was
13 talking about and was also produced to our office, but they
14 do not match.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well
16 without reaching any sort of conclusion as to what the
17 questioning did or didn't involve and whether it would be
18 appropriate or not, Mr. Roy, do you have a response?

19 MR. ROY: Your Honor --

20 ADMINISTRATIVE LAW JUDGE SOBLE: And you should
21 both take into account that I haven't seen the document so
22 I have no reason to know what the document is, which
23 doesn't necessarily mean that I would agree or disagree
24 with what was said but, Mr. Roy.

25 MR. ROY: Your Honor, I had no intention of

1 harassing or intimidating the witness. That is overly
2 materialistic on the part of the Agency. I had a document
3 provided to me by Silent Springs, along with the documents
4 for Marisol Jimenez, Hector Vasquez, Maria Duarte, and
5 Yolanda Antonio. I had no reason to believe these were
6 wrong in any way and in fact, as a result of the
7 questioning yesterday, it should -- it could be apparent
8 that someone else is using her social security number and
9 identity at a different place, if in fact she was working
10 at Deodar Farms at that period of time.

11 So I don't think there's any basis for the
12 General Counsel's argument.

13 MS. ARCINIEGA: If I may be heard, Your Honor.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

15 MS. ARCINIEGA: The name on the Silent Springs
16 document is similar, but it's not the same name and the
17 social security numbers are not the same numbers. And Mr.
18 Roy is in possession of documents that demonstrate this.
19 If Your Honor would like an informal review of the
20 documents, he produced them to us, and we can show Your
21 Honor.

22 MR. ROY: Your Honor, may I be heard?

23 The social security number for each of these
24 employees that -- who's documents were provided --

25 ADMINISTRATIVE LAW JUDGE SOBLE: I don't

1 want -- I don't want either of you to indicate what they
2 are while we're on the record.

3 MR. ROY: I understand that Your Honor, but
4 there's no social security numbers on either of these
5 documents. They've been crossed out by Silent Springs for
6 the protection of the individuals, so I have no way of
7 comparing social security numbers between what
8 Ms. Arciniega's claiming and what was on the documents that
9 I have.

10 MS. ARCINIEGA: If I may be heard when you're
11 ready, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

13 MS. ARCINIEGA: The documents were provided to us
14 by Mr. Roy unredacted and I have a copy of it in front of
15 me that shows the social security number on it, and the
16 name.

17 MR. ROY: It has been four years, Your Honor,
18 since that investigation ensued and, you know, one of the
19 arguments we've made in this case is the lack of due
20 process because of the lateness of this investigation and
21 hearing. I don't have any recollection at this point, in
22 my file, of whether or not I gave those documents to her at
23 that point. I did indicate to her, however, that these
24 four employees were hired at Silent Springs. I don't have
25 a specific recollection whether I gave them the same

1 documents that I have in my possession.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, so let me
3 just clarify something. Ms. Arciniega, do you know if the
4 documents that you have with social security numbers were
5 received by your office in the past year, or more further
6 back than that?

7 MS. ARCINIEGA: Your Honor, to be honest, I would
8 need to confer with Staff.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, that's
10 fine. You don't -- you don't know one way or another right
11 now?

12 MS. ARCINIEGA: Not right now without conferring
13 with Staff.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Right now
15 I don't see any of this as creating any issues that causing
16 us to need to further delay the hearing. I think all of
17 the questioning, generally on it, was appropriate. It
18 goes, very heavily, to the credibility of a witness who
19 proceeded the current witness, who said that this person
20 was there. But it goes to her credibility to recollect if
21 in fact this witness was not there. So it's very relevant,
22 I think, for Mr. Roy to inquire about that and I certainly
23 intend to inquire about that further because it may
24 substantially go to Ms. Jimenez's credibility if she said
25 that Yolanda Antonio worked there when she didn't. So and,

1 or if any other witness said that. That's if people find
2 Ms. Antonio credible on that topic, which I haven't reached
3 a conclusion. If they don't find her credible, then it's
4 relevant as to her testimony.

5 Now, Mr. Roy having said, well he has a document
6 that says this, if he doesn't, then that is an
7 inappropriate question and so as a basis of this
8 conversation, Mr. Roy, looking again at the document that
9 you have, does it look like the name on your document is
10 the same name as Yolanda Antonio or does it look like it
11 might be slightly different?

12 MR. ROY: Well, it says Yolanda Cruz Antonio 134
13 South D Street, Apartment 3.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I prefer not to
15 actually list the addresses, (indiscernible) on the record.

16 MR. ROY: Right, but they have an alien
17 registration number, expiration date, date of birth.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on. Let's
19 just go off the record for a second.

20 (Off the record at 8:59 a.m.)

21 (On the record at 9:02 a.m.)

22 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'm just
23 trying to figure out, Ms. Arciniega, why do you think the
24 document he has is a different person, which by the way, I
25 don't even know who's side that will help more to show

1 that, but you seem pretty sure that the document he has is
2 a different person.

3 MS. ARCINIEGA: Because the Silent Springs
4 document that he produced to us is Yolando Cruz Antonio,
5 and it demonstrates a different social security number than
6 the W4 document that his office produced to us that has
7 Yolanda Antonio Garcia with a different social security
8 number. And the W4 was what --

9 ADMINISTRATIVE LAW JUDGE SOBLE: Let's take a
10 step back for a moment.

11 MS. ARCINIEGA: Sure.

12 ADMINISTRATIVE LAW JUDGE SOBLE: This witness
13 described herself on the stand as being Yolanda Antonio
14 Garcia.

15 MS. ARCINIEGA: Correct.

16 ADMINISTRATIVE LAW JUDGE SOBLE: We agree with
17 that.

18 MS. ARCINIEGA: Yes.

19 ADMINISTRATIVE LAW JUDGE SOBLE: And the
20 documents that are from Cinagro, do we agree, also say
21 Yolanda Antonio Garcia, correct?

22 MS. ARCINIEGA: Yes. Yes.

23 MR. ROY: No, Your Honor. The one -- the one
24 from Silent Spring is Yolanda Cruz Antonio.

25 ADMINISTRATIVE LAW JUDGE SOBLE: No, no, no, no.

1 I said Cinagro.

2 MR. ROY: Oh, Cinagro.

3 ADMINISTRATIVE LAW JUDGE SOBLE: It says Yolanda
4 Antonio Garcia.

5 MR. ROY: Yes.

6 ADMINISTRATIVE LAW JUDGE SOBLE: And thus far,
7 there hasn't been any testimony that Ms. Garcia has ever
8 used the name Cruz as part of her name, correct?

9 MS. ARCINIEGA: Correct.

10 I believe there's also documentation in our file
11 provided to us by Mr. Roy from Arts Labor, the Farm Labor
12 contractor, that was previously providing the workers to
13 Cinagro, that also shows her name and a social security
14 number that matches the W4.

15 I just wanted to put this on the record, Your
16 Honor, I'm concerned because Ms. Yolanda was very clear
17 with us yesterday about the fact that she never worked
18 there, she gave the locations of the fields she worked at
19 for Deodar. I believe the Deodar documents also show the
20 social security number that matches the Cinagro document of
21 the W4.

22 So when Mr. Roy continues to talk to the witness
23 about this Silent Springs document and he represents to her
24 that it proves that she worked there, Your Honor, and we
25 all know now, and she knows, and she's testified to these

1 questions. Any further line of questioning relying on this
2 Silent Springs document, which doesn't have the same name,
3 I would like to ask Your Honor to consider the profundity
4 of it. And that it would be harassing or intimidating to
5 the witness.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well
7 right now I don't think anything has been, what I would
8 describe as harassing or intimidating. It's cross
9 examination. He's trying to find out. If there's any
10 confusion here, it seems like it was created by one of your
11 other witnesses who suggested that she did work at the
12 blueberry farm. And so -- I mean and whether -- what that
13 means, and the significance of it, remains to be seen. But
14 I'm not going to reach a conclusion yet, until I've asked
15 some questions, for sure, whether or not her testimony is
16 correct. But I can tell you, without reaching any overall
17 conclusions, which would be inappropriate until I've heard
18 all of the testimony.

19 I certainly understand why you might conclude
20 that thus far, she seems more credible than the prior
21 witnesses who said she did work at the blueberry farm, in
22 terms of where she herself worked. I mean most people
23 remember where they work.

24 So I'm going to allow him to ask further
25 questions and I'm going to allow him to ask if she went by

1 that other name. If I was him, I'm not sure I would ask
2 those questions because I don't see how they would help his
3 case, frankly. I think it might help your case more, if
4 you could prove in fact that she worked at the blueberry
5 farm, than his. But that's based on only a little bit of
6 information without hearing all of the testimony in the
7 hearing. So I realize that different things can have
8 different meanings by the time we're through with all of
9 the testimony.

10 So I do think, however, based upon what we've
11 heard right now, that if he asks any further question
12 making reference to the social security number, without any
13 additional testimony, there would probably be inappropriate
14 since it's pretty clear that if, for some reason, she did
15 work at the blueberry farm she used a different social
16 security number, then she had everywhere else. So the
17 social security number isn't something that connects it to
18 her. I mean one or the other would have to be inaccurate,
19 whether it's a clerical error or whether it was given
20 inappropriately.

21 So I'm not going to say which questions for sure
22 can or can't be asked until I hear them, but I mean, I
23 think at this point, I don't think the witness was
24 intimidated. She had her position. Her position is she
25 didn't work at the blueberry farm. Her position was that

1 she worked at, what it first sounded like either Atito or
2 Theodore Farm and then she clarified was Deodar Farm. And
3 we'll see if any of the attorneys on any -- on either side
4 wish to try to impeach or rebut that testimony, or if they
5 all agree that it's what sounds most likely right now.

6 So my guess is that none of the attorneys are
7 going to spend a lot of time trying to persuade people, in
8 the remainder of this hearing, that Ms. Antonio worked at
9 the blueberry farm. And I think they're probably going to
10 conclude that she did work at the vegetable farm. But
11 that's speculation on my part and I'm not going to tell
12 attorneys what to do and what's best for them on the fourth
13 witness because there may be something I don't know about
14 the case, factually. In fact not may, there most certainly
15 is. I don't even know who the witnesses will be yet. So
16 but I mean, I think I'll -- I don't even know if prior to
17 this witness being called whether you expected her to say
18 that she had worked at the blueberry farm or not.

19 But that being said, that's not what's before me
20 right now. The question in terms of any of it being
21 harassing or intimidating, I don't think so. We've avoided
22 putting any of the social security numbers on the record,
23 which I think is appropriate. And (indiscernible) change.

24 And again, I think if Mr. Roy is going to ask more
25 questions on that then he should ask if she ever went by

1 the name Yolanda Cruz Antonio. And I think the answer most
2 likely is going to be no, but I don't know that until it's
3 asked. I mean again, a lot of these names are fairly
4 common names. So but I don't think there would be anything
5 harassing or intimidating about asking that. In fact, my
6 guess is the witness won't even know why he's asking that
7 and will just answer it rather rapidly.

8 So I think that addresses everything that we've
9 got here unless there's anything you'd like to add on
10 behalf of the General Counsel.

11 MS. ARCINIEGA: Not at this time. Thank you,
12 Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: And anything
14 else from Respondent's Counsel?

15 MR. ROY: Nothing further, Your Honor.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Let's see
17 if I can get us all back to the other hearing room and if
18 we still have Ms. Antonio Garcia present.

19 Unfortunately, the way this system works, it
20 appears it has a 60 second countdown until we all go back
21 to the main session, and there are 37 seconds left and I
22 don't know how to change that. So I will see you all in
23 the main portion of this virtual hearing in 28 more
24 seconds.

25 MS. ARCINIEGA: It works, though. That's a good

1 thing.

2 THE INTERPRETER: So it will automatically send
3 us back, right? Or give us a prompt to join the main
4 session?

5 MS. ARCINIEGA: I believe so.

6 (Breakout session outside presence of witness ends.)

7 (The witness and Spanish interpreter are present in
8 the hearing room)

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

10 Ms. Antonio, we apologize for the delay.

11 Mr. Roy, you can proceed with your next
12 questions.

13 THE INTERPRETER: Mr. Roy, I'm sorry, your mic is
14 off.

15 MR. ROY: Thank you. To put an end to this
16 controversy, I will ask one question on this issue and
17 hopefully that resolves everything.

18 Where is the witness? Ah. There you go.

19 CONTINUING CROSS-EXAMINATION

20 BY MR. ROY:

21 Q. Have you ever gone by any other name, such as
22 Yolanda Cruz Antonio?

23 A. NO.

24 Q. Okay. Thank you. In yesterday's testimony you
25 said you were paid with a personal check and that that was

1 different from the contractor Art Vasquez because there was
2 no wage statement; is that correct?

3 A. Excuse me?

4 Q. Did you not hear the question?

5 A. No.

6 Q. Okay, I'll give it again.

7 Yesterday when you testified that the company,
8 Cinagro, gave you personal checks and that they were
9 different from Art Vasquez's checks because there was no
10 wage statement. Is that true?

11 A. Yes.

12 Q. You did testify that they also gave you a paper,
13 in addition to the check, indicating the number of boxes
14 that you produced. Is that right?

15 A. Yes.

16 Q. And isn't it true that that document also
17 contained the piece rates -- the piece rates for the -- for
18 the boxes, and also the total wages earned. Is that right?

19 A. I call that paper box count.

20 Q. Okay.

21 A. And my question to you, Ms. Yolanda, is wasn't
22 there also additional information on that sheet as to the
23 piece rate for the boxes, and the gross wages?

24 Q. The only thing included was what we earned.

25 A. And those were the gross wages indicated; is that

1 right?

2 Q. Yes.

3 A. Okay.

4 Q. And you also testified that you received a
5 personal check with your wages. Would you please describe
6 that personal check.

7 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
8 object for a second. With the three or four previous
9 questions, it certainly wasn't clear to me whether you were
10 talking about with Art's Labor or with Cinagro and now the
11 same is true and so I just -- I think I need you to specify
12 which it is that you're talking about.

13 MR. ROY: Yeah.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I think I know
15 the answer, but.

16 MR. ROY: I asked in reference to Cinagro, Your
17 Honor. And those statements that were given, along with
18 the check, and now I'm trying to --

19 ADMINISTRATIVE LAW JUDGE SOBLE: You may want to
20 ask that again because I certainly didn't take your
21 question and the witness's answer to be clear whether or
22 not the statements that you were asking about were at Art's
23 Labor or at Cinagro. I may have not heard you indicate
24 that but rather than having the court reporter read it
25 back.

1 BY MR. ROY:

2 Q. When you were working at Cinagro directly, you
3 received a check and a paper with boxes, piece rates, and
4 the wages, correct?

5 A. Yes.

6 Q. Okay. But your concerned expressed yesterday was
7 it did not show any itemized deductions, correct?

8 A. Yes.

9 Q. You also described this check to be a personal
10 check, and I would like you to describe what you saw on
11 that personal check.

12 A. It's like any other check. It's like a normal
13 check and on the bottom it had another paper. It was like
14 a normal check.

15 Q. Let me try to clarify, did the check, in the
16 upper left-hand corner, have the company's name?

17 MS. ARCINIEGA: Objection, Your Honor. Vague as
18 to time.

19 ADMINISTRATIVE LAW JUDGE SOBLE: When there's an
20 objection, the witness needs to wait until I rule on the
21 objection before answering.

22 MS. ARCINIEGA: Your Honor, I don't think the
23 translator like indicated to her there was an objection.

24 THE INTERPRETER: I didn't have a chance Counsel,
25 I'm sorry.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. That's
2 fine. Sometimes the witnesses notice that on their own
3 because they understand objection, but it is ideal to have
4 the interpreter say that. When we're here in person it's a
5 lot easier because a lot of the time they'll just sort of
6 raise their hand to gesture to wait too, and that's much
7 harder to do in this format, so.

8 In any event, the objection is overruled, but I
9 do think that it's a little bit vague as to what time is
10 being talked about so Counsel may want to flush that out
11 with follow-up questions, but I'll overrule the objection.

12 BY MR. ROY:

13 Q. Ms. Yolanda, when you were (indiscernible) hired
14 by Cinagro Farms you said that you received personal
15 checks, correct?

16 A. Yes.

17 Q. Okay. So please explain to all of us what was on
18 the check. Not the wage statement or any attached
19 document. Just what was on the check.

20 A. The check contained the amount that we earned.

21 Q. Was there a name of the company on it?

22 A. I don't remember.

23 Q. How about the address for Cinagro Farms, was that
24 on the check?

25 A. I don't remember.

1 Q. How about the telephone -- oh, I'm sorry.

2 A. Honestly, I don't remember what was on the check.
3 I just know it had the amount that we earned.

4 Q. Did it have your name on the check?

5 A. Yes.

6 Q. Did it have the date on the check?

7 A. Yes.

8 Q. At any time during the period that you were
9 employed by Cinagro directly, did the company change from
10 personal checks to a business check?

11 A. It was always the same check.

12 Q. I'm looking at a check issued to your husband
13 following your last week of work and --

14 THE INTERPRETER: Counsel, did you say issued to
15 your husband?

16 MR. ROY: Yes.

17 THE INTERPRETER: Okay.

18 BY MR. ROY:

19 Q. Rigoberto Perez. And the check contains the
20 name of the company, and the address, and the telephone
21 number. And below it has the production and the amount
22 earned.

23 Do you recall ever seeing that check?

24 A. I don't remember.

25 Q. Do you remember the last check that you receive

1 from Cinagro Farms for -- following that Saturday the 4th of
2 March 2017?

3 A. No.

4 Q. Do you remember the date you received it?

5 A. No.

6 Q. Did you go to the company office to get it?

7 A. At Cinagro?

8 Q. Yes.

9 A. Yes. One time Rene had a meeting there and gave
10 us a check.

11 Q. And do you recall at that meeting when Rene gave
12 you the check that it contained the name of the company,
13 its address, and telephone number.

14 A. I don't remember.

15 Q. Your testimony, yesterday, indicated that on a
16 few occasions you complained to your foreman, Victor
17 Mendez, about the lack of wage statements while you were
18 directly employed by Cinagro; is that correct?

19 ADMINISTRATIVE LAW JUDGE SOBLE: I guess I'll
20 just object just to provide for the transcript that there's
21 no evidence of a Mr. Mendez.

22 MR. ROY: Oh, I'm sorry. Did I give the wrong
23 name?

24 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

25 MR. ROY: I meant -- I'm sorry, Mendoza. Thank

1 you, Your Honor.

2 ADMINISTRATIVE LAW JUDGE SOBLE: The witness can
3 answer.

4 THE INTERPRETER: Your Honor, I'm going to have
5 to ask Counsel to repeat that.

6 MR. ROY: Not a problem.

7 THE INTERPRETER: Between the objection. Thank
8 you.

9 BY MR. ROY:

10 Q. Ms. Yolanda, you testified yesterday that on a
11 few occasions you complained about a lack of a wage
12 statement that did not come with your check, and that you
13 made these complaints to Victor Mendoza; is that correct?

14 A. I'm sorry, I did not hear correctly.

15 THE INTERPRETER: So I'm going to repeat that.

16 THE WITNESS: Yes.

17 BY MR. ROY:

18 Q. And in fact, during all those occasions and
19 following those occasions, Victor did not have any response
20 to you, other than the company was working on it. Is that
21 right?

22 A. Victor said talk to Rene.

23 Q. Okay. So Victor didn't do anything, he just told
24 you to talk to Rene, correct?

25 A. Yes.

1 Q. Okay. All right.

2 And would it be fair to say that the only role
3 that Victor played was to merely advise you to talk to
4 Rene?

5 MS. ARCINIEGA: Objection. Calls for
6 speculation, Your Honor.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

8 THE WITNESS: Yes.

9 BY MR. ROY:

10 Q. Following any of these discussions you had with
11 Victor, --

12 MS. ARCINIEGA: Your Honor?

13 MR. ROY: -- did he ever present you with a
14 remedy to your questions?

15 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
16 clarify that on the previous question, the objection was
17 sustained. So I'm not taking into account the answer that
18 I then heard afterward.

19 Can the interpreter still recall Mr. Roy's
20 present question?

21 THE INTERPRETER: I do not.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

23 BY MR. ROY:

24 Q. Following the times that you complained to Victor
25 about a lack of the wage statement, is it fair to say that

1 Victor never resolved any of your complaints?

2 A. No.

3 Q. No, meaning what?

4 A. No. He did speak to Rene, but later he said you
5 guys speak to Rene.

6 Q. I understand that, Ms. Yolanda. What I'm asking
7 for is if Victor ever presented you with a remedy to your
8 complaints. Yes or no.

9 MS. ARCINIEGA: Objection, Your Honor. Vague. I
10 believe the client, I mean the witness just testified to
11 what Victor did.

12 ADMINISTRATIVE LAW JUDGE SOBLE: The objection is
13 overruled. Ms. Antonio, if you understand the question,
14 you can answer it.

15 Q. No.

16 BY MR. ROY:

17 Q. I don't understand your response, Ms. Yolanda.
18 Are you saying that other than conveying or telling you to
19 talk to Mr. Macias, do you agree that Victor did not have
20 any remedies for you?

21 A. No.

22 Q. Okay. No, he did not provide you with any
23 remedies, correct?

24 MS. ARCINIEGA: Objection. Asked and answered.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

1 MR. ROY: Your Honor, may I be heard?

2 ADMINISTRATIVE LAW JUDGE SOBLE: I already
3 overruled the objection so, no.

4 MR. ROY: All right. Do we have the answer?

5 ADMINISTRATIVE LAW JUDGE SOBLE: Not yet I don't
6 believe.

7 THE WITNESS: No, he did not resolve that.

8 MR. ROY: Thank you.

9 BY MR. ROY:

10 Q. And with respect to your complaints by you and
11 your husband to Mr. Macias, did he ever give you a
12 resolution to your complaint?

13 A. No.

14 Q. Did Victor ever tell you that he was fired or
15 terminated from Cinagro?

16 A. No.

17 Q. Did you receive a w2 form from Cinagro Farms for
18 the year 2017?

19 A. No.

20 MR. ROY: May I have a moment, Your Honor?

21 THE WITNESS: Okay.

22 MR. ROY: I have no further questions, Your
23 Honor.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Antonio, I'm
25 going to ask a small number of questions.

1 There were two Cinagro ranches, correct?

2 Ms. Antonio?

3 THE WITNESS: Yes.

4 ADMINISTRATIVE LAW JUDGE SOBLE: And one of them
5 was in Fillmore?

6 THE WITNESS: Yes.

7 ADMINISTRATIVE LAW JUDGE SOBLE: And what city
8 was the other ranch located in?

9 THE WITNESS: Tierra Rejada.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Is that the name
11 of the city?

12 THE WITNESS: No.

13 ADMINISTRATIVE LAW JUDGE SOBLE: So the Rejada
14 ranch was in what city?

15 THE WITNESS: I wouldn't be able to tell you
16 that. I just know it's Tierra Rejada.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Did
18 anyone ever tell you that the crew members of your Cinagro
19 crew had to pay for the water that was in the fields?

20 THE WITNESS: No, just recyclables.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

22 Who did you give the recyclables to?

23 THE WITNESS: Victor Mendoza.

24 ADMINISTRATIVE LAW JUDGE SOBLE: And were these
25 recyclables from the field or also from your home?

1 THE WITNESS: From the field.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. What was
3 your start date, if you know, when you first began working
4 directly for Cinagro Farms?

5 THE WITNESS: I remember the month of October,
6 but I don't remember the date.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Is it correct to
8 say that you worked for Cinagro Farms at least part of 2016
9 and part of 2017?

10 THE WITNESS: Yes.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. During
12 the time period that you worked for Cinagro Farms, did you
13 work for any other farms at the same time?

14 THE WITNESS: No.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. What
16 happened that caused you to stop working for Cinagro Farms?

17 THE WITNESS: They didn't let us know where we
18 should show up.

19 ADMINISTRATIVE LAW JUDGE SOBLE: When you say
20 they, do you mean Victor Mendoza, or Rene, or someone
21 different?

22 THE WITNESS: Victor Mendoza told us that Rene
23 had said nothing until further notice.

24 ADMINISTRATIVE LAW JUDGE SOBLE: And after Victor
25 told you that, did you ever speak with Rene?

1 THE WITNESS: Yes, we dialed on a Monday morning,
2 but he did not answer.

3 ADMINISTRATIVE LAW JUDGE SOBLE: When you dialed
4 Rene's number did you leave a message?

5 THE WITNESS: No.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. When you
7 said that we dialed Rene, who's phone was used to call
8 Rene. If you remember?

9 THE WITNESS: My husband's.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. After
11 that Monday, did you ever talk to Victor Mendoza again?

12 THE WITNESS: Yes.

13 ADMINISTRATIVE LAW JUDGE SOBLE: And after that
14 Monday, when was the first time that you talked to Victor
15 Mendoza?

16 THE WITNESS: It was during the week and I don't
17 remember the day, but it was to ask him for sure, is there
18 not going to be any more work.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Was that next
20 time that you talked to Victor Mendoza before you went to
21 work for Deodar Farms?

22 THE WITNESS: Yes.

23 ADMINISTRATIVE LAW JUDGE SOBLE: That next time
24 that you talked to Victor Mendoza, did you ask him, or did
25 he mention, that he was looking for a job?

1 THE WITNESS: He said he's going to look too
2 because they had not let him know.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I have no
4 additional questions for Ms. Antonio.

5 Does the General Counsel have any redirect?

6 MS. ARCINIEGA: I do, Your Honor. I'd also like
7 to place a document that the General Counsel did not
8 previously identify in the finding hearing, Your Honor.
9 But it is a document that Mr. Roy, let me see, no, I'm
10 sorry Your Honor. I misspoke. I can't say that Mr. Roy
11 has it. It is one of the papers.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on. Before
13 you describe the document in too much detail, does it
14 relate to the witness's employment, somewhere other than
15 Cinagro, or Art's Labor, or Mike's Labor?

16 MS. ARCINIEGA: No. It's related to her
17 employment at Cinagro.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Okay and
19 the purpose of this document is for what, generally. Is it
20 to clarify something? Is it related to something that was
21 on cross examination?

22 MS. ARCINIEGA: Well yes, Your Honor. She was
23 asked at length about her paystub and I would like to put
24 it in front of her so that she could provide some testimony
25 and hopefully provide clarification to Your Honor and the

1 record.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

3 MR. ROY: Your Honor if I may speak. Was this
4 document provided to me, Jessica?

5 MS. ARCINIEGA: I do not believe it was. It's a
6 similar document to the one that's in our General Counsel's
7 Exhibit binder, Tab 3. That you had asked Ms. -- you had
8 attempted to ask Ms. Antonio if she was familiar with her
9 husband's paystub. And so it's one of her paystubs, Your
10 Honor.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I have
12 two questions. One, is this a document that would have
13 been covered by any sort of recovery request by the
14 Respondent? And this is a question for Ms. Arciniega, not
15 for Mr. Roy right now.

16 MS. ARCINIEGA: I don't believe so, Your Honor.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And when
18 did you first get this document.

19 MS. ARCINIEGA: I'm so sorry. I'd have to confer
20 with Staff on that.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So most
22 likely, more than a month ago?

23 MS. ARCINIEGA: I don't think necessarily, Your
24 Honor. I -- but I don't want to commit to a date that I'm
25 not sure of. I didn't intend to use it.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Let me put it
2 differently. Do you know, and if necessary, perhaps your
3 cocounsel or someone else can chime in, did you get it from
4 this witness, or from a different source?

5 MS. ARCINIEGA: No. We received it from this
6 witness, Your Honor.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well what
8 I'm going to ask you to do before we discuss it any further
9 is to email a pdf of it to myself and to Mr. Roy and I will
10 then forward it also to the interpreter and court reporter
11 when I receive it.

12 MS. ARCINIEGA: Okay, Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: While she's
14 doing that, do you have anything you'd like to add, Mr.
15 Roy?

16 MR. ROY: Yes. I have a few questions based on
17 your --

18 ADMINISTRATIVE LAW JUDGE SOBLE: Let me just
19 clarify. You will get an opportunity to object to it once
20 you've actually seen it so it's up to you if you want to
21 indicate what your initial concerns are first, or if you
22 just want to wait and see it and then raise them.

23 MR. ROY: I'll do that, Your Honor. I'll wait.

24 ADMINISTRATIVE LAW JUDGE SOBLE: I say that in
25 part because perhaps when you receive it, you may be

1 perfectly happy to have it utilized, regardless of when you
2 received it.

3 MS. ARCINIEGA: I just wanted to say that
4 now I will send it.

5 ADMINISTRATIVE LAW JUDGE SOBLE: We'll go off the
6 record for a moment.

7 (Off the record at 9:45 a.m.)

8 (On the record at 9:51 a.m.)

9 (The witness and Spanish interpreter are present in
10 the hearing room)

11 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, let's go
12 back on the record.

13 Assistant General Counsel has indicated that she
14 would like to show this document to the witness. She
15 hasn't yet indicated if she's seeking to introduce it into
16 evidence or if she's merely seeking to refresh the
17 witness's recollection. Before I have Mr. Roy respond,
18 which is it that you intend to use the document for? Are
19 you seeking to actually get it admitted or just to refresh
20 the witness's recollection?

21 MS. ARCINIEGA: I think that that evidence.
22 Mr. Roy crossed her at length about paystub and I would --
23 I think it would clarify the record and it would be the
24 best evidence of what was on these supportive paystubs,
25 Your Honor. And it might also assist the witness in

1 refreshing her recollection.

2 ADMINISTRATIVE LAW JUDGE SOBLE: I wasn't asking
3 for argument. I just wanted to know which it was that you
4 wanted to do.

5 So Mr. Roy, I'll take it as that the General
6 Counsel, one, intends to show it to the witness, and two,
7 may or may not but more likely may seek to introduce it as
8 evidence.

9 With that in mind, what would your objections be,
10 if you still have some?

11 MR. ROY: I have no objection, Your Honor, since
12 it states the name of the company and their address, which
13 is contrary to every witness's testimony. I don't have any
14 problem in admitting it.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Without
16 thinking as to whether or not the witnesses all stated what
17 was on the paystub at a particular time-period in February
18 2017, if nobody objects to the document potentially being
19 admitted, then do you have an objection to her using it
20 with the witness, and if so, what is that objection?

21 MR. ROY: No objection if for that intended
22 purpose.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Then,
24 Ms. Arciniega, are you going to be using it in your first
25 question with the witness or later into whatever questions

1 you may have?

2 MS. ARCINIEGA: I would like to use it to start
3 with the witness, Your Honor.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I didn't hear
5 you. I'm sorry.

6 MS. ARCINIEGA: I would like to use it to start
7 with the witness. My -- start my questions with --

8 ADMINISTRATIVE LAW JUDGE SOBLE: Then we will go
9 ahead and -- Mr. Roy, would you like to mark this as Joint
10 Exhibit 2 or should I have them mark it as General Counsel
11 Exhibit 11?

12 MR. ROY: The latter, Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Am I
14 correct we'd be on GC-11?

15 MS. ARCINIEGA: Yes, Your Honor.

16 ADMINISTRATIVE LAW JUDGE SOBLE: So then, you may
17 have Ms. Vega bring a paper copy of it to the witness,
18 unless you think that by screen sharing it, that it will
19 affectively show it to Ms. Antonio. I'm thinking it may
20 just be easier to provide her with the paper copy.

21 MS. ARCINIEGA: I would like to do that. I'm
22 going to give it to Gabby, to Gabriella, to give it to her.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Understood.

24 Do you have an estimate -- do you have an
25 estimate as to approximately how long your redirect will

1 be?

2 MS. ARCINIEGA: Maybe more than five minutes, but
3 maybe not.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Well, I'll have
5 you proceed with your questions with respect to this
6 document, and then I will check with everyone to see
7 whether we need to take our morning break then or if we can
8 finish your redirect first.

9 MS. ARCINIEGA: Okay.

10 ADMINISTRATIVE LAW JUDGE SOBLE: I believe we're
11 still on the record, but the court reporter can correct me
12 if I'm mistaken.

13 MR. ROY: Your Honor, may I inquire?

14 ADMINISTRATIVE LAW JUDGE SOBLE: I just was
15 getting the court reporter to confirm that for me. We're
16 still on the record, correct?

17 MR. ROY: Yes.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, yes.

19 MR. ROY: Yes. I have a few questions following
20 your direct -- your examination, so I just want to note
21 that for the record.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Yeah, the order
23 we would typically be going is Ms. Arciniega, then back to
24 Mr. Roy, and then if I had anything, back to me, and we
25 would keep doing that until everybody is done or I've

1 ordered that we're done.

2 MR. ROY: Okay. Thank you.

3 ADMINISTRATIVE LAW JUDGE SOBLE: So.

4 Ms. Antonio, the document in front of you, is it
5 one page or two pages?

6 THE WITNESS: The first one is one page. The
7 second one is another page, but it has the same thing on
8 the bottom.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.
10 Ms. Arciniega, you can ask your next question, if you're
11 back.

12 MS. ARCINIEGA: Thank you.

13 REDIRECT EXAMINATION

14 BY MS. ARCINIEGA:

15 Q. Ms. Antonio, have you had a chance to look at
16 these two pages?

17 A. Yes.

18 Q. And do you recognize them?

19 A. Yes.

20 Q. Okay. I'd like to look at one page first.

21 A. Excuse me?

22 Q. I'd like to look at just one page first. So you,
23 earlier, I believe, said that was a page that had
24 information that was the same on the page. Can you look at
25 that page, please.

1 A. Yes.

2 Q. Okay.

3 MS. ARCINIEGA: I'd like to put on the record
4 that the witness is holding up the document for the camera.

5 Thank you.

6 BY MS. ARCINIEGA:

7 Q. Ms. Antonio, can you tell me if you -- I'm sorry,
8 let me go back real quick.

9 So how do you recognize this page?

10 A. I call it the Box Count.

11 Q. Okay, and where did you receive this?

12 A. At Cinagro.

13 Q. Okay. And are you able to determine a date on
14 this page? Can you see a date? I'm sorry.

15 A. Yes.

16 Q. Can you tell us what date you see?

17 A. It's February 24th of 2017.

18 Q. Thank you. And on this document -- I'm sorry.
19 Do you see a location -- or do you see the number of hours
20 that you worked?

21 A. No.

22 Q. Do you see here the -- any deductions that were
23 made from your pay?

24 A. No.

25 Q. Do you see a pay period that this pay represents?

1 A. No.

2 Q. And do you see the number of boxes that you
3 harvested on your paystub?

4 A. The number of boxes is not there, just the amount
5 that was earned for the boxes.

6 Q. Okay.

7 MS. ARCINIEGA: And, just one moment, Your Honor,
8 please.

9 BY MS. ARCINIEGA:

10 Q. And you told us, earlier, that you first started
11 working at Cinagro, you estimated in October. Cinagro
12 directly, excuse me.

13 Do you recall that?

14 A. Yes.

15 Q. When you received your first paycheck from
16 Cinagro, did you receive a paycheck stub like this one that
17 you are looking at?

18 A. No, it was not like this one.

19 Q. Okay. Can I ask you --

20 MS. ARCINIEGA: Well, at this point, Your
21 Honor -- okay.

22 BY MS. ARCINIEGA:

23 Q. Can you please look at the next page?

24 MS. ARCINIEGA: Let the record to indicate that
25 the witness is holding up the other page that we provided

1 to her.

2 BY MS. ARCINIEGA:

3 Q. Okay. And can you -- do you recognize this page?

4 A. Yes.

5 Q. Tell me what it is, please.

6 A. It's the same thing. It's a box count, but now
7 it's only one of them.

8 Q. Okay, and did you receive this from Cinagro?

9 A. Yes.

10 Q. And can you tell us the date that you see on this
11 document?

12 A. It's March 3rd of 2017.

13 Q. Okay.

14 And do you remember when Cinagro started giving
15 you this kind of a paycheck stub?

16 A. Towards the end of February.

17 Q. Okay.

18 MS. ARCINIEGA: Your Honor, I'd like to move
19 what's been identified as the General Counsel's Exhibit 11
20 into the record.

21 MR. ROY: Your Honor, we already stipulated to
22 it.

23 MS. ARCINIEGA: I wasn't sure, Your Honor,
24 because when you asked him about adding it to the Joint
25 Exhibit, he didn't agree to that, so it was unclear to me.

1 ADMINISTRATIVE LAW JUDGE SOBLE: I think it was
2 clear that he agreed to stipulated to admit it. I was
3 positing because I was deciding whether I was going to
4 accept that or not. I'm just thinking for a moment and I
5 will not find, so the parties have stipulated to admit this
6 as General Counsel 11.

7 Well, I do have one question, I guess, before I
8 admit that.

9 Ms. Antonio, did you provide this document to the
10 General Counsel?

11 THE WITNESS: I had it.

12 ADMINISTRATIVE LAW JUDGE SOBLE: And when did you
13 give it to the General Counsel?

14 THE WITNESS: It's been about a week.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'm still
16 going to admit it, but I think that when I asked the
17 General Counsel when they got a document and it's a week
18 ago, I expect them to know the answer.

19 I'm still admitting it.

20 (General Counsel Exhibit 11 admitted into evidence.)

21 MS. ARCINIEGA: Thank you, Your Honor. I
22 apologize for not inquiring with Staff, while we were here
23 on the WebEx to get a clarification. When I stated that
24 I --

25 ADMINISTRATIVE LAW JUDGE SOBLE: Really the time

1 to do that was whenever you decided you were going to
2 utilize the document, to inquire probably with Staff,
3 outside of this proceeding. And there may not have been a
4 time where that was the case, but in any event, for now I
5 can address any other questions that I have about it, if I
6 have any further questions for the witness, after both you
7 and Mr. Roy are finished.

8 MS. ARCINIEGA: Okay. Thank you, Your Honor.

9 ADMINISTRATIVE LAW JUDGE SOBLE: I will ask one
10 more question now though.

11 At the time -- Ms. Antonio, at the time you
12 provided this document to the General Counsel a week ago,
13 did you provide any other documents to the General Counsel
14 on that same day?

15 THE WITNESS: No.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

17 Okay. Ms. Arciniega, you can proceed.

18 MS. ARCINIEGA: Thank you, Your Honor.

19 I'm wondering if we should take a break, Your
20 Honor or.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Why don't you go
22 ahead and ask your next question, but we are going to be
23 taking the break within a couple minutes, so we're not far
24 from there.

25 MS. ARCINIEGA: Okay. Thank you.

1 BY MS. ARCINIEGA:

2 Q. Okay, Ms. Antonio, where you talked about the
3 recyclables that you provided to Victor out in the field,
4 what kind of recyclables are you talking about?

5 A. Like soda that we would drink, or water bottles.

6 Q. Okay. And when you worked, did you take any soda
7 cans or water bottles from home to work to put in the
8 recyclables?

9 MR. ROY: Objection. Relevance.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. The
11 witness can answer.

12 THE WITNESS: It's whatever we would drink out in
13 the field.

14 MS. ARCINIEGA: Okay.

15 BY MS. ARCINIEGA:

16 Q. And when you were working for -- strike that.

17 I don't think I have -- I don't have any further
18 questions at this moment, Your Honor.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. That
20 makes for an ideal time for our midmorning break.

21 It is 10:12. We'll resume at 10:32, so assuming
22 that Mr. Roy has at least a couple of questions. That's
23 correct still, I assume.

24 MR. ROY: That is correct. Probably five to
25 seven minutes, Your Honor.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. We'll
2 resume at 10:32. Thank you, everyone.

3 (Off the record at 10:12 a.m.)

4 (On the record at 10:34 a.m.)

5 (The witness and Spanish interpreter are present in
6 the hearing room)

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, let's go
8 back on the record.

9 Mr. Roy, do you have some additional questions
10 for Ms. Antonio?

11 MR. ROY: Yes, I do, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

13 RE CROSS-EXAMINATION

14 BY MR. ROY:

15 Q. Ms. Antonio, going back to the General Counsel's
16 Exhibit, I believe it's number 11, that show the crops
17 harvested and the amounts of pay. Do you have that in
18 front of you?

19 A. Yes.

20 Q. And isn't it true that above that information
21 there would be a check attached, issued by Cinagro Farms,
22 Inc., to each worker, along with each statement?

23 MS. ARCINIEGA: Objection. Calls for
24 speculation, Your Honor.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

1 Ms. Antonio, you can answer the question as if he
2 had asked, when you received that document was there a
3 check attached to it. You don't need to answer what was
4 done for other workers, but what about for yourself?

5 THE WITNESS: Yes. I received this and it has a
6 check on top.

7 BY MR. ROY:

8 Q. Okay, and that check on top, do you recall that
9 it said Cinagro Farms, Inc. and it had the address and
10 telephone number on the check?

11 A. I don't remember exactly what the check said, but
12 I do remember that on top of this space like this, they had
13 a check.

14 Q. Okay. Is that what you referred to as the
15 personal check?

16 A. Yes.

17 Q. Let's take a look at GC-11 for a moment because
18 there's a couple of interesting items on here with regard
19 to the top document where it outlines green kale, black
20 tips, (indiscernible), et cetera, et cetera. It also notes
21 the amount of wages you were paid for rest and recovery,
22 and non-productive time. Isn't that right?

23 A. I see that it has the same number, and then
24 everything that we produced, and the amount.

25 Q. I understand that, but I'm asking you to confirm

1 that on that document, you were also paid for rest and
2 recovery time, and non-productive time, correct?

3 A. Yes.

4 Q. And you were also had your wages that week
5 adjusted by a minimum wage adjustment of \$44.75 at the
6 bottom. Do you see that?

7 A. Yes. One moment, that is there, but I don't know
8 what they're deducting.

9 Q. I understand that, but that's not my question Ms.
10 Yolanda.

11 My question is, is that your wages, your piece
12 rate wages that week had to be adjusted upwards by \$44.75,
13 in a minimum wage deduction; is that correct?

14 MS. ARCINIEGA: Objection, Your Honor. Lacks
15 foundation.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

17 The witness can answer the question, if she
18 knows, but she shouldn't speculate. I also think that
19 although the witness can answer it, if she understand, it
20 was a little confusing when Mr. Roy, at the end, called it
21 a minimum wage deduction.

22 MR. ROY: Adjustment, Your Honor. I said
23 adjustment.

24 ADMINISTRATIVE LAW JUDGE SOBLE: I heard
25 adjustment as the word of the question, actually.

1 Okay, well the document speaks for itself.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Well, if it did
3 you wouldn't be asking the question. So it's up to you if
4 you want to ask it or not.

5 MR. ROY: I'll ask the same question again, Your
6 Honor.

7 BY MR. ROY:

8 Q. Yolanda, on this document, General Counsel 11, it
9 shows that you received a minimum wage adjustment of \$44.75
10 for that week. And that was included in all your wages,
11 correct?

12 MS. ARCINIEGA: Objection. Calls for
13 speculation, Your Honor.

14 ADMINISTRATIVE LAW JUDGE SOBLE: That's
15 overruled. The witness can answer, (indiscernible) but to
16 me it's vague when you say that was included in all of your
17 wages. To mean all of your wages for that pay period,
18 or --

19 MR. ROY: Yes, Your Honor.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

21 MR. ROY: And I believe she answered, yes.

22 THE WITNESS: Yes.

23 MR. ROY:

24 Q. Now the fact that they had to adjust your minimum
25 wages, is that because your piece rate production was low

1 that week?

2 MS. ARCINIEGA: Objection. Calls for
3 speculation.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.
5 The witness can answer if she remembers.

6 THE WITNESS: I don't remember.

7 BY MR. ROY:

8 Q. Isn't it true, Ms. Yolanda, that whenever you
9 don't meet the minimum wage hourly requirement, while doing
10 piece rate, that the employer must increase your wages to
11 no less than the minimum wage? Is that your understanding?

12 A. No. He would pay us for what we did.

13 Q. I'll ask the question again, Your Honor. I don't
14 think that was responsive.

15 ADMINISTRATIVE LAW JUDGE SOBLE: I think the
16 answer was responsive. That -- whether it's correct or
17 not, I mean she answered the question.

18 BY MR. ROY:

19 Q. At any time, while you were employed by Cinagro
20 directly, did you have any claims against the company for
21 unpaid wages?

22 MS. ARCINIEGA: Objection. Relevance.

23 THE WITNESS: Yes.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Because I think
25 I know what the answer is going to be, I'm going to

1 overrule the objection because I don't see any harm from
2 it.

3 For now, Ms. Antonio, you're just answering if
4 you have any other wage claims against the company. If
5 your answer is yes, then I can address whether there's any
6 other questions then.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Do you have any
8 other wage claims against the company right now?

9 THE WITNESS: No.

10 BY MR. ROY:

11 Q. And just for clarification, during the months of
12 January and February when you worked at Cinagro as a direct
13 hire, you never made any objections about unpaid wages,
14 correct?

15 MS. ARCINIEGA: Objection. Relevance.

16 ADMINISTRATIVE LAW JUDGE SOBLE: I'll allow it.
17 It's not particularly relevant. I think, if I may
18 interject Mr. Roy, I mean the witness may not know whether
19 or not her income was adjusted for the minimum wage or not,
20 but whether she's aware of that doesn't change whether it
21 occurred. So I'm not exactly sure why you're still
22 interested in it. but I'll allow it.

23 THE WITNESS: Yes, there was.

24 BY MR. ROY:

25 Q. Okay, and why didn't you go to the Labor

1 Commissioner?

2 THE INTERPRETER: I'm sorry, Counsel. Repeat
3 that.

4 BY MR. ROY:

5 Q. Why didn't you go to the Labor Commissioner and
6 file a claim?

7 MS. ARCINIEGA: Objection, Your Honor.
8 Relevance. It's also beyond the scope of the re-direct.

9 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
10 overrule the objection, but my concern is, Mr. Roy, your
11 question was broad enough as to whether she had any
12 concerns with the wages, could certainly mean something
13 other than the minimum wage. And I'm not sure if that's
14 where you intended to go or not

15 MR. ROY: Okay. Let me ask it this way, Your
16 Honor.

17 BY MR. ROY:

18 Q. Other than the lack of wage statements, did you
19 have any other problems regarding the amount of wages paid
20 to you while employed at Cinagro as a direct hire employee?

21 A. Yes.

22 Q. And what were those?

23 A. The changes between the ranches.

24 Q. And what does that have to do with how much wages
25 you have?

1 A. They always told us they were going to pay us for
2 the gas and they never paid us.

3 Q. Actually, they did. Didn't they?

4 A. I didn't see that money.

5 Q. Okay. I would -- I'm talking about wages and
6 you're talking about a reimbursement of an expense. I want
7 to know that other than your complaint about the lack of a
8 wage statement, did you have any other concerns about
9 payment of wages?

10 A. Yes, aside from all that with the check, it's
11 also the bathroom.

12 Q. Okay, and so this is now some new complaint; is
13 that correct? Because we hadn't heard this complaint from
14 your other coworkers.

15 A. Yesterday I mentioned about the bathroom and that
16 we didn't have insurance.

17 Q. I think your testimony was that you didn't think
18 that they were cleaned too often; isn't that correct?

19 A. Yes.

20 Q. But they were always present at the field,
21 correct?

22 A. Yes, but far away from where we worked.

23 Q. Okay, let's go -- let's go back to, you
24 testified, on a question from the Judge, that you started
25 your direct employment in October 2016 for Cinagro Farms.

1 Do you remember stating that?

2 A. Yes.

3 Q. I'm looking at the employment documents for you
4 and all your fellow crew members that state that on
5 11-8-2016 you received a W4 for Cinagro Farms, Inc. Does
6 that refresh your recollection as to when you went to work
7 for Cinagro Farms?

8 A. I don't remember.

9 Q. Could it have been that you were working for
10 Vasquez Farm Labor in October 2016, when it worked at
11 Cinagro?

12 A. No.

13 Q. Isn't it true that you worked for Art Vasquez
14 Labor contractor while it worked at Cinagro Farms?

15 A. When I started with Cinagro is when they told us
16 we had nothing to do with the contractor.

17 Q. I understand that. So on 11-8-16 you and all of
18 your fellow workers were hired directly by Cinagro,
19 correct?

20 MS. ARCINIEGA: Objection. Calls for
21 speculation.

22 ADMINISTRATIVE LAW JUDGE SOBLE: The objection is
23 overruled and so the interpreter can translate the response
24 that's already been given.

25 THE WITNESS: I don't remember. I just know it

1 was October.

2 BY MR. ROY:

3 Q. You also testified, in response to the Judge's
4 question, whether you had called Mr. Macias, and you
5 responded that you did but you didn't leave a message; is
6 that correct?

7 A. Yes.

8 Q. Would it be fair to say that in all the time that
9 you directed questions and concerns about the lack of a
10 wage statement to Mr. Macias, his general response was that
11 they were working on it. Would that be fair?

12 A. Yes.

13 Q. And aside from making that statement, he did not
14 provide any remedy for your concerns; is that also right?

15 A. Yes.

16 Q. And you also testified that that was on a Monday.
17 To clarify, was that the Monday March 6th, after your last
18 day of work on Saturday March 4th?

19 MS. ARCINIEGA: Objection. Vague as to what he's
20 asking her about.

21 ADMINISTRATIVE LAW JUDGE SOBLE: I don't think
22 that is the form of an objection, so I'll interpret it as
23 you're saying vague.

24 MS. ARCINIEGA: Thank you.

25 ADMINISTRATIVE LAW JUDGE SOBLE: I'll sustain

1 that.

2 BY MR. ROY:

3 Q. Ms. Yolanda, the date you called Mr. Macias, was
4 that Monday March 6th, 2017?

5 A. I don't remember the date, but I do remember it
6 was a Monday morning.

7 Q. Do you remember if it was the Monday following
8 the weekend that you last worked for Cinagro?

9 A. Yes.

10 Q. Okay. And you said it was before you went to
11 find employment at Deodar Family Farms. Right?

12 A. Yes.

13 Q. And did you start work at Deodar on that
14 following Monday March 13th, 2017, along with your husband?

15 THE INTERPRETER: Can you repeat the date. March
16 13th?

17 MR. ROY: Yes. Along with her husband.

18 THE INTERPRETER: Yeah.

19 THE WITNESS: Yes. It was like I said before, I
20 don't remember the date, but it was a week after waiting
21 for work from Cinagro.

22 BY MR. ROY:

23 Q. And did you get your paycheck on March 10th that
24 week 2017?

25 A. I don't remember.

1 Q. Do you remember how you got your check?

2 A. No.

3 Q. Did you have a meeting with Rene Macias to get
4 your check?

5 MS. ARCINIEGA: Objection. Vague.

6 THE WITNESS: When we worked at Cinagro, there
7 was a meeting, and he gave us a check.

8 BY MR. ROY:

9 Q. Okay. And do you recall if that was on or about
10 March 10th, 2017?

11 MS. ARCINIEGA: Objection. Asked and Answered.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

13 THE WITNESS: I don't remember. No.

14 BY MR. ROY:

15 Q. Did Mr. Macias say you were terminated from
16 Cinagro when he gave you the check?

17 ADMINISTRATIVE LAW JUDGE SOBLE: Objection.
18 Misstates her prior testimony.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. I
20 think it's unclear, from the prior testimony, whether or
21 not the conversation with Mr. Macias, was after she lost
22 work at Cinagro or if it was an earlier time. She just
23 indicated that there was a meeting where Mr. Macias gave
24 her a check, so the question is permitted, but Counsel, or
25 myself, will need to flush that out.

1 MR. ROY: Your Honor, she answered no.

2 Is that correct, Ms. Interpreter?

3 THE WITNESS: No.

4 BY MR. ROY:

5 Q. Okay. And while you were waiting for work at
6 Deodar Family Farms did Victor tell you, you were
7 terminated from the company, anytime that week?

8 A. No.

9 Q. So it's fair to say that no one from Cinagro,
10 during that week you were waiting to go to work at Deodar,
11 told you were terminated; is that correct?

12 MS. ARCINIEGA: Objection. Misstates her
13 testimony.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I could not
15 hear. I heard there was an objection, but I could not hear
16 what you said.

17 MS. ARCINIEGA: He misstates her testimony, Your
18 Honor.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

20 THE INTERPRETER: She answered, yes.

21 BY MR. ROY:

22 Q. Yeah. So no one advised her.

23 Okay, I have no further questions, Your Honor.

24 Thank you. Thank you, Ms. Yolanda.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Antonio, I

1 have a few questions.

2 The amount of time that you worked directly for
3 Cinagro was approximately four to five months?

4 THE WITNESS: Yes, more or less.

5 ADMINISTRATIVE LAW JUDGE SOBLE: The last day
6 that you did physical work for Cinagro was on a Saturday,
7 correct?

8 THE WITNESS: I don't remember if it was a Friday
9 or a Saturday, but it was a weekend.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And you
11 then heard -- your foreperson told you there would be no
12 work on the Monday. Is that correct?

13 THE WITNESS: He said until further notice.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Did
15 you -- when he told you, until further notice, what did you
16 understand that to mean?

17 THE WITNESS: That it was possible he could call
18 us on Tuesday or Wednesday.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Did you have an
20 understanding as to whether or not the season was almost
21 over for the vegetables that you harvested?

22 THE WITNESS: No.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The last
24 week that you worked at Cinagro, do you know if there were
25 any crews other than your own?

1 THE WITNESS: I didn't see one.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. During
3 the time that you worked at Cinagro did you ever see a crew
4 other than your own?

5 THE WITNESS: I don't remember.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Let's talk a
7 little bit about the week between the last day you worked
8 at Cinagro and the first day that you worked at Deodar.
9 I'm going to have three or four questions. All of those
10 will be asking just about the week between you -- when you
11 last worked at Cinagro and when first worked at Deodar. Is
12 that okay?

13 THE WITNESS: Yes, that's fine.

14 ADMINISTRATIVE LAW JUDGE SOBLE: During that
15 week, did you receive a paycheck from Cinagro?

16 THE WITNESS: No.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You did
18 receive a paycheck from Cinagro after the last day you
19 worked at Cinagro, correct?

20 THE WITNESS: Yes.

21 ADMINISTRATIVE LAW JUDGE SOBLE: And wasn't the
22 time that you received that check before you started at
23 Deodar Farms?

24 THE WITNESS: Yes, it was before.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And when

1 you received the last check from Cinagro, before you
2 started at Deodar, do you recall who gave you that last
3 check?

4 THE WITNESS: I don't remember.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Do you recall if
6 you received that last check in person, or in the mail?

7 THE WITNESS: It was in person.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Would your
9 husband also have received his last check on the same day
10 that you received your last check?

11 THE WITNESS: Yes. I think the whole crew
12 received the check the same day.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Do you
14 recall if when you received that last check, whether you
15 asked anyone if there would be more work?

16 THE WITNESS: Victor said that not until Monday.

17 ADMINISTRATIVE LAW JUDGE SOBLE: When Victor said
18 that to you is it at the same time you got your check or
19 was it on a different day?

20 THE WITNESS: I don't remember.

21 ADMINISTRATIVE LAW JUDGE SOBLE: When you
22 received your last check from Cinagro, do you remember if
23 Victor also received a check that day? If you know.

24 THE WITNESS: I believe he did.

25 ADMINISTRATIVE LAW JUDGE SOBLE: And on the day

1 that you received your last check from Cinagro, did you
2 hear any of your coworkers complaining about not getting
3 more work from Cinagro?

4 THE WITNESS: No.

5 ADMINISTRATIVE LAW JUDGE SOBLE: And on the day
6 that you got the last check from Cinagro, did you know if
7 any of your coworkers had already found new jobs?

8 THE WITNESS: I don't think so because they
9 worked there.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. We're
11 talking about the time that you got the last paycheck you
12 received from Cinagro. That wasn't on a day that you
13 worked, correct?

14 THE WITNESS: I don't remember.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

16 Ms. Antonio, if you know, I don't want you to guess, do you
17 know why Mr. Mendoza never called you with more work? But
18 don't answer the question unless you have something that
19 you know.

20 THE WITNESS: Yes.

21 ADMINISTRATIVE LAW JUDGE SOBLE: And why is that?

22 THE WITNESS: Because Rene didn't let him know.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Do you recall
24 any of your coworkers ever telling you that they saw a
25 different crew working at Cinagro the week following the

1 last day that you worked at Cinagro?

2 THE WITNESS: Yes.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Who did you hear
4 that from?

5 MR. ROY: Objection. Hearsay.

6 ADMINISTRATIVE LAW JUDGE SOBLE: I agree that
7 it's hearsay, but I'm asking the question -- I'm permitting
8 the questions, even though the answer is hearsay. So.

9 THE WITNESS: Yes. Marisol Jimenez let us know
10 that there was people working at the ranch.

11 ADMINISTRATIVE LAW JUDGE SOBLE: When you heard
12 that, did any of your coworkers say, we should call Rene to
13 ask?

14 THE WITNESS: I did not hear. I dialed Rene.

15 THE INTERPRETER: Your Honor, I'm hearing a --

16 THE WITNESS: I didn't hear if other people
17 called him, but I called him right then.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Did you
19 also call Victor Mendoza?

20 THE WITNESS: That morning before Marisol told
21 us, he let us know that until further notice. He called us
22 that morning.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Was that
24 the call where Victor told you that he was looking for
25 work?

1 THE WITNESS: No.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Which call came
3 first?

4 MR. ROY: Objection. Vague, Your Honor. Which
5 call, you mean to Victor or to Rene?

6 ADMINISTRATIVE LAW JUDGE SOBLE: I'll rephrase my
7 question. I understood that you had at least two calls,
8 Ms. Antonio, with Victor, in the same week. One of them
9 Victor told you that there was no work until further
10 notice, and one of them Victor said he was looking for
11 work. Were those the same call, or different calls? And
12 if so, which call came -- well that's going to be compound.

13 Were those the same call?

14 THE WITNESS: It wasn't like that.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. What was
16 it like, Ms. Antonio?

17 THE WITNESS: So Sunday afternoon we called him
18 to see where we were going to show up on Monday and he told
19 us that Rene had not told us that. And on Monday morning
20 he called us, and he said Rene had told him, not until
21 further notice.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So then
23 was it after that when had the call with Victor when he
24 said he was looking for work?

25 THE WITNESS: Yes. It was during the week.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Was it on
2 Tuesday?

3 THE WITNESS: It was towards the end. It was on
4 like, it was Thursday or Friday. I don't remember when.
5 It was towards the end.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Before you
7 started at Deodar, Victor Mendoza told you that he was
8 looking for work?

9 THE WITNESS: He said that maybe he was going to
10 look because Rene hadn't called him.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Did
12 Victor mention where he might look for work?

13 THE WITNESS: No.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Did you mention
15 to Victor where you might look for work?

16 THE WITNESS: No because I didn't know where I
17 was going to find work.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Have you
19 talked to Victor Mendoza in the past 12 months?

20 THE WITNESS: No.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Have you talked
22 to anybody who was in your Cinagro crew, other than your
23 husband, in the past month?

24 THE WITNESS: No.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Before this

1 hearing, how many times did you talk to people in the
2 General Counsel's office, in the past 12 months?

3 THE WITNESS: One time.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The
5 company's attorney asked you if it was possible that
6 instead of starting at Cinagro in October, that maybe you
7 started at the beginning of November. Is it possible that
8 because four years have passed that it might have been
9 early November, instead of October, when you started
10 working directly for the company?

11 THE WITNESS: I don't remember. I just remember
12 that in October I was already working there.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The
14 attorneys showed you a document with the box counts. Do
15 you remember that?

16 MS. ARCINIEGA: I'm sorry, Your Honor, I object
17 to your question. It misstates her testimony.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'm not
19 sure if you understand my question, so I'll rephrase it.
20 And I'm probably the only Judge who I am fine if allowing
21 all of the Counsels to object to my questions, knowing that
22 I do usually assume my questions are appropriate.

23 My question was just, simply, does Ms. Antonio
24 remember the attorneys having shown her Exhibit 11?

25 THE WITNESS: No.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Do you remember,
2 Ms. Antonio, the document that you held up for us to see
3 about 15 minutes ago.

4 THE WITNESS: Yes.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. That
6 document was dated February 24, 2017.

7 THE WITNESS: Yes.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Would you call
9 that document the one with the box counts?

10 THE WITNESS: Yes.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Do you recall if
12 you received that box count document in November of 2016?

13 THE WITNESS: No.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Does no mean
15 that you do not remember, or does it mean that you did not
16 receive a box count document?

17 THE WITNESS: I don't remember.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I have no
19 further questions for Ms. Antonio.

20 I'll go back, first, to the General Counsel. Any
21 additional questions?

22 MS. ARCINIEGA: A couple, Your Honor.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can
24 proceed.

25 FURTHER REDIRECT EXAMINATION

1 BY MS. ARCINIEGA:

2 Q. Ms. Antonio, do you know how to read English?

3 A. No.

4 Q. And do you know what minimum wage adjustment
5 means?

6 A. No.

7 Q. Okay. And going back to the document that is in
8 front of you right now, the one with the date of 2-24 --
9 February 24th, 2017. Do you have that in front of you?

10 A. Yes.

11 Q. From this paycheck stub, could you tell if you
12 were paid for all of your boxes?

13 A. Here I don't see the amount of boxes that I did,
14 just the amount of money they paid me.

15 Q. And from this paycheck stub, could you tell the
16 rate they were paying you for each box?

17 A. Here it doesn't say exactly how much they pay for
18 each box.

19 Q. Okay.

20 MS. ARCINIEGA: I don't have anything further,
21 Your Honor.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy.

23 FURTHER RECROSS-EXAMINATION

24 BY MR. ROY:

25 Q. Yes. Let's go back to that last line of

1 questioning, Ms. Antonio.

2 You were advised by Victor or Rene how much you
3 were being paid per box harvested. Isn't that right?

4 A. Yes. They let us know, but I think that it
5 should also be included in the paycheck stub.

6 MR. ROY: Your Honor, I want to go back to
7 something you said, and I just want to clarify this date
8 because I'm looking at a payroll document issued by Cinagro
9 to her husband Rigoberto Perez, date 3-10-2017. And did
10 you receive your paycheck the same time Rigoberto did? As
11 well as the other crew member and Victor?

12 MS. ARCINIEGA: Objection. Vague.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

14 I think what Mr. Roy wants to ask is, did she
15 receive her final paycheck on the same date as her husband
16 and the other crew members, and if so, I'll allow that
17 question.

18 MR. ROY: Yes, Your Honor. Thank you.

19 THE WITNESS: Yes. I believe so. Yes.

20 BY MR. ROY:

21 Q. And when you were a regular employee of Cinagro,
22 is it fair to say that you were always paid on the
23 following Friday, after a payroll week ended?

24 A. Yes.

25 Q. And do you recall right now whether that was

1 March 10th, Friday March 10th, 2017?

2 A. I don't remember the date. I do remember that it
3 was on a weekend.

4 Q. Okay. Which you testified could have been Friday
5 or Saturday, correct?

6 A. Yes.

7 Q. Is it more likely that you received it on Friday
8 because that was your usual payday?

9 MS. ARCINIEGA: Objection. Vague.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

11 THE WITNESS: I don't remember.

12 MR. ROY: Okay. Thank you, very much, for your
13 testimony today.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I don't have any
15 additional questions. I -- but if I want to clarify at
16 least my recollection, and I could ask questions if Counsel
17 disagrees with this, but I recall the witness testifying is
18 she didn't recall if her last day of work was a Friday or
19 Saturday, not that she didn't recall whether when she
20 picked up the check was a Friday or Saturday. So, just out
21 of an abundance of caution I'll ask, do you recall what day
22 of the week you picked up the check was, for your final
23 paycheck?

24 MR. ROY: The final check?

25 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

1 THE WITNESS: I don't remember.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And you
3 don't recall if you were given the check by either Rene or
4 someone different?

5 THE WITNESS: I don't remember. I do remember
6 that there was one time that Rene gave us a check.

7 MR. ROY: Objection, Your Honor. Move to strike.
8 It's non-responsive. She was referring to another
9 occasion.

10 ADMINISTRATIVE LAW JUDGE SOBLE: I overrule the
11 objection, but certainly her answer could have -- it did
12 not specify when the occasion was. Just that there was a
13 time.

14 So do you recall the last time you got your
15 paycheck, Ms. Antonio, if it was the owner, Tony, who gave
16 you the paycheck?

17 THE WITNESS: No.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Do you
19 recall -- are you sure it was not Tony, or do you not
20 remember?

21 MR. ROY: Objection. Asked and answered.

22 THE WITNESS: I don't remember Tony having given
23 us any checks.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And I
25 heard an objection but didn't get a chance to respond.

1 MR. ROY: I'll withdraw it, Your Honor.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

3 MR. ROY: I'll withdraw it.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Do you recall if
5 there was a bookkeeper, or someone from the company who did
6 not speak Spanish who gave you the last paycheck?

7 THE WITNESS: No.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Did Victor
9 Mendoza ever give you the paychecks himself or was it
10 always someone different?

11 THE WITNESS: Victor Mendoza gave us the checks
12 when we started out and I remember one time Rene gave us a
13 check, but only those two people is what I remember giving
14 us checks.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Now let's
16 go back to the very last check that you received from
17 Cinagro.

18 THE WITNESS: Okay.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Do you remember
20 where you received that check? Did you receive that check
21 in Fillmore?

22 THE WITNESS: I don't remember. I just remember
23 that in Fillmore is where Rene gave us one check.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. For now
25 I'm only interested in the last check. That would have

1 been a day that you did not work, correct?

2 THE WITNESS: When Rene gave us a check?

3 ADMINISTRATIVE LAW JUDGE SOBLE: No. It doesn't
4 matter who gave you the check. Whenever you received your
5 last check from Cinagro, I'm just confirming that you did
6 not work on that day, correct?

7 THE WITNESS: I don't remember.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

9 MS. ARCHINIEGA: Your Honor?

10 ADMINISTRATIVE LAW JUDGE SOBLE: I'm open to hear
11 of a suggestion, otherwise I've got a couple more questions
12 on the exact same topic.

13 MS. ARCINIEGA: I believe she's asked and
14 answered your questions and she's told us that she doesn't
15 remember, Your Honor.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, and I'm
17 trying to explore different things that might refresh her
18 recollection, like who was there. I've got a few more.
19 Where was it. I'm going to try a few of them, although I
20 would not be surprised if we end up in the same place a
21 couple minutes from now, but I don't think there's any harm
22 from trying.

23 So, Ms. Antonio, on the day that you got your
24 last check did you drive there with your husband?

25 THE WITNESS: Yes.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Do you
2 recall if, on the day you got your last check, if it was in
3 the morning or the afternoon?

4 THE WITNESS: I don't remember what time it was.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Do you recall if
6 on the last -- the day that you got your last check, was it
7 raining that day?

8 THE WITNESS: I don't remember.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Did you usually
10 deposit your checks, either deposit or cash your checks, on
11 the same day you received them?

12 THE WITNESS: No.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Was it
14 sometimes the next day before you deposit or cashed your
15 checks?

16 THE WITNESS: Sometimes on Sunday, or during the
17 middle of the following week.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I don't
19 have any additional questions.

20 MR. ROY: I do, Your Honor.

21 ADMINISTRATIVE LAW JUDGE SOBLE: But the General
22 Counsel doesn't have any questions based on just Mr. Roy's
23 last questions and my last questions?

24 MS. ARCINIEGA: No.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy.

1 MR. ROY: Thank you.

2 BY MR. Roy:

3 Q. Ms. Yolanda, I'm trying to clarify how you
4 received your last paycheck from Cinagro. You said you
5 went with your husband to get the check; is that right?

6 A. Yes.

7 Q. Did he drive you to the company's office in
8 Fillmore?

9 A. I don't remember. I just remember going to pick
10 up the check. I don't remember if we worked that day, but
11 we did go.

12 Q. And you -- do you remember if Victor gave you
13 your check?

14 MS. ARCINIEGA: Objection. Asked and answered.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. I
16 know I asked that question, but generally I'll allow
17 other -- I won't -- I won't sustain an asked and answered
18 when it's a different attorney or person who asked the
19 question. So overruled.

20 MR. ROY: Thank you, Your Honor.

21 BY MR. ROY:

22 Q. Do you recall, when you went to the office, was
23 that your regular payday for the prior week?

24 THE INTERPRETER: Counsel, I didn't interpret the
25 last question. Did --

1 MR. ROY: I'm sorry.

2 THE INTERPRETER: That's okay.

3 She said, I don't remember.

4 MR. ROY: Right.

5 BY MR. ROY:

6 Q. And this question is --

7 (Interpreter repeats the question)

8 MS. ARCINIEGA: Objection. Misstates prior
9 testimony.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. I
11 actually thought you were going to say asked and answered,
12 and I believe that this was asked by Mr. Roy before,
13 although the answer was sort of ambiguous, so I'll allow
14 him to ask it again.

15 MS. ARCINIEGA: May I be heard on misstate the
16 prior testimony, Your Honor?

17 ADMINISTRATIVE LAW JUDGE SOBLE: I -- I
18 don't -- that I already thought I said I overruled, but if
19 I didn't say that, then that objection is overruled.

20 The attorney is asking you if you received your
21 last paycheck on the same day of the week that you had
22 received earlier paychecks. If you recall.

23 THE WITNESS: I don't remember what day it was, I
24 just remember that it was on a weekend.

25 MR. ROY: Thank you, Ms. Yolanda.

1 No further questions.

2 ADMINISTRATIVE LAW JUDGE SOBLE: I do not have
3 any further questions. Does the General Counsel?

4 MS. ARCINIEGA: (Indiscernible), Your Honor.

5 ADMINISTRATIVE LAW JUDGE SOBLE: I actually
6 couldn't hear you, although it looked like.

7 MS. ARCINIEGA: I don't have further questions.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

9 Ms. Antonio, none of the -- there are no further questions
10 for you, at this time at the hearing. There is a very,
11 very small chance that one of the attorneys could call you
12 back at a later time in the hearing. That's unlikely, but
13 if you could make sure that the General Counsel's office
14 has a way to reach you in the event that happens.

15 It's important that you do not discuss your
16 testimony or anything that you heard at this hearing with
17 anyone else until the hearing is over, so please do not
18 discuss what you were asked or what you said with anybody
19 else who either worked in your former crew at Cinagro, or
20 who worked at Cinagro in some other capacity, such as a
21 supervisor, owner, foreman, or agricultural worker.

22 THE WITNESS: Okay. Can I say something?

23 ADMINISTRATIVE LAW JUDGE SOBLE: Is what you wish
24 to say a question about the process or is it to add
25 something in terms of what took place?

1 THE WITNESS: Yes, I want to add something.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Is what you want
3 to add, to an answer that you previously gave to someone's
4 question?

5 THE WITNESS: No. It's just my own.

6 MR. ROY: Your Honor, I object.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.

8 It's your own what, Ms. Antonio?

9 THE WITNESS: It's a question.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can
11 ask the question.

12 MR. ROY: Objection, Your Honor. That is not
13 responsive.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well
15 first I'll have the interpreter interpret it because
16 otherwise I can't rule on the objection.

17 THE WITNESS: I want to know why Rene never told
18 us that we no longer had a job. He should have told us why
19 we didn't have a job.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.
21 Ms. Antonio, my job in hearing this case is to try to
22 figure out what happened and then I write up a decision
23 that is reviewed by a five-person Board. So I try to
24 figure out what took place and beyond that, it is not
25 appropriate for me to answer any further right now. But we

1 appreciate your interest in the matter. And thank you for
2 your time.

3 And for the record, her question is not
4 considered evidence or testimony and something that the
5 Judge would consider.

6 You don't need to translate that.

7 So I'm taking that simply as a question and
8 leaving it at that.

9 So, Ms. Antonio, you are free to go.

10 THE WITNESS: Thank you.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Once I
12 know that she is out of the hearing room, I have a couple
13 of questions for Counsel that will influence when we take
14 our lunch break, in part. And also to get a sense of how
15 far we are in the General Counsel's case. And so, but I
16 will wait to do that until we have the witness not part of
17 the call.

18 So we'll go off the record while we wait.

19 (Off the record at 11:47 a.m.)

20 (On the record at 1:24 p.m.)

21 (The witness and Spanish interpreter are present in
22 the hearing room)

23 ADMINISTRATIVE LAW JUDGE SOBLE: We're back on
24 the record.

25 It's 1:24 p.m. The General Counsel may call

1 their next witness.

2 MS. ARCINIEGA: Your Honor, the General Counsel
3 would like to call Rigoberto Perez.

4 Your Honor, it appears that Mr. Perez was here
5 this morning, but he's delayed in returning to our office,
6 so we're checking with Staff, I apologize, to find out how
7 far away he is right now.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. In the
9 meantime, why don't we go ahead and start with the next
10 witness.

11 MS. ARCINIEGA: I would need to check with Gabby
12 to make sure, Ms. Gabriella, to make sure that the next
13 witness is here. She's the one that's been in contact
14 with --

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

16 MS. ARCINIEGA: Can I stand up and go out and
17 look for Gabriella, or would you like me to wait her until
18 she returns?

19 ADMINISTRATIVE LAW JUDGE SOBLE: You can do
20 either, but I'd like to have you back in like, say less
21 than say five minutes.

22 MS. ARCINIEGA: Okay.

23 ADMINISTRATIVE LAW JUDGE SOBLE: So you may just
24 want to try calling her if you think she has her cell phone
25 and you can mute us and stop your video to do that, but

1 whichever works better, to call her or to physically get
2 her.

3 MS. HERRERA: Your Honor and Ms. Arciniega, he
4 has arrived.

5 Jessica, can you hear me?

6 ADMINISTRATIVE LAW JUDGE SOBLE: I don't think
7 she can hear you but --

8 MS. ARCINIEGA: I can. I can.

9 MS. HERRERA: We will -- I will contact her
10 myself, (indiscernible). Thank you.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Good afternoon.

12 We're waiting for one of the attorneys to return.

13 It should only be about one minute.

14 Is the interpreter there?

15 THE INTERPRETER: I'm so sorry. I was on mute by
16 accident.

17 ADMINISTRATIVE LAW JUDGE SOBLE: The attorney
18 is back. Okay.

19 Mr. Perez, would you please state your full name,
20 for the record.

21 THE WITNESS: My name is Rigoberto Perez
22 Martinez.

23 ADMINISTRATIVE LAW JUDGE SOBLE: And what is the
24 language that you speak the best?

25 THE WITNESS: Spanish.

1 ADMINISTRATIVE LAW JUDGE SOBLE: And what is the
2 language you speak the most at home and at work?

3 THE WITNESS: Spanish.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Perez, do
5 you solemnly swear or affirm that your testimony in this
6 hearing will be the truth, the whole truth, and nothing but
7 the truth?

8 THE WITNESS: Yes, that's right, I swear.

9 (The witness is sworn.)

10 ADMINISTRATIVE LAW JUDGE SOBLE: What will take
11 place this afternoon is that some of the attorneys and
12 possibly myself, will ask some questions in English. After
13 we ask a question, the interpreter will translate the
14 question from English to Spanish.

15 THE WITNESS: Okay.

16 ADMINISTRATIVE LAW JUDGE SOBLE: After
17 the -- after the interpreter translates the question
18 please, before you answer, pause for a couple of seconds.
19 This is helpful because once in a while one of the
20 attorneys, or myself, may object to a question that was
21 asked.

22 In that event, either myself or the interpreter
23 will let you know if it's appropriate to answer the
24 question or, if instead, you should wait for the next
25 question.

1 THE WITNESS: Very well.

2 ADMINISTRATIVE LAW JUDGE SOBLE: If the question
3 where your answer would be very long, there's two things
4 that we would ask that you do. The first thing is to talk
5 a little bit more slowly so that the interpreter can keep
6 up with you.

7 The second thing is (indiscernible) after two or
8 three sentence so that the interpreter can translate that
9 portion of your answer before you continue.

10 For all of your answers, it's important that you
11 answer orally or audibly. This is because if you simply
12 just nod your head or if you just gesture with your hands,
13 the court reporter is unable to get that fully put onto the
14 transcript of the hearing.

15 If at any point you do not understand a question,
16 please just let me know and I'll determine if there is a
17 way the attorney can rephrase the questions so that you
18 better understand it.

19 In approximately an hour and a half, we will take
20 a 20-minute break. If at any point you need to take an
21 additional break, to either get a drink of water, or to use
22 the restroom, or to stand up and stretch, please let me
23 know, and we can arrange that.

24 Thank you.

25 The Assistant General Counsel can ask her first

1 question.

2 MS. ARCINIEGA: Thank you.

3 DIRECT EXAMINATION

4 BY MS. ARCINIEGA:

5 Q. Good afternoon, Mr. Perez. My name is Jessica
6 Arciniega and I'm an Assistant General Counsel. I'm going
7 to ask you some questions this afternoon. If you have any
8 -- experience any difficulty with the camera, or hearing us
9 on your end, please let us know.

10 A. Okay. Good afternoon.

11 Q. Mr. Perez, did you work at Cinagro.

12 A. Yes, that's right.

13 Q. When did you start working at Cinagro?

14 A. I don't remember the exact day, but it was more
15 or less in October.

16 Q. Do you remember the year?

17 A. I don't remember very well when it was.

18 Q. Okay. And how did you start working at Cinagro?

19 A. Previously I used to do -- I was working at a
20 company with a name of Deodar Farms. The foreman's name
21 was Victor Mendoza. The time ended there and then we ended
22 up working again, the whole crew with Victor Mendoza, at
23 Cinagro.

24 Q. Okay. And when you ended with Deodar and you
25 went with Victor and the crew to Cinagro, do you know who

1 was paying you at that time?

2 A. It was very independent. The payment was
3 independent. The time had ended over there at Deodar and
4 the payment was independent at Cinagro.

5 Q. Okay. Do you recall if you -- when you left
6 Deodar if you worked for a farm labor contractor?

7 A. I am sorry I did not understand that question.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

9 Let me try asking a question.

10 Have you ever heard of the phrase farm labor
11 contractor before?

12 THE WITNESS: No. No, I don't understand.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. When you
14 worked for Deodar did you work for the owner or for a labor
15 supplier?

16 THE WITNESS: When I worked at Deodar Farm, it
17 was directly with the company.

18 ADMINISTRATIVE LAW JUDGE SOBLE: And when
19 Victor's crew left Deodar, was it with -- to work directly
20 for an owner or for a labor supplier, if you recall?

21 THE WITNESS: When we went to Cinagro or when we
22 were still at Deodar?

23 ADMINISTRATIVE LAW JUDGE SOBLE: Wherever you
24 went right when you left Deodar. Wherever you went next.

25 THE WITNESS: They told us that it was going to

1 be independent from Deodar, that it was going to be at
2 Cinagro.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'll let
4 Ms. Arciniega go back to her questions. I was thinking I
5 might short cut things, but I don't believe I did.

6 MS. ARCINIEGA: Thank you.

7 BY MS. ARCINIEGA:

8 Q. What type of work did you do when you worked at
9 Cinagro?

10 A. We used to take kale, red kale, and --

11 THE INTERPRETER: I'm not sure of that term,
12 Counsel. I'm going to have to check. Thank you.

13 THE WITNESS: Thank you.

14 There was green kale, black kale.

15 BY MS. ARCINIEGA:

16 Q. After cutting the vegetables at Cinagro, what did
17 you do with them?

18 A. We would pack them in boxes.

19 Q. Okay. Did you keep track of the number of boxes
20 that you completed while working at Cinagro?

21 A. Yes. We would tell Victor Mendoza. We would
22 give him the count and he would keep the record.

23 Q. Were there different types of boxes that you
24 picked into?

25 THE INTERPRETER: I'm sorry, Counsel, your

1 audio's a little muffled. I'm not sure what you said.

2 MR. ROY: Your Honor, I object on relevance.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Well, I have to
4 hear what the question is to rule on the objection, and I
5 had the same issue that the interpreter did. So
6 Ms. Arciniega, would you restate your question?

7 MS. ARCINIEGA: Yes.

8 ADMINISTRATIVE LAW JUDGE SOBLE: The same one.

9 BY MS. ARCINIEGA:

10 Q. Were there different types of boxes that you
11 picked into?

12 THE INTERPRETER: Was the question, were there
13 different types of boxes that you picked into?

14 MS. ARCINIEGA: That's correct.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Correct. That's
16 what she indicated. You can translate that, but I'll rule
17 on the objection. So translate it but tell the witness to
18 wait.

19 Okay. Is your only objection relevance?

20 MR. ROY: It's vague as to time.

21 ADMINISTRATIVE LAW JUDGE SOBLE: I guess
22 I'll -- I'll allow it. I'm assuming she's asking in the
23 totality of time he was at Cinagro, was there more than one
24 type of box, and I can't imagine that every different
25 shaped vegetable is put in the same size box, but we'll

1 find out.

2 Were there different sized box for different
3 types of vegetables?

4 THE WITNESS: Yes. There was some for a dozen and
5 there were some for 24 bunches.

6 BY MS. ARCINIEGA:

7 Q. Okay. And how did Cinagro pay you for your work?

8 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
9 object to that as being vague because they're different
10 things that could mean in this work.

11 Mr. Perez, were you paid hourly, or piece rate,
12 or both?

13 THE WITNESS: By piece.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And just
15 to cover the other thing that that question could have
16 meant. Did the company pay you with cash, with checks, or
17 in some other method?

18 THE WITNESS: With checks.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

20 Ms. Arciniega.

21 BY MS. ARCINIEGA:

22 Q. How many (indiscernible).

23 MR. ROY: I'm sorry, Your Honor, she's not too
24 audible.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. That's the

1 same thing -- now Mr. Roy is noticing what the interpreter
2 and I have noticed. This has not been the case for you
3 throughout the hearing until the past 15 minutes, so
4 something is different, and I don't know what it is.

5 MS. ARCINIEGA: I don't either. My volume is all
6 the way up and all morning I had a little box telling me
7 there was background noise on my system and I don't have
8 that box right now.

9 ADMINISTRATIVE LAW JUDGE SOBLE: And how we're
10 talking right now, it's fine. So I don't know what it is
11 that changes, if it's your Wi-Fi, if it's your microphone.

12 I'm not the person who can solve that issue. I just know
13 that unless you're able to solve it, it will add
14 substantial delay if we have to have you repeat the
15 majority of your questions.

16 MS. ARCINIEGA: Let me know if it happens again.
17 All I did was move -- prop my computer up a little bit. I
18 don't know. Hopefully, that continues to work.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Hopefully.

20 MS. ARCINIEGA: Okay.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Proceed.

22 BY MS. ARCINIEGA:

23 Q. How many ranches did you work at when you worked
24 at Cinagro?

25 A. I worked in two.

1 Q. And where were the ranches located?

2 A. One was Fillmore and the other one Moorpark.

3 Q. Okay. What was your work schedule? Let me
4 scratch that.

5 What days of the week did you normally work at
6 Cinagro?

7 A. From Monday through Saturday.

8 Q. Okay. And how many hours -- when you worked at
9 Cinagro, how many hours did you normally work per day?

10 A. Ten hours.

11 Q. How did you know which ranch to report to work
12 each day?

13 A. Victor Mendoza would report it to us. He would
14 indicate which day we would go to which ranch.

15 Q. And how did he tell you this information?

16 A. At times through the phone and at times at work.

17 Q. When you worked at Cinagro, Mr. Perez, did anyone
18 tell you that you were not performing your work correctly?

19 A. No. Not ever.

20 Q. And during the time that you worked at Cinagro,
21 did you receive any type of a warning for not performing
22 your work correctly?

23 A. No, never.

24 Q. And was there a supervisor at Cinagro?

25 A. After Victor Mendoza it was Rene.

1 Q. Okay. And do you recall how you first met Rene?

2 A. The first day when we had the meeting after we
3 stopped working at Deodar Farm and we were going to work at
4 Cinagro.

5 Q. Okay. Who was at this meeting?

6 A. Mr. Tony, I believe.

7 Q. And --

8 A. It was Mr. Tony, Victor, and Rene, and the rest
9 of the crew.

10 Q. Okay. Do you remember the names of the people in
11 the crew at that meeting?

12 A. Yolanda Antonio Garcia, Hector Cruz, Marisol
13 Jimenez, Angelica, I don't remember the other name. There
14 were two other ladies, I just don't remember the other
15 names.

16 Q. Okay. And what did they say to you at this
17 meeting?

18 ADMINISTRATIVE LAW JUDGE SOBLE: Just to let you
19 know, I could barely hear Ms. Arciniega for the last
20 question. I do believe it was correctly repeated though.

21 THE WITNESS: They explained to us that basically
22 we were going to do the same work as in Deodar Farms, and
23 the same price for the boxes. The same work, basically.
24 But they said that Deodar was separate, or independent,
25 from Cinagro.

1 MS. ARCINIEGA: Okay. (Indiscernible), Your
2 Honor. I turned a tiny fan on in my office and I'm going
3 to turn it off. I have no idea how that would impact
4 my -- my voice, but if you just allow me that. Hopefully,
5 that --

6 ADMINISTRATIVE LAW JUDGE SOBLE: That's fine, but
7 I feel pretty confident it has nothing to do with that.
8 And I also don't think it's a Wi-Fi type of thing. It's a
9 difference in sound in speakers, like you're using a
10 computer versus an external microphone or something. Are
11 you using a laptop or a different device?

12 MS. ARCINIEGA: I'm using the laptop I've been
13 using this entire time.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Sometimes it
15 picks up your voice louder, like just now, and sometimes it
16 doesn't. You're the only person --

17 MS. ARCINIEGA: I am perfect -- I am perfectly
18 shouting in my office, only to help ensure that my question
19 comes across.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Well, we
21 certainly want to hear you so, although it's rare that I
22 encourage attorneys to speak louder, there's always the
23 exception.

24 MS. ARCINIEGA: It does feel awkward, but I want
25 to get through this.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Uh-huh.

2 BY MS. ARCINIEGA:

3 Q. Okay. When you said that -- scratch that.

4 Who said that it was going to be very independent
5 from Deodar?

6 A. Victor Mendoza.

7 Q. Okay. Did Victor say anything else at this
8 meeting?

9 A. That's all I remember.

10 Q. Did you have to fill out any type of paperwork at
11 this meeting?

12 A. I don't remember very well.

13 Q. Did Tony say anything at this meeting?

14 A. The one that translated the most was Rene and he
15 kind of told Victor how things were going to go, like that.

16 Q. Okay. Did Rene say anything about if Cinagro was
17 going to not make deductions from your paychecks?

18 MR. ROY: Objection. Leading.

19 ADMINISTRATIVE LAW JUDGE SOBLE: I need to hear
20 the question again. Can counsel or the interpreter repeat
21 it if either of you remember.

22 BY MS. ARCINIEGA:

23 Q. Did Rene say anything about Cinagro not making
24 deductions from your pay?

25 MR. ROY: Same objections.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Right. Well, it
2 should be the same questions, so.

3 MR. ROY: It was.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I'll sustain
5 that.

6 You can ask the next question. It's not the
7 subject matter, it's just that it's leading.

8 BY MS. ARCINIEGA:

9 Q. Did Rene say anything about how Cinagro was going
10 to pay you, at that meeting?

11 A. No. No, I don't remember.

12 Q. While you were working at Cinagro, did anybody
13 tell you that you were a good employee?

14 MR. ROY: Objection. Leading, and relevance.

15 ADMINISTRATIVE LAW JUDGE SOBLE: The objection's
16 overruled as to relevance. I'll sustain it as to leading.

17 MS. ARCINIEGA: May I ask the next question?

18 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

19 BY MS. ARCINIEGA:

20 Q. Did Rene ever make a comment to you about your
21 work at Cinagro?

22 A. Yes. He said that we were good workers, my wife
23 and I.

24 Q. Where were you when he told you that?

25 A. I don't remember the date, but he came up to my

1 wife and I, and came to us towards the end of the day and
2 told us that.

3 Q. And was this when you -- how much time after you
4 had started working at Cinagro do you think -- sorry let me
5 strike that.

6 How much time had passed since you started
7 working at Cinagro to when he told you and your wife that?

8 MR. ROY: Objection. Relevance.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

10 MS. ARCINIEGA: I don't think you translated the
11 question.

12 THE INTERPRETER: I haven't. Something came up
13 on my screen and it threw me off. Is everybody seeing the
14 same thing?

15 MS. ARCINIEGA: No. I don't see anything.

16 THE INTERPRETER: Okay. Can you -- can you
17 please repeat the question. I'm so sorry.

18 BY MS. ARCINIEGA:

19 Q. How much time had passed after you started
20 working at Cinagro to when Rene told you and your wife that
21 you were good employees?

22 A. Almost towards the end of the employment when
23 they stopped calling us to go into work.

24 Q. Okay. And do you recall when you received your
25 first paycheck from Cinagro?

1 A. What did you say?

2 (The interpreter repeats the question.)

3 A. No, I don't remember very well.

4 Q. All right. Earlier you stated that you were paid
5 by checks; is that correct?

6 A. Yes, that's correct.

7 Q. And when you received your first paycheck from
8 Cinagro -- I'm sorry, let me scratch that, Your Honor. I
9 apologize.

10 Mr. Perez, do you know what a paycheck stub is?

11 A. Yes, that's right.

12 Q. What do you understand it is?

13 A. It comes with a check and it's either includes
14 the box count, the deduction, and all of that.

15 MS. ARCINIEGA: Your Honor, may I address you
16 about the translation?

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

18 MS. ARCINIEGA: I believe he also said the hours.

19 THE INTERPRETER: That's right. He did say and
20 the hours.

21 MS. ARCINIEGA: Okay. Thank you.

22 BY MS. ARCINIEGA:

23 Q. And when you received your first paycheck from
24 Cinagro, did you receive a paystub with it -- paycheck
25 stub. Sorry.

1 A. No.

2 Q. Was that a problem for you?

3 A. Yes, that's right.

4 Q. And did you talk to any of your coworkers about
5 this?

6 A. Yes. At first my wife and I made a comment,
7 Yolanda Antonio Garcia, then we mentioned it to Victor
8 Mendoza.

9 Q. What did you tell Victor Mendoza?

10 A. Yolanda Antonio Garcia and I spoke to Victor
11 Mendoza and he said that he was going to talk to them and
12 find out what was going to happen.

13 Q. Did Victor, after you talked to him, did he
14 provide you with any more information?

15 A. Yes. He told me he had talked to Rene and that
16 it wasn't process0, or something like that.

17 Q. Your Honor may I instruct -- the lights in there
18 are motion detected. May I instruct the witness if he'd
19 like to stand or move his arms to turn the light back on he
20 can, or how do you prefer to do that.

21 ADMINISTRATIVE LAW JUDGE SOBLE: That's fine.
22 Why don't we go off the record. He can spend 30 seconds to
23 do that and then we'll resume.

24 (Off the record at 2:02 p.m.)

25 (On the record at 2:04 p.m.)

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can
2 ask your next question. On the record.

3 BY MS. ARNCINIEGA:

4 Q. The next paycheck that you received from Cinagro
5 after you talked to Victor, did you receive a paycheck
6 stub?

7 A. No.

8 Q. Did you talk to anybody about this? I mean
9 anybody at Cinagro about this?

10 A. I talked to Victor again and I -- and he
11 commented that I could also talk to Rene about that.

12 Q. Okay. And do you recall if you spoke to Rene
13 about wanting a paycheck stub with your check?

14 THE INTERPRETER: Wanting a paycheck stub
15 with --

16 MS. ARNCINIEGA: With your check.

17 THE WITNESS: I spoke to Victor and he told us to
18 speak to Rene. Then when we spoke to Rene he told us that
19 it was in process.

20 BY MS. ARNCINIEGA:

21 Q. who was with you when you spoke to Rene?

22 A. At first it was just us. Yolando Antonio Garcia
23 and I.

24 Q. And what did you say to Rene?

25 A. That we needed the paycheck stub for the clinics

1 to be able to get Medical for the clinics, for my kids.

2 Q. Did he respond to you?

3 A. Yes. He said that they were in the process of
4 that and that down the line we were going to get the stubs.

5 Q. And do you recall if after that conversation with
6 Rene and your wife, Yolanda, that you received a paycheck
7 stub with your pay?

8 A. We received some stubs, but they were not useful
9 at all.

10 Q. Tell me why they were not useful.

11 A. Because they didn't come the way that we got the
12 checks -- the way that we used to get the checks at Deodar.
13 They didn't include the boxes.

14 Q. Okay.

15 A. Nor the amounts.

16 Q. Okay. And did you talk to Rene about this?

17 MR. ROY: Objection, Your Honor. This testimony
18 is all cumulative.

19 ADMINISTRATIVE LAW JUDGE SOBLE: The objection is
20 overruled for the follow reason. Without stating which
21 things have been addressed by other witnesses and
22 not -- without knowing what other witnesses will be called
23 on at the hearing, there may be someone who testifies to
24 something different and I'm going to have to weigh the
25 totality of the evidence. And so it could be -- I mean if

1 you're willing to stipulate that the prior witnesses were
2 completely credible as to the details that they testified
3 on this, then perhaps I might rule in that direction. But
4 if there's a possibility that those issues could be
5 disputed by some of the witnesses that you call, then I'm
6 really in a position where I need to hear the additional
7 testimony on it. So for now, I'm going to overrule the
8 objection and so that's my rule.

9 THE INTERPRETER: Counsel, can you repeat the
10 question, please. I -- I'm still having a hard time
11 hearing you. Not on every question, but on some of them.

12 MS. ARCINIEGA: Let me just turn this fan off so
13 I can rule that out. One second. Thank you.

14 BY MS. ARCINIEGA:

15 Q. I believe my question was did you talk to Rene
16 again?

17 A. Yes. We all talked together.

18 Q. Okay, and when you say all together, who else
19 were you with?

20 A. The rest of the crew. All the other people.

21 Q. Okay. And do you recall when you talked to Rene,
22 the crew talked to Rene?

23 A. I don't remember the day, exactly, but it was
24 more or less in February. Something like that.

25 Q. Okay. And did you say something at this meeting

1 with Rene and the crew?

2 A. I personally suggested about the paycheck stubs.

3 Q. What was the suggestion that you made?

4 A. That I needed the paycheck stubs.

5 Q. Okay. At this meeting, had you already received
6 a paycheck stub, that you told us about earlier, that
7 didn't have all of the information?

8 A. No, I don't remember very well.

9 Q. Okay. Did Rene respond to you at this meeting?

10 A. Yes. It was in process. The same thing.

11 Q. Okay. Okay. And was there anything else that
12 you said, at that meeting with Rene?

13 A. No. I don't remember anything else, just that,
14 what I'm telling you about the checks.

15 Q. Okay. And do you recall what day of the week was
16 your last day working at Cinagro?

17 A. No, I don't remember very well.

18 Q. Okay. Do you remember how much time had passed
19 from this meeting with Rene, that you told us about, until
20 your last day of work?

21 A. Like three weeks, more or less. Around that. A
22 month, more or less.

23 Q. Okay. And how did you find out that you were not
24 going to report to work at Cinagro?

25 A. Excuse me?

1 Q. How did you find out that you were not going to
2 report to work at Cinagro?

3 A. Normally I get in touch with Victor Mendoza. I
4 called him and said not until further notice. I'll let you
5 know.

6 Q. Okay. Do you remember -- okay. Do you remember
7 if he told you that -- sorry. Let me strike that.

8 Did you wait for Victor to call you again?

9 A. I called him first and he told me they hadn't let
10 him know yet, that he didn't know.

11 Q. Did he tell you who would let him know?

12 A. Rene had not contacted him yet.

13 Q. Okay. And how long -- how much time passed
14 between when Victor told you that he would let you know
15 until when you called him to find out if there was work?

16 A. After the last day of work. I called him Monday.

17 Q. Okay. So do you think that your last day of work
18 was later on in the week before that meeting?

19 MR. ROY: Objection. Leading.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled with
21 the leading. Sustained as to vague. Actually, sustained
22 as to both.

23 MS. ARCINIEGA: Okay.

24 BY MS. ARCINIEGA:

25 Q. Did you say that you called Victor on a Monday?

1 MR. ROY: Objection, Your Honor. She just asked
2 him that question.

3 ADMINISTRATIVE LAW JUDGE SOBLE: I'm talking this
4 as a segue to her next question, but yes.

5 THE WITNESS: Yes.

6 BY MS. ARCINIEGA:

7 Q. Do you recall what time of the day that you
8 called Victor on Monday?

9 A. I don't remember very well if it was in the
10 morning or in the afternoon.

11 Q. Okay. And why had you not reported to work at
12 Cinagro on that Monday?

13 A. Because I didn't have any answer from them. We
14 didn't know where it was going to be.

15 Q. Okay. So how many days -- when you called him on
16 Monday, how many days was that after the last time that you
17 worked at Cinagro?

18 A. I had been calling -- I had been calling Victor.
19 He would tell me same thing and it wasn't until I called
20 Rene.

21 Q. Okay. Do you recall what day it was when you
22 called Rene?

23 A. I don't remember exactly what date, but I dialed,
24 and he didn't answer me anymore.

25 Q. Okay. When you dialed, did he answer you at that

1 call?

2 A. No.

3 Q. Okay. And do you think that you called Rene that
4 Monday, the same day that you called Victor?

5 A. No.

6 Q. About how many days do you think you -- passed
7 between when you called Victor and when you called Rene?

8 A. It was three days, more or less.

9 Q. Okay. Did you -- did Rene ever call you to
10 return to work at Cinagro?

11 A. No, he did not.

12 Q. And did you voluntarily quit your job at Cinagro?

13 A. No.

14 THE INTERPRETER: Your Honor, I think we might
15 have lost somebody. My screen is changing.

16 ADMINISTRATIVE LAW JUDGE SOBLE: That is correct.
17 I do not see the Respondent's Counsel anymore. So we'll
18 pause for a moment.

19 THE INTERPRETER: And I can't see any of you
20 anymore either. Goodness.

21 ADMINISTRATIVE LAW JUDGE SOBLE: I can still see
22 you. I can see the witness. I can see Ms. DeYoung-
23 Dominguez, Ms. Herrera, Ms. Vega, and Ms. Arciniega.

24 THE INTERPRETER: Okay. Got you guys back.

25 ADMINISTRATIVE LAW JUDGE SOBLE: And I now

1 have -- I cannot see the court reporter or Mr. Roy.

2 THE INTERPRETER: I think we lost them about two
3 questions back, but I wasn't sure if I should say anything.

4 ADMINISTRATIVE LAW JUDGE SOBLE: That is
5 excellent for you to say something.

6 THE INTERPRETER: Yes, Sir. I was afraid it had
7 just gone, you know, like at the bottom of the page and so
8 that's why I checked to make sure.

9 ADMINISTRATIVE LAW JUDGE SOBLE: No worries. I
10 now have a gray rectangle with a circle. Okay. I still do
11 not have Mr. Roy back so I will wait for -- to see if he
12 seeks to be admitted to the meeting.

13 It still shows his name, just with no video and
14 no microphone.

15 THE INTERPRETER: Correct.

16 ADMINISTRATIVE LAW JUDGE SOBLE: And Ms. Nelson,
17 are you still there?

18 Because we lost Mr. Roy for a couple questions,
19 we may need to read those back to figure out which part of
20 the transcript he was present for and what we have to redo.

21 Just to let you know.

22 Why don't we wait for about 30 more seconds to
23 see if Mr. Roy comes back. He's now waiting in the lobby,
24 but (indiscernible) with him first

25 Mr. Roy, do you hear me?

1 I now show Mr. Roy as being in the meeting under
2 two different icons.

3 MR. ROY: Can anyone hear me?

4 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. You now
5 show as being in the meeting under two different icons.
6 We're trying to figure out at what point we lost you and if
7 we need to have the court reporter play back where it is to
8 figure out at what point you left the meeting.

9 MR. ROY: I don't know. It stopped for a while.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Do you know how
11 long ago it was?

12 MR. ROY: How do I get this back on up here?

13 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, do you
14 remember the last question that you heard?

15 MR. ROY: This is weird. It just.

16 MS. ARCINIEGA: Your Honor, may I offer that I
17 don't think Mr. Roy can hear us.

18 MR. ROY: And jumped all over the place.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, do you
20 remember the last question that you heard?

21 Okay. We'll go ahead and go off the record.

22 (Off the record at 2:26 p.m.)

23 (On the record at 2:28 p.m.)

24 ADMINISTRATIVE LAW JUDGE SOBLE: My question for
25 you, do you remember the last question that you heard? I'm

1 trying to decide if we need to have the court reporter play
2 a couple of the previous questions and answers back or not.

3 MR. ROY: I think she was asking him whether --
4 whether Rene said anything else to him and then I think she
5 went to how many days that that conversation occurred in
6 relationship to the last day of work. I may be wrong.

7 ADMINISTRATIVE LAW JUDGE SOBLE: I believe there
8 was then maybe one more question after that. I could be
9 wrong.

10 MR. ROY: Yeah.

11 ADMINISTRATIVE LAW JUDGE SOBLE: So Mr. Roy, it's
12 up to you. If you'd like, we can have the court reporter
13 play some of it back.

14 MR. ROY: Okay. It's okay. I'd probably object
15 anyways. That's fine.

16 ADMINISTRATIVE LAW JUDGE SOBLE: I'm not sure
17 what that means. So. Again, we're perfectly okay either
18 way. We can have the court reporter play back the past
19 couple of questions and answers or we can have
20 Ms. Arciniega ask her last question again or we can have
21 her proceed to her next question.

22 MR. ROY: We can proceed, Your Honor.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

24 MS. ARCINIEGA: I don't have any more questions
25 for this witness.

1 CROSS-EXAMINATION

2 BY MR. ROY:

3 Q. Mr. Perez, I'd like to clarify when you first
4 really started for Cinagro. I'd like to go back to the
5 beginning of your testimony. You said that you were
6 working for Deodar Family Farms cutting vegetables with
7 your wife in the fall of 2016; is that correct?

8 A. Fall 2016?

9 Q. Yes.

10 A. I don't remember the exact date.

11 Q. Did you work for Deodar Family Farms in September
12 of 2016, yes or no?

13 A. I don't remember.

14 Q. Was the only time you worked for Deodar Jackson,
15 was that after your last day at Cinagro Farms?

16 MS. ARCINIEGA: Objection, Your Honor. Vague.

17 ADMINISTRATIVE LAW JUDGE SOBLE: No, that's not
18 vague. Overruled. He can answer that question. If he
19 doesn't understand that question, I'll ask a different one.
20 But until then, you can answer the question.

21 MS. INTERPRETER: I'm sorry, Counsel, but I
22 missed the first name.

23 MR. ROY: Deodar Family Farms. Let me just redo
24 the question.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Actually, I'm

1 going to interrupt and just ask one question here.

2 Mr. Rigoberto, did you work for Deodar Family
3 Farms in only one year or in many different years?

4 THE WITNESS: I worked a very long time at Deodar
5 Farms.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Worked for
7 Deodar Farms both before and after you worked for Cinagro
8 Farms?

9 THE WITNESS: Yes, after working in Cinagro, I
10 went back there.

11 MR. ROY: Okay.

12 THE WITNESS: I believe.

13 ADMINISTRATIVE LAW JUDGE SOBLE: But did you also
14 work there before you worked for Cinagro? Did you also
15 work for Deodar Farm before you worked for Cinagro Farms?

16 THE WITNESS: I'm busy this place. Before and
17 after.

18 THE INTERPRETER: Your Honor, his answer was
19 before and after.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. Mr. Roy,
21 you can continue.

22 MR. ROY: Yes.

23 BY MR. ROY:

24 Q. We understand that you worked before and after,
25 Mr. Perez, we want to find out when the last month was that

1 you worked for Deodar Family Farms in 2016.

2 A. I don't understand really.

3 Q. All right. You testified that you went to work
4 for Cinagro in 2016.

5 Do you remember that?

6 A. No, I don't remember. It's been a long time.

7 Q. I'm sorry, I thought your testimony was pretty
8 clear before.

9 When did you start working for Cinagro?

10 MS. ARCINIEGA: Counsel not to make comments on
11 the record about the witness.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. If the
13 objection is assumes facts not in evidence, I'm going to
14 overrule that because I would give the attorney who's
15 conducting a cross-examination the opportunity to ask that
16 type of question the way that they did. I'm not construing
17 that as -- this witness certainly indicated that he worked
18 for Cinagro Farms but the fact that I'm allowing the
19 question is not necessarily a reflection of whether or not
20 he indicated a specific time period when he started.

21 BY MR. ROY:

22 Q. So Mr. Perez, when in 2016 did you begin to work
23 for Cinagro Farms?

24 A. I don't understand the question very well. I'm
25 sorry.

1 Q. When did you start working for Cinagro Farms in
2 2016, Mr. Perez?

3 MS. ARCINIEGA: Objection, Your Honor. Assumes
4 facts not in evidence.

5 ADMINISTRATIVE LAW JUDGE SOBLE: To an extent,
6 no. I'm going to overrule that objection.

7 But again, the point is I'm going to give the
8 Respondent's counsel an opportunity to ask in different
9 ways to see if he can get an answer if the witness recalls
10 this. So.

11 Mr. Perez, you -- did -- you worked for Cinagro
12 one time, correct?

13 THE WITNESS: Yes.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Beginning to
15 end, you recall how many months you worked for Cinagro?
16 Approximate.

17 THE WITNESS: Six months, something like that. I
18 don't remember very well.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.
20 Mr. Roy.

21 BY MR. ROY:

22 Q. Were you employed by Art's Labor Service when you
23 first worked at Cinagro Farms in 2016?

24 A. What did you say? I don't know what that is, I
25 don't know what that company is.

1 Q. I'm looking at a printout from Art's Labor
2 Services says you were hired on 11-8-2016 and your last
3 date worked was 11-12-2016. And I assumed that's when you
4 went to work for Cinagro.

5 Does that clarify your testimony?

6 A. No. It's been a very long time and I don't
7 remember exactly.

8 Q. And let me ask you something. Where did Victor
9 work with you previously? Was it at DFF, Deodar Family
10 Farms or at Art's Labor Service?

11 A. Deodar Farm.

12 Q. And so when you left Deodar Farms, Arturo Victor
13 came with you; is that correct?

14 A. I went with him, actually.

15 Q. Okay. And did you --

16 A. He was the foreman.

17 Q. And did you go with him to Art's Labor Service in
18 November 2016?

19 A. I don't know what that labor thing you're saying
20 means.

21 Q. I know you were employed there for a very short
22 time because I also know that you went to work for Cinagro
23 after that. So I'm trying to get you to recollect your
24 time at Art's Labor Service.

25 A. The exact dates I don't remember to be honest.

1 Q. Okay. So when you originally testified that you
2 started -- you said originally that in October 2016 you
3 were working for DFF; is that correct?

4 MS. ARCINIEGA: Objection, misstates his
5 testimony.

6 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
7 allow the question with the following caveat that I do not
8 recall the witness having stated that. But I'm going to
9 allow it as a leading question.

10 And I'll just instruct the witness as follows.
11 Answer the question if it is -- if that statement is
12 correct or if that statement is not correct, please then
13 let us know.

14 THE WITNESS: I just want to clarify that I
15 worked at Deodar Farm.

16 BY MR. ROY:

17 Q. And when did your employment there end? What
18 month in 2016?

19 A. In October, more or less. I started to work at
20 Cinagro in October.

21 Q. And you say you don't remember whether you worked
22 for Art Vasquez Labor Service; is that correct?

23 MS. ARCINIEGA: Objection, asked and answered,
24 Your Honor. Also, Respondent has made this paragraph in
25 our complaint. So I don't know the relevance of this line

1 of questioning.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Well, I'm not
3 looking at the complaint right now. I don't know that the
4 Respondent would have admitted the question that he's
5 asking so the objection is overruled. At some point I'm
6 going to conclude that it's not a productive use of time
7 but I'm not there yet. So.

8 BY MR. ROY:

9 Q. Mr. Perez, when did you receive your first
10 payroll check from Cinago Farms?

11 A. I don't have the exact date.

12 Q. Was it the month of December 2016?

13 A. No, it was before.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Perez, when
15 you worked at Cinagro, did they pay you every week?

16 THE WITNESS: Yes.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy.

18 BY MR. ROY:

19 Q. Would your paydays be the following Friday after
20 you completed a workweek to be paid?

21 A. I don't remember.

22 Q. What ranch were you working at during your last
23 week of employment at Cinagro?

24 A. In Moorpark?

25 Q. Okay.

1 A. Yes.

2 Q. Okay. And that was the last week you worked
3 there, correct?

4 A. Yes, at that ranch, yes.

5 Q. On the number of occasions when you met with
6 Mr. Vasquez, did he ever tell you you were terminated from
7 Cinagro?

8 MS. ARCINIEGA: Objection, assumes facts in
9 evidence.

10 THE WITNESS: What did you say (indiscernible)?

11 BY MR. ROY:

12 Q. During -- during the meeting you -- any of the
13 meetings you had with Victor, did he ever tell you that you
14 were terminated from Cinago?

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I just
16 want to clarify that that's a different question than your
17 previous question.

18 THE WITNESS: No, he did not.

19 BY MR. ROY:

20 Q. And how about the week following your last week,
21 did Victor ever tell you you were terminated that week?

22 A. No.

23 Q. Do you have the same answer for Mr. Macias,
24 Mr. Rene Macias? Did he ever tell you you were fired?

25 A. No, he didn't let us know anything. No.

1 Q. Okay. You went to work the following Monday on
2 March 13th, 2017 at Deodar Family Farms, correct?

3 A. No.

4 Q. What date did you start?

5 A. I was with at a job like one week, more or less.

6 Q. Right. And that's why I'm trying to clarify.
7 You last worked on a Saturday and then there was next week.
8 And then the following Monday you went to work with Deodar,
9 correct?

10 MS. ARCINIEGA: Objection. Misstates his prior
11 testimony.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I could
13 barely hear whoever it was who had the objection. But I
14 did hear that it was -- the objection was that it misstates
15 his testimony and I'm overruling the objection. I
16 understand the witness to have told Mr. Roy he does not
17 necessarily agree that it was March 13th but that he does
18 indicate it was a week after the other job ended. But
19 we'll clarify that with him.

20 Mr. Perez, is it correct that you started at
21 Deodar approximately seven to ten days after you ended at
22 Cinagro?

23 THE WITNESS: Seven or ten days, yes.

24 BY MR. ROY:

25 Q. Okay. And while you were at Deodar working with

1 your wife, did you receive medical insurance?

2 ADMINISTRATIVE LAW JUDGE SOBLE: I think,
3 Mr. Roy, you should clarify if you mean the first time or
4 the second time or --

5 MR. ROY: Right.

6 ADMINISTRATIVE LAW JUDGE SOBLE: -- if you mean
7 both.

8 MR. ROY: Yes.

9 BY MR. ROY:

10 Q. When you started in -- work with Deodar in March
11 of 2017, did they provide you with medical insurance?

12 A. Yes. My wife and I had to pay something,
13 something like that.

14 Q. Understood. Did they provide you with portable
15 field toilets and water?

16 MS. ARCINIEGA: Objection, relevance.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

18 THE WITNESS: In Deodar?

19 BY MR. ROY:

20 Q. Yes. So --

21 A. Yes, they provided us drinking water, insurance,
22 portable equipment, and portable bathrooms.

23 Q. (Indiscernible, recording breaking up) 2017 than
24 you earned in Cinagro?

25 THE INTERPRETER: Mr. Roy, I'm sorry, you were

1 cutting in and out and we can't hear you. You're freezing.

2 MR. ROY: (Indiscernible, recording breaking up)
3 for the translator.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Not for me. For
5 me, you're circling in a gray rectangle.

6 MR. ROY: Hello? Your Honor, can you hear --

7 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. Yeah.

8 MR. ROY: While the translator was going, her
9 facial screen just blocked and mine just went off. I can
10 see you now. I can see everyone else right now.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Right now I can
12 see everyone.

13 For the interpreter, I believe Mr. Roy's question
14 was asking Mr. Perez if he made more money the second time
15 he went to Deodar than he did when he was at Cinagro.

16 THE WITNESS: Almost the same.

17 BY MR. ROY:

18 Q. But you had many more benefits including a wage
19 statement; is that correct?

20 MS. ARCINIEGA: Objection, relevance.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled.

22 THE WITNESS: Yes.

23 BY MR. ROY:

24 Q. (Recording breaking up) hired at Deodar Family
25 Farms because you worked there previously?

1 THE INTERPRETER: The first part of your question
2 cut off, Counsel.

3 BY MR. ROY:

4 Q. Did you know that you were to be employed by
5 Deodar Family Farms because you had worked there
6 previously?

7 MS. ARCINIEGA: Objection, calls for speculation.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.
9 I'm going to sustain that objection but allow the following
10 question.

11 Mr. Perez when he knew, applied for work at
12 Deodar Farms the second time, did you tell them that you
13 had worked for them before?

14 THE WITNESS: No, because they already knew me
15 and I never had any problem at that company. I was just
16 saying that I worked at that company for a very long time
17 and I never had problems with them.

18 ADMINISTRATIVE LAW JUDGE SOBLE: When you went
19 back, you had a new foreperson.

20 THE WITNESS: Yes, there was another foreperson.

21 ADMINISTRATIVE LAW JUDGE SOBLE: What was his
22 name or her name?

23 THE WITNESS: His name is Leonel, but I don't
24 remember the last name.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Did you meet him

1 before the second time you went to Deodar?

2 THE WITNESS: No.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy.

4 BY MR. ROY:

5 Q. In March 2017, Mr. Perez, when was the first time
6 you went to seek employment at Deodar Family Farms?

7 A. I'm sorry, but the dates I don't remember very
8 well.

9 Q. Okay, the last day you worked at Cinagro was
10 Saturday, March 4th. And then you were off the entire next
11 week. Did you go to Deodar Family Farms during that week?

12 A. I want to clarify that I did not stop working
13 with Cinagro, they just stopped calling me, that was all.

14 Q. Okay. So is it your testimony that you were
15 expecting to be rehired or give -- be given further work at
16 Cinagro notwithstanding you were already working at another
17 company?

18 MS. ARCINIEGA: Objection. Vague.

19 ADMINISTRATIVE LAW JUDGE SOBLE: What -- I
20 couldn't hear the objection.

21 MS. ARCINIEGA: Vague.

22 ADMINISTRATIVE LAW JUDGE SOBLE: It seemed very
23 convoluted to me but the witness appeared able to answer it
24 so I'm going to allow them to. Although, to be honest, I'm
25 not sure I could have. But that's okay, he can answer.

1 THE WITNESS: I was just saying that I had not
2 started working, I hadn't abandoned the other job, I've
3 never done anything like that.

4 BY MR. ROY:

5 Q. So would it be fair to say that when you work --
6 went to work for Deodar and you had all these additional
7 benefits including a wage statement, that you were waiting
8 around to be employed by Cinagro? Is that your position?

9 MS. ARCINIEGA: Objection, argumentative.

10 THE INTERPRETER: Is there an objection?

11 ADMINISTRATIVE LAW JUDGE SOBLE: I didn't hear
12 one.

13 MS. ARCINIEGA: I did -- I did object when
14 Mister -- when the trans -- the question was first
15 translated as argumentative.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Then
17 overruled.

18 THE WITNESS: No, I had not started working at
19 Deodar, I had been waiting to hear back from Cinagro.

20 BY MR. ROY:

21 Q. So if I informed you that Mr. Scott Deodar sent
22 me a text this morning saying you and your wife were hired
23 on 3-13-17 and were terminated on May 25th, 2018, that would
24 be false. Is that your testimony?

25 MS. ARCINIEGA: Objection, Your Honor. Improper

1 form of (indiscernible), it goes beyond the scope and it's
2 argumentative.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Whether it goes
4 beyond the scope or not, I don't need to address right now
5 as long as Mr. Roy represents he's not calling this witness
6 back.

7 Is that correct, Mr. Roy?

8 MR. ROY: Yes, Your Honor.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. It's
10 borderline argumentative but I'll allow it as cross-
11 examination. But I think the question itself isn't in a
12 very good form because it could be construed as you're
13 asking him whether or not he thinks you're telling the
14 truth that you got a text this morning and he has no way to
15 do anything but speculate on that. So there might be a way
16 you can just slightly differently ask the same question and
17 it would be permitted.

18 MR. ROY: During the time you were speaking, you
19 were sort of going in and out on your video, Your Honor.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. What I
21 indicated is that I was not going to sustain the objection
22 as to being argumentative or beyond the scope of cross.
23 But I thought the way your question was phrased is might be
24 construed as you're asking the witness whether or not he
25 believes that you got a text or not which would be

1 speculation on his part.

2 MR. ROY: Let me rephrase the question.

3 BY MR. ROY:

4 Q. Mr. Perez, I have information you and your wife
5 went to work at Deodar Family Farms on March 13, 2017 from
6 that company. Does that jog your memory as to when you
7 started there?

8 A. No. Because I have a check from March 13th from
9 Cinagro.

10 Q. Wouldn't that check be from Deodar Family Farms
11 during the first week you worked?

12 MS. ARCINIEGA: Your Honor, I can't see Mr. Roy
13 on my screen.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I can't either.
15 And since we're at the point where Mr. Roy, can you hear
16 me?

17 MR. ROY: I can hear you, Your Honor, but it
18 seems like the system is degrading.

19 ADMINISTRATIVE LAW JUDGE SOBLE: It's not on my
20 end, for what it's worth.

21 MR. ROY: I'm getting fuzzy pictures of the
22 translator and you go in and out.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The
24 interpreter image is not as crisp as it was before but to
25 be honest, I don't need it to be a high-resolution video of

1 the interpreter.

2 So substantively, though, I mean, I think we're
3 at the point where the witness has indicated with a high
4 level of clarity that it was between seven and ten days and
5 I think we can assume actually probably that it was nine
6 days. Something between seven and ten days from when he
7 went from Cinagro to when he went to Deodar Farms. And so
8 far you haven't been able to refresh his recollection as to
9 which month it is. But he's not challenging which month it
10 was, he's just saying he doesn't remember which month it
11 was with that nine days after Deodar.

12 So I'm not sure what the value is to you trying
13 to continue to refresh his recollection, whether that was
14 February versus March versus some other month in the year.

15 MR. ROY: Your Honor, I don't think there's any
16 confusion as to what month it was because I asked him
17 initially between the time of his last employment for the
18 seven to ten days thereafter and he agreed that he did go
19 to work at Deodar within seven to ten days after working
20 for Cinagro.

21 I was just trying to peg the date. If he doesn't
22 remember the date, then that's fine. But we were inferring
23 backwards.

24 ADMINISTRATIVE LAW JUDGE SOBLE: If anything, so
25 far he has agreed the gap was a way the amount that you

1 would suggest, he just doesn't necessarily know what the
2 beginning or ending date of that gap was.

3 MR. ROY: Okay. That's fine. It doesn't seem
4 like I'm going to get anywhere on this line of questioning
5 anyway. So thank you.

6 ADMINISTRATIVE LAW JUDGE SOBLE: And I would
7 suggest that it's unlikely that a witness unless they did
8 something to refresh their recollection would remember the
9 exact day unless there was something special about it. So
10 it's been over four years.

11 MR. ROY: Yeah, well, that's one of our
12 objections in affirm of defenses, Your Honor, that four
13 years a toll on people's memories.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I guess to
15 clarify for the record, a week or two short of four years
16 actually in this instance. But okay.

17 Do you have additional questions, Mr. Roy?

18 MR. ROY: I need a moment, Your Honor, please.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Sure.

20 MS. ARCINIEGA: Your Honor, just a point of
21 clarification because Mr. Roy's camera is not available,
22 his video, are we going to continue this or are we going to
23 try to address maintaining video for everybody --

24 ADMINISTRATIVE LAW JUDGE SOBLE: We're going to
25 continue it at least through this witness. I don't think

1 it would be to Mr. Perez's advantage to potentially make
2 him have to stay a lot longer while we address those
3 things. But I do agree that we need to figure out what it
4 is and we can consider whether people need to leave and
5 reenter the WebEx meeting when we're done with this
6 witness.

7 I'm trying to think which would be the most
8 courteous thing to Mr. Perez. And while he might prefer to
9 see everyone, I don't know that he'd prefer that if it
10 means he has to spend the rest of his day with us.

11 MR. ROY: I see myself on the screen in the
12 bottom right corner, Your Honor. But that's it. Perhaps I
13 could log in after the break.

14 ADMINISTRATIVE LAW JUDGE SOBLE: And that's what
15 I was going to suggest is that when we're -- that when
16 we're through with this witness, that we do that then. So.

17 THE INTERPRETER: Your Honor, if I may --

18 MR. ROY: Difficult to request (indiscernible).

19 THE INTERPRETER: -- real quick. Usually in
20 Zoom, and not WebEx, but in Zoom, that usually does happen
21 after a while and we haven't logged off when we've gone on
22 break. So maybe if we all leave and come back, it would
23 get everything squared away.

24 ADMINISTRATIVE LAW JUDGE SOBLE: We can find out
25 but for what it's worth, it didn't happen on the previous

1 days so that's the only reason --

2 THE INTERPRETER: So.

3 ADMINISTRATIVE LAW JUDGE SOBLE: -- I don't
4 necessarily assume that. But we'll try different things
5 then.

6 So Mr. Roy has indicated he has a few more
7 questions. He can proceed.

8 BY MR. ROY:

9 Q. Mr. Perez, have you reviewed any documents prior
10 to coming here today with reference to your testimony?

11 A. I looked at some stubs that I had.

12 Q. Were those from Deodar?

13 A. It was one from Cinagro.

14 Q. Okay. And is it fair to say that after you were
15 hired or employed at Deodar, you never contacted Rene or
16 Victor about employment; isn't that correct?

17 A. I don't understand --

18 Q. Once you start --

19 A. -- the question.

20 Q. Once you started Deodar, did you speak with Rene
21 again?

22 A. No, after I started working at Deodar, no, not
23 Rene. I had been calling Victor constantly.

24 Q. Victor did not tell you at any time that you were
25 terminated, correct?

1 MS. ARCINIEGA: Objection. Asked and answered.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

3 Objection is sustained.

4 MR. ROY: Okay. No further questions, Your
5 Honor.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Give me a
7 second, I should have a few questions, but not many.

8 THE WITNESS: Can I drink some water in the
9 meantime?

10 ADMINISTRATIVE LAW JUDGE SOBLE: Of course.

11 THE WITNESS: Thank you.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

13 Mr. Perez, I just have a few more questions. You told one
14 of the attorneys you reviewed a paystub from Cinagro
15 recently; is that correct?

16 THE WITNESS: Can you tell me the question again,
17 please.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. Did you
19 recently review a paystub from Cinagro?

20 THE WITNESS: Yes, that's right.

21 ADMINISTRATIVE LAW JUDGE SOBLE: And do you have
22 a copy of that with you?

23 THE WITNESS: With me right now, no.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Is it in your
25 car?

1 THE WITNESS: No.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Is it in your
3 home?

4 THE WITNESS: Yes.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Did you have one
6 paystub or more than one paystub in your home from Cinagro?

7 THE WITNESS: I don't remember if I had two, but
8 I only found one.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. When you
10 worked the first time in a crew with Victor Mendoza, was
11 there a person in your crew whose name was Yolanda Antonio?

12 THE INTERPRETER: What was the second last name?

13 ADMINISTRATIVE LAW JUDGE SOBLE: Yolanda Antonio.

14 THE WITNESS: Yes, it's my wife. Yolanda
15 Antonio-Garcia.

16 ADMINISTRATIVE LAW JUDGE SOBLE: And did she join
17 the crew with Mr. Mendoza the same time you did, very first
18 time you worked for Mr. Mendoza?

19 Yes.

20 THE WITNESS: The first farm? Yes. Yeah, the
21 first time, yes, we've always been together but it's been
22 different times.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Let me
24 try to understand that.

25 You worked at Deodar Farms two times or more than

1 two times?

2 THE WITNESS: More than two times. No, two
3 times.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I'm counting as
5 a time if you worked for them consecutively without
6 changing jobs.

7 So you worked for Deodar one time before Cinagro,
8 correct?

9 THE WITNESS: That's right, I was working there.

10 ADMINISTRATIVE LAW JUDGE SOBLE: And the first
11 time you worked for Deodar at Cinagro, was Victor Mendoza
12 always your crew foreperson?

13 THE WITNESS: When the job ended at Deodar, then
14 he told us since we were a crew and we were all together,
15 he told us that we were going to go to the other place and
16 that's when we all went to Cinagro.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. But my
18 question was the first time you were at Deodar, was Victor
19 Mendoza your only foreperson?

20 Yes.

21 THE WITNESS: Assigned before going to Cinagro?
22 Victor Mendoza was my foreman before going to Cinagro.

23 ADMINISTRATIVE LAW JUDGE SOBLE: And then Victor
24 Mendoza found work for the whole crew at Cinagro.

25 THE WITNESS: Cinagro, that's right.

1 ADMINISTRATIVE LAW JUDGE SOBLE: And then at some
2 point, you and Victor were not getting new assignments at
3 Cinagro; is that correct?

4 THE WITNESS: That's right, that's how it was.
5 They didn't give us where to go or who to go with.

6 ADMINISTRATIVE LAW JUDGE SOBLE: At that point,
7 did Victor -- do you know if Victor tried to find work for
8 the whole crew somewhere else?

9 THE WITNESS: I didn't know anything else. He
10 just said that Rene wasn't calling him. I also tried
11 calling Rene back to see what was going on with the job.
12 He never answered me.

13 MS. ARCINIEGA: Your Honor, I believe there was a
14 part that the translator did not translate of his answer.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. What is
16 it that you think that the interpreter missed?

17 MS. ARCINIEGA: That the witness said that Victor
18 told him that Rene wasn't answering his calls anymore.

19 THE INTERPRETER: I missed that myself.

20 MS. ARCINIEGA: He said (speaks Spanish). That
21 Victor (speaks Spanish).

22 THE INTERPRETER: I'm sorry, I missed that. I
23 didn't hear that.

24 ADMINISTRATIVE LAW JUDGE SOBLE: I didn't hear
25 that either but it's quite possible he said it or didn't

1 say it, I'm not saying either way. But I certainly -- I
2 don't think I need to play that back because whether he
3 said that in that sentence, I don't think it would change
4 any of the findings of fact. So.

5 When you worked for Victor Mendoza at Deodar the
6 first time, did Deodar Farms provide water to your crew?
7 This is when Victor Mendoza was the foreman.

8 THE WITNESS: Yes.

9 ADMINISTRATIVE LAW JUDGE SOBLE: And when you --

10 THE INTERPRETER: Okay.

11 ADMINISTRATIVE LAW JUDGE SOBLE: -- gone to
12 Cinagro --

13 THE INTERPRETER: Can I --

14 ADMINISTRATIVE LAW JUDGE SOBLE: -- was it the
15 same?

16 MR. ROY: She needs to translate.

17 THE WITNESS: They gave us work material like
18 knives and bathrooms. They provided a lot of things.

19 ADMINISTRATIVE LAW JUDGE SOBLE: And when you got
20 to Cinagro, was it the same?

21 THE WITNESS: No.

22 ADMINISTRATIVE LAW JUDGE SOBLE: What was
23 different?

24 THE WITNESS: First it was the tools, they didn't
25 provide us with tools. I saw with Victor, they provided

1 him with the water and because we were very tight,
2 sometimes we would eat together. We would eat together and
3 we would leave the recycling for him so he would bring
4 water.

5 They also didn't have Clorox or chlorine bottles.
6 And at Deodar we had this mesh to put over our beard, and
7 they didn't have that.

8 ADMINISTRATIVE LAW JUDGE SOBLE: When you were at
9 Cinagro Farms, did Victor ever ask you to contribute money
10 to pay for the water?

11 THE WITNESS: We used to provide the recycling so
12 that he could provide the water.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Only the
14 recycling, no cash for the water?

15 THE WITNESS: No. Cash, I personally never gave
16 him money.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The first
18 time you were at Deodar Farms, do you remember who was in
19 your crew?

20 THE WITNESS: It was Yolanda Antonio-Garcia,
21 who's my wife, and Maria Marisol. Marisol too.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. In your
23 crew at Deodar with Mr. Mendoza, was Marisol the only
24 person you remember or is there anyone else?

25 THE WITNESS: There was also Maria Mendoza, I

1 think. I don't remember if it was Maria Mendoza --
2 something like that. And also Angelica, but I don't
3 remember the last name.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Did Hector Cruz
5 work with you and Marisol at Deodar Farms?

6 THE WITNESS: I think he had barely gone in. It
7 wasn't too long, but I don't remember very well. But at
8 Cinagro the first day I did see him there.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Staying with the
10 first time you were at Deodar Farms, was Ignacia Sanchez a
11 member of your crew?

12 THE WITNESS: Ignacia? No, I don't remember who
13 she is.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Do you
15 remember the first time you worked for Victor Mendoza at
16 Deodar, was Maria Duarte a member of your crew?

17 THE WITNESS: No.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

19 THE WITNESS: Maria Mendoza.

20 ADMINISTRATIVE LAW JUDGE SOBLE: How many people
21 were -- how many workers were there in Victor Mendoza's
22 crew at Deodar Farms in addition to yourself?

23 MS. ARCINIEGA: Objection, vague as to time.

24 THE WITNESS: I don't remember more or less.

25 ADMINISTRATIVE LAW JUDGE SOBLE: How many months

1 did you work for Victor Mendoza at Deodar?

2 THE WITNESS: Like two years, I worked for him a
3 long time, maybe more.

4 ADMINISTRATIVE LAW JUDGE SOBLE: And during those
5 two years, what was the biggest size that your crew ever
6 was?

7 THE WITNESS: More or less 20 people, I don't
8 remember very well.

9 THE INTERPRETER: Did everybody else lose --

10 MS. ARCINIEGA: I don't see Judge Soble's video.

11 MR. ROY: I agree, we should log in after we do
12 the rest period.

13 (Off the record while Administrative Law Judge Soble
14 logs back in to the meeting)

15 ADMINISTRATIVE LAW JUDGE SOBLE: So I do not have
16 any additional questions for Mr. Perez.

17 So does the General Counsel have more questions
18 for Mr. Perez?

19 MS. ARCINIEGA: I do not, Your Honor.

20 ADMINISTRATIVE LAW JUDGE SOBLE: You don't need
21 to translate that, I'm asking if the General Counsel has
22 more questions for Mr. Perez.

23 MS. ARCINIEGA: I responded do not, I'm not sure
24 if you heard me.

25 ADMINISTRATIVE LAW JUDGE SOBLE: I did not hear

1 anyone the first time.

2 So Mr. Roy, do you have additional questions for
3 Mr. Perez?

4 MR. ROY: You know, Your Honor, I -- I would
5 object to the line of questions you had with reference to
6 his employment at Deodar and the people in his crew. I
7 just don't know the relevance of that to this proceeding.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well, I
9 can address that I think right now. It's just I -- if I do
10 that, then we're probably -- I mean, I think we're at the
11 time where we need to take our break soon is the problem.
12 And we do need to address before we go on the break what
13 message that Ms. Lucas and Ms. Nelson are going to text or
14 email for their respective firms about our scheduling. So
15 as soon as we come back from our break, I'll address that
16 question that you have. Okay?

17 MR. ROY: All right. Thank you.

18 ADMINISTRATIVE LAW JUDGE SOBLE: So I guess we
19 will have Mr. Perez stay during the break.

20 So in terms of scheduling, do either -- do any of
21 the counsel have any additional alternative suggestions
22 before I otherwise direct the interpreter and court
23 reporter to find out about their perspective schedules?

24 MS. ARCINIEGA: I do not have any additional
25 information, Your Honor.

1 ADMINISTRATIVE LAW JUDGE SOBLE: You were
2 actually the person who I thought was going to be checking
3 with the Regional Director.

4 MS. ARCINIEGA: I have confirmed with the
5 Regional Director.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

7 MS. ARCINIEGA: So I still don't have any
8 additional information to offer.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

10 MS. ARCINIEGA: And I understood Your Honor's
11 position earlier about when we would be starting.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And
13 Mr. Roy, would you clarify what your preference, knowing
14 that it may not be what I grant, in terms of your ability
15 on Wednesday, Thursday, and Friday of this week.

16 MR. ROY: Next week, Your Honor?

17 ADMINISTRATIVE LAW JUDGE SOBLE: Next week.

18 MR. ROY: It's not good. Monday and Tuesday --
19 let's see. Monday and Tuesday, yes.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Not Monday and
21 Tuesday, I'm asking about Wednesday, Thursday, and Friday.

22 MR. ROY: Yes, sir. No availability.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well, you
24 understand that if I decide or go on that Monday and
25 Tuesday and we haven't finished, that we are going to

1 finish it next week. So out of Wednesday, Thursday, and
2 Friday, does your availability differ? And if so, how so?

3 MR. ROY: Friday be open.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. And what
5 do you have available on Wednesday and Thursday?

6 MR. ROY: Wednesday I have a federal court
7 mediation. And Thursday, we are doing a presentation to
8 the California Strawberry Commission on COVID-19.

9 ADMINISTRATIVE LAW JUDGE SOBLE: And if you were
10 going to miss Wednesday or Thursday, which would you prefer
11 to miss?

12 MR. ROY: Probably Wednesday. But I think I can
13 finish on Monday.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So if I
15 understand it correctly, you would prefer that we go
16 Wednesday rather than Thursday if you had to select them?

17 MR. ROY: Yes.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So I am
19 going to do the following, I'm going to ask the court
20 reporter and interpreter to see if they are available on
21 Monday, Tuesday, and Wednesday. And if Ms. Arciniega wants
22 us to start an hour or two late on either Monday or
23 Tuesday, I will consider that. But we're going to go both
24 of those days. Would that be any value to you or should we
25 just start at the regular time?

1 MR. ROY: I would agree we start at the regular
2 time, Your Honor, we're already losing one hour a day.

3 ADMINISTRATIVE LAW JUDGE SOBLE: We're not losing
4 an hour a day if we start at 8:30. Then -- then I think we
5 are roughly doing what we would normally do.

6 MS. ARCINIEGA: The witnesses the General Counsel
7 on my ability to assist on the other matters to start later
8 on Monday, Your Honor. I greatly appreciate that.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

10 MR. ROY: There are five legal counsel from the
11 ALRB on this hearing. I'm sure that Ms. Amisha Dominguez
12 who has already asked questions in this case could --

13 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, I don't
14 need to -- I mean, I understand what your point is but I
15 don't need you to try to argue it with any more detail than
16 that.

17 I will consider that when we hear back from the
18 court reporter and interpreter as to what their
19 availability is. For now, if you can find out what is your
20 availability on Monday, Tuesday, and Wednesday during our
21 break. And beyond that, if you can't find out actually
22 during the break, please ask the principals in your agency
23 to try to text or email you before we wrap up today at
24 5:00.

25 We will take our 20-minute break now. And then

1 we can further address scheduling when we know the
2 availability of the other staff. And at that point, we can
3 address Mr. Roy's issue.

4 So it's 3:46, we'll come back at -- would that be
5 4:06.

6 Anything else before we break?

7 THE INTERPRETER: And we are logging off and
8 logging back on, right? Same link?

9 ADMINISTRATIVE LAW JUDGE SOBLE: I will leave
10 that to each of your discretion if you want to try to do
11 that, that would be fine. But since I've already done
12 that, I'm not planning on doing that again.

13 THE INTERPRETER: Okay. I'm going to stay on
14 too.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

16 4:06. Off the record.

17 (Off the record at 3:46 p.m.)

18 (On the record at 4:11 p.m.)

19 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Let's go
20 back on the record.

21 Okay. I have tentatively told the parties that
22 if we need to, we anticipate going tomorrow, Friday, and
23 then going Monday, Tuesday, and Wednesday. That I am open
24 to making lunch on Monday two hours instead of an hour and
25 20 minutes if that will assist the General Counsel in

1 working on a different project that she has. But I don't
2 think I want to start late in the day because we would
3 still have an extended lunch and two breaks anyhow and that
4 would diminish the likelihood that we're able to finish by
5 Wednesday, let alone by Monday or Tuesday.

6 So with that in mind, I'll (indiscernible,
7 recording breaking up) General Counsel for
8 (indiscernible) --

9 (Talking over each other and is indiscernible)

10 MS. HERRERA: General Counsel would request a
11 9:30 or 10:00 a.m. but.

12 ADMINISTRATIVE LAW JUDGE SOBLE: What I said?

13 MS. HERRERA: I heard you, Your Honor.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well, I
15 just reiterate that what I indicated was as follows, that
16 we are going to be going Friday this week after today and
17 then Monday, Tuesday, and Wednesday of next week. That we
18 would be starting at our usual time, that I am open to
19 making the lunchtime on either Monday or Tuesday two hours
20 instead of an hour and 20 minutes. But if we just simply
21 delay our start time, that only really works if we could
22 have it overlap with our lunch. Otherwise, we're going to
23 lose so much time that we may not finish even within those
24 number of days. And that I would give both the General
25 Counsel and the Respondent one more opportunity to address

1 that. And then at that point, I believe it was the
2 Regional Director who had begun speaking.

3 MS. HERRERA: Yes, Your Honor. The General
4 Counsel requests a 9:30 or 10:00 a.m. start time. And we
5 request that so that Ms. Arciniega can handle her projects
6 to another staff member to complete. That we think would
7 be efficient because we would not need the midmorning break
8 if we started at that time. We could go straight to lunch
9 at noon without a midmorning break because of the late
10 start time.

11 I would ensure my staff that needs accommodation
12 receive their accommodation prior to our start time.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy,
14 if I indicate that we're going to start on Monday at 9:30
15 and then take our lunch at say 11:45 or 12:00, depending
16 upon what the General Counsel needs, is there some reason
17 that you would object to that? And this is on Monday.

18 MR. ROY: I don't think we should have a two-hour
19 lunch. I don't know why would have that other than the
20 minute (indiscernible) --

21 ADMINISTRATIVE LAW JUDGE SOBLE: We would not
22 have a two-hour lunch under that scenario. Instead what
23 the General Counsel was saying is that we would just delay
24 our start time on Monday from 8:30 to 9:30. And the lunch
25 would be the normal amount of time but there would be no

1 20-minute morning break.

2 MR. ROY: And what about work on Saturday and
3 Sundays.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I don't believe
5 that I'm able to have the court reporter and interpreter on
6 those days.

7 MR. ROY: I'm talking about --

8 ADMINISTRATIVE LAW JUDGE SOBLE: Oh, I'm sorry,
9 you mean the General Counsels do that.

10 MR. ROY: I know I plan on weeking this --
11 working this weekend. Why couldn't they with -- to get it
12 done?

13 ADMINISTRATIVE LAW JUDGE SOBLE: Ask them that.
14 But my question would be, do you have any additional
15 comments on objecting to what is essentially they're just
16 saying on a single day they'd like to start an hour later
17 and not have a 20-minute break that morning thus losing us
18 a net of 40 minutes.

19 MR. ROY: That's fine, Your Honor.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. That's
21 what we'll do. On Monday only we will start at 9:30. If
22 I'm reminded, we will try to take our lunch break at
23 approximately 11:40 or 11:45 if it's a natural break so
24 that we don't need to take any other morning break.

25 So if between now and the end of the day on

1 Friday the Regional Director or Ms. Arciniega figure out
2 that they are able to start at 8:30 or 9:00 instead, then
3 please let me know by the end of the day on Friday. But
4 otherwise, that's what we'll do.

5 MR. ROY: Your Honor, may I inquire? The General
6 Counsels indicated they have Victor Mendez or Martinez
7 and --

8 ADMINISTRATIVE LAW JUDGE SOBLE: Mendoza.

9 MR. ROY: Mendoza, excuse me. And Barbara Eto
10 who is someone that may or may not even be needed in order
11 to authenticate documents because we've already stipulated
12 to that.

13 I don't see how we cannot finish on Friday.
14 We're basically done with this witness except for a few
15 minutes and that's it. I mean, two witnesses for the whole
16 day?

17 ADMINISTRATIVE LAW JUDGE SOBLE: The General
18 Counsel previously indicated that they will have another
19 farmworker witness.

20 MR. ROY: That's news. Okay.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Sorry? I didn't
22 hear what you said there, Mr. Roy.

23 MR. ROY: I said that's news to me.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. If so, I
25 would agree with you that our likelihood of finishing on

1 Friday is better. So let's clarify that from the General
2 Counsel.

3 After the current witness, do you have a
4 farmworker witness left other than Mr. Mendoza?

5 MS. ARCINIEGA: Yes, Your Honor. As stated this
6 morning, there are two farmworker witnesses and then
7 Mr. Mendoza and Barbara Eto.

8 ADMINISTRATIVE LAW JUDGE SOBLE: (Indiscernible)
9 I heard and understood but on the chance that my
10 recollection was incorrect or if it had been updated, for
11 example, and you could have talked with Mr. Roy in the
12 interim and let him know that you didn't. But that's not
13 what I'm hearing from you.

14 So I had understood that there would be another
15 farmworker witness from the General Counsel. While I think
16 Mr. Mendoza could be the longer witness -- the longest
17 witness, I don't expect him to take the whole day. And I
18 do not rule out the possibility that everything goes
19 expeditiously and that we finish on Tuesday.

20 So what I would indicate to the court reporter
21 and to the interpreter is please let your respective firms
22 know that we will definitely be going on Friday, Monday,
23 and Tuesday. And I will advise on Monday if we are going
24 on Wednesday but right now I think it's more likely than
25 not, but not a certainty.

1 THE INTERPRETER: Will do.

2 THE COURT REPORTER: Absolutely.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. With
4 respect to Mr. Roy's objection, he had a question why was I
5 asking Mr. Perez or objecting to the relevance as to
6 questions about his crew at Deodar prior to starting at
7 Cinagro. I thought that information was relevant for two
8 or three different reasons.

9 First and foremost that I would have thought is
10 this client would be most interested in this to know the
11 extent of the relationship between the different people and
12 the crew, if they have any longstanding relationships or
13 biases that may be -- or reasons why they might tend to
14 relay upon one another. I mean, we've essentially learned
15 that it's Mr. Mendoza who was the person who provided work
16 to them at two different empires. So understanding that
17 relationship and who it applies to I felt was useful
18 information.

19 It also went to my ability to determine the
20 witnesses' ability to recall things that were long ago.
21 And I was interested in their crew size were similar or
22 different so that I could get a better sense of whether I
23 thought the witness would be more likely to understand or
24 not understand differences from one crew to the next.

25 For example, the witness did not seem to be

1 familiar with the concept of a labor supplier and so I
2 wanted to get a sense of what their crew was like and
3 depending what the answers had been, I might have asked
4 some additional questions and try to figure out if the
5 first crew was directly hired by Deodar or if it was a
6 supply and labor supplier. But I decided based upon new
7 factors with not recalling everything from that long ago
8 that that part of it was not worth further pursuing.

9 So for those reasons, I thought it was relevant
10 and so I will overrule that objection.

11 With that in mind, did either of the attorneys
12 have any remaining questions for Mr. Perez?

13 I'll start with the General Counsel.

14 MS. ARCINIEGA: I do not, Your Honor.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy.

16 MR. ROY: No, Your Honor.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So you
18 said no, correct?

19 MR. ROY: Correct.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

21 Mr. Perez, we want to thank you for your time today. It's
22 important that you do not discuss your testimony or what
23 you heard at this hearing with anybody else who could
24 testify at the hearing. So that means anybody who was on
25 your crew at Cinagro or who you know to have worked at

1 Cinagro at the same time you did including their owner,
2 their supervisor, your foreperson.

3 It is permissible for you to tell people that you
4 testified at the hearing but that would be the only thing
5 that you can say. Not what you were asked or what you
6 answered. And so we appreciate that. There is a very,
7 very small chance but extremely unlikely that one of the
8 parties could call you back later as a rebuttal witness.

9 THE WITNESS: So that's it, then, right?

10 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. Someone
11 will let you know if you need to come back, but most likely
12 you will not. Thank you again and you're free to go.

13 THE WITNESS: Have a nice afternoon.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

15 MS. ARCINIEGA: Your Honor, Miss --

16 ADMINISTRATIVE LAW JUDGE SOBLE: I just want to
17 make sure he's out of the room.

18 MS. ARCINIEGA: Okay.

19 (The witness exits the hearing room.)

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I believe
21 so. Did you have something you wanted to add before you
22 call your next witness?

23 MS. ARCINIEGA: I just wanted to inform Your
24 Honor that Ms. Vega informed me that she is going to have
25 to disinfect the room. Because as we learned, Yolanda and

1 Rigoberto are married and so the next witness is not a
2 relation to them and it's a different household. And so
3 she's going to take the time to do what she needs to do in
4 that room before the next witness enters.

5 ADMINISTRATIVE LAW JUDGE SOBLE: That's fine.
6 And I just assumed you were doing that between each of the
7 witnesses. And to be honest, I didn't even think about the
8 fact that you arguably could have skipped that between the
9 witnesses who cohabitated.

10 MS. ARCINIEGA: I didn't either, Your Honor,
11 until Ms. Vega brought it to my attention. She's very
12 diligent.

13 ADMINISTRATIVE LAW JUDGE SOBLE: That -- I am not
14 going to micromanage what efforts are done to -- in terms
15 of safety and hygiene other than I have required that
16 Ms. Vega wear a mask when she goes in and out, the rest of
17 it I'm leaving to whatever is acceptable to the parties and
18 the witnesses.

19 And I'm assuming thus far none of the witnesses
20 have expressed any reservations about her.

21 MS. ARCINIEGA: None that I have -- no, that I'm
22 aware of.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Is there
24 anything Counsel would like to address while we have a
25 minute or two while Ms. Vega is sanitizing the hearing

1 room?

2 MR. ROY: From my perspective, Your Honor, I'd
3 like to expedite things as fast as we possibly can.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I understand
5 that and I certainly if it's at all possible will do my
6 best to keep the hearing moving.

7 If we only need part of Wednesday, what time is
8 your Wednesday matter?

9 MR. ROY: I'd have to pull the file of that, Your
10 Honor. I just have listed as a mediation in the District
11 Court so I haven't looked at the file yet.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well, if
13 you could know that by tomorrow afternoon.

14 I mean, certainly I'm not ruling out the
15 possibility that we finish on Tuesday, but I certainly
16 don't expect you to forego taking your time with cross-
17 examining the next three witnesses and I don't expect
18 General Counsel to do the same when you call your
19 witnesses. So it's impossible for me to predict. I just
20 know that we've only been going at a pace of roughly two
21 witnesses a day. And if you count the number of witnesses
22 that they have left as being three, and then if you have
23 potentially as many as five different witnesses, that's
24 eight witnesses in that four days.

25 MR. ROY: So one of my witnesses is English

1 speaking so we don't have to worry of his time on
2 translation.

3 ADMINISTRATIVE LAW JUDGE SOBLE: My understanding
4 is from what you told me, three of your witnesses are
5 English speaking.

6 MR. ROY: No, Rene is not English speaking.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Correct. I have
8 Rene as one of the three Spanish-speaking witnesses.

9 MR. ROY: Right. And Mr. Dighera is English.
10 And possibly Barbara, but I -- that's just kind of out
11 there. I probably won't even be calling her.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. We now
13 have someone else here. But again, if you go fewer than
14 six witnesses, it increases the likelihood of when we
15 finish being sooner. But when we next don't have the
16 witness present, I can -- you can look at my prehearing
17 conference order, page 3, and it lists the six witnesses
18 and you have three being English speaking and three being
19 Spanish speaking. That's what I'm using as my guide.

20 MR. ROY: Understand. I'm not calling Victor, I
21 think he was one of our witnesses but the General Counsel's
22 calling him so there's no need for me to call him back.

23 ADMINISTRATIVE LAW JUDGE SOBLE: That's correct.

24 MR. ROY: And she's calling Barbara and I don't
25 need to call her back.

1 ADMINISTRATIVE LAW JUDGE SOBLE: That's correct.

2 MR. ROY: So I'm basically down to three, maybe
3 two people.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Again, I'm not
5 trying to discourage you from thinking we might finish
6 sooner, I just don't know whether with both of you having
7 intended to call them whether that means their testimony
8 will be longer for those people or not. So we'll have to
9 wait and see.

10 So at any rate, we do have someone now in the
11 hearing room, so let's try to utilize the time that we
12 have.

13 Would the witness please state her full name for
14 the record.

15 THE WITNESS: Maria Angelica Santiago.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Do you prefer --
17 what -- do you prefer to be referred to as Ms. Santiago,
18 Ms. Angelica, or something different?

19 THE WITNESS: Just Angelica is fine.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Angelica,
21 what is the language that you speak best?

22 THE WITNESS: Spanish.

23 ADMINISTRATIVE LAW JUDGE SOBLE: What is the
24 language that you speak the most at home and at work at
25 present?

1 THE WITNESS: Spanish.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Do you solemnly
3 swear or affirm that your testimony in this hearing will be
4 the truth, the whole truth, and nothing but the truth?

5 THE WITNESS: Yes, I do.

6 (The witness is sworn.)

7 ADMINISTRATIVE LAW JUDGE SOBLE: What's going to
8 happen this afternoon in the next half hour and then
9 continuing tomorrow morning at 8:30 a.m. is that some of
10 the attorneys and possibly myself will ask questions in
11 English. After we ask a question, the interpreter will
12 translate the question from English to Spanish. After the
13 interpreter translates the question, please before you
14 answer, pause for a couple of seconds. This is because
15 once in a while one of the attorneys or myself may object
16 to a question. In that instance, either myself or the
17 interpreter will let you know whether it's appropriate to
18 answer the question or instead to wait for the next
19 question.

20 If you have a very long answer, there's two
21 things we prefer that you do. One is to try to talk a
22 little bit more slowly, that will make it easier for the
23 interpreter to translate your answer. A second thing is
24 when you say two or three sentences, wait for the
25 interpreter to translate those sentences before you

1 continue. All of your answers, it's important that you
2 answer either orally or audibly. This is because if you
3 simply nod your head or gesture with your hands, the court
4 reporter is unable to get that accurately in the record.

5 If at any point you do not understand a question,
6 please just let me know and I'll determine if there's a way
7 that the attorney can rephrase the question so that you
8 better understand it. We appreciate you having appear
9 before us today. And the Assistant General Counsel will be
10 asking the first (indiscernible).

11 Which of the Assistant General Counsels is going
12 to be asking questions of Ms. Angelica?

13 MS. DE YOUNG-DOMINGUEZ: I will, Your Honor.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I actually
15 didn't hear who said that, although I heard someone said
16 something.

17 MS. DE YOUNG-DOMINGUEZ: I will be asking the
18 questions, Your Honor.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can
20 proceed.

21 MS. DE YOUNG-DOMINGUEZ: Thank you.

22 DIRECT EXAMINATION

23 BY MS. DE YOUNG-DOMINGUEZ:

24 Q. My name is Amisha De Young-Dominguez, Assistant
25 General Counsel. Angelica, we appreciate your time coming

1 here today.

2 A. Thank you.

3 Q. Please let us know if you have any issues with
4 your video or audio, okay?

5 A. Yes, thank you.

6 Q. Did you work in 2016?

7 A. Yes.

8 Q. Where did you work?

9 A. With Cinagro.

10 Q. How long did you work for Cinagro? If you can
11 remember.

12 A. Like a year or more, around there.

13 Q. What was your job at Cinagro?

14 A. We would bunch vegetables together.

15 Q. Who was your foreman at Cinagro?

16 A. Victor.

17 Q. Can you recall his last name?

18 A. No.

19 Q. Who was your supervisor at Cinagro?

20 A. Rene.

21 Q. Do you recall his last name?

22 A. No, I just know the names, I don't know the last
23 names.

24 Q. Did you work with other people in the field?

25 A. Yes.

1 Q. Do you know their names?

2 A. Some, yes.

3 Q. Can you tell us those names you remember?

4 A. Marisol, Hector, Yolanda, Roberto, Maria. Those
5 are the -- all of the ones that I know.

6 Q. You worked with these people at Cinagro?

7 A. Yes.

8 Q. While you worked at Cinagro, did anyone ever
9 bring water for your crew?

10 A. No.

11 Q. Did you ever have water to drink that you bought?

12 MR. ROY: Objection, relevance. There's no law
13 prohibiting an employee from bringing their own water.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. Only
15 because it may help me to better understand what the
16 earlier answer meant. So you can answer.

17 THE WITNESS: About the water?

18 BY MS. DE YOUNG-DOMINGUEZ:

19 Q. Yes.

20 A. We would bring our own water.

21 Q. Did you have any problems with brining your own
22 water?

23 A. No.

24 Q. Do you know if anyone in your crew had problems
25 with water?

1 MR. ROY: Lacks foundation. There's no evidence
2 to show that anyone spoke to her about it.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Could you repeat
4 the question for me?

5 MS. DE YOUNG-DOMINGUEZ: Yes, Your Honor. I will
6 rephrase the question to make it more clear.

7 BY MS. DE YOUNG-DOMINGUEZ:

8 Q. Did you or your coworkers have complaints about
9 the water?

10 A. Yes.

11 Q. What do you remember about the water complaints?

12 A. That why didn't they bring us -- provide us with
13 the water to drink there.

14 Q. When you say they, who are you -- who are you
15 referring to?

16 A. My coworkers.

17 Q. And who was not bringing water for your
18 coworkers?

19 A. The supervisor that had to bring us them to
20 drink.

21 Q. And when you say supervisor, do you mean
22 supervisor Rene?

23 A. Yes.

24 Q. Do you remember what the coworkers' names who
25 talked about the water?

1 A. I have to tell you their names?

2 Q. Do you remember the names?

3 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.
4 I guess I should address the following question. If the
5 General Counsel isn't raising it, I guess I won't. But
6 there is a topic of whether or not that's protected
7 concerted activity and whether you anticipate her bringing
8 up the name of someone who isn't going to be a witness in
9 this hearing.

10 But if nobody objects, I'm going to allow the
11 question. I'm not hearing any sort of objection so the
12 witness can answer the question.

13 THE WITNESS: Marisol, Yolanda, Roberto, Maria,
14 and Hector.

15 BY MS. DE YOUNG-DOMINGUEZ:

16 Q. Do you remember what they said?

17 A. When she didn't bring the water, that's what they
18 complained the most about.

19 Q. Was Victor there when they made those complaints?

20 MR. ROY: Objection, Your Honor. This is the
21 third time that Counsel has given a leading question naming
22 someone from the company.

23 ADMINISTRATIVE LAW JUDGE SOBLE: I don't know if
24 the objection is correct that it's the third time, but I am
25 going to sustain the objection as leading.

1 BY MS. DE YOUNG-DOMINGUEZ:

2 Q. Did you hear your coworkers complain to anyone
3 besides Rene?

4 THE INTERPRETER: Was the question did you hear
5 your coworkers complain to somebody else outside Rene?

6 MS. DE YOUNG-DOMINGUEZ: Uh-huh.

7 THE WITNESS: No, only with them.

8 BY MS. DE YOUNG-DOMINGUEZ:

9 Q. While you worked at Cinagro, did they pay you by
10 cash or check?

11 A. Check.

12 Q. Who brought the check?

13 A. Victor as a foreman.

14 Q. Did you or your coworkers have complaints about
15 that?

16 A. Yes, because they didn't give us a paycheck
17 stubs.

18 Q. Do you remember what they said about the paycheck
19 stubs?

20 A. That they were working on that so we could get
21 them.

22 Q. Did your coworkers say that or did someone else
23 say that?

24 A. No, the whole group complained.

25 ADMINISTRATIVE LAW JUDGE SOBLE: I don't think

1 that answer was very responsive so you may want to ask that
2 again, Counsel.

3 MS. DE YOUNG-DOMINGUEZ: Yes, Your Honor, I'll do
4 that.

5 BY MS. DE YOUNG-DOMINGUEZ:

6 Q. Do you remember if any of your coworkers spoke up
7 more about the paystubs?

8 A. Marisol complained more about the paycheck stubs.

9 Q. What do you -- what did you hear her say?

10 A. I don't know what paperwork she was filling out,
11 but she didn't have the paycheck stubs to prove her
12 employment and we had to show it.

13 Q. Did you say anything at these meetings about the
14 paystubs?

15 A. We needed to show the paycheck stubs at the
16 clinics at the appointments, they were asking us for the
17 check stubs. And that's what we would tell them, that we
18 needed the check stubs.

19 MS. DE YOUNG-DOMINGUEZ: Your Honor, I just want
20 to state for the record I think that there was a part of
21 her testimony that was left out. May I offer what I think
22 that part was or how should we proceed?

23 ADMINISTRATIVE LAW JUDGE SOBLE: I'll ask the
24 interpreter what would be the easiest method for you?

25 THE INTERPRETER: I think that would be the

1 easiest. I -- going back and forth, I didn't realize I
2 missed something, but I can't remember what it was.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

4 MS. DE YOUNG-DOMINGUEZ: Yeah, I believe she said
5 she needed the proof for things with her kids (speaks in
6 Spanish).

7 THE INTERPRETER: Yes, she needed -- yes. I
8 needed the things, the paycheck stubs for things with my
9 kids when we went to the clinics at the medical clinics. I
10 know she mentioned the clinics, the medical clinics.

11 You're right, Counsel.

12 MS. DE YOUNG-DOMINGUEZ: Thank you.

13 BY MS. DE YOUNG-DOMINGUEZ:

14 Q. Do you remember what happened the last day of
15 work at Cinagro?

16 A. The last day what happened was I cut my finger.
17 And the foreman, Victor, did not have the first aid supply
18 so he called Rene so that he could bring them over and so
19 that they could take care of my finger.

20 Rene said that he was going to call the other
21 foreman to give him the first aid kit because that one
22 had -- had it.

23 Q. What happened next?

24 A. Victor fixed my finger, then we waited a little
25 while until the boss came with -- and Tony.

1 I'm sorry.

2 We waited a little while for Rene to come with
3 the boss Tony.

4 Q. And what happened after that?

5 A. They looked at my finger and told me to take the
6 time necessary for my wound to heal, and then --

7 Q. And then what happened?

8 A. They gave me creams and a thing to take care of
9 it at home. They didn't want to take me to the doctor or
10 Urgent Care to take care of my injury, they just gave me
11 creams.

12 MS. DE YOUNG-DOMINGUEZ: Your Honor, may --

13 ADMINISTRATIVE LAW JUDGE SOBLE: I just want to
14 let Counsel know that you have about three more minutes to
15 ask questions for this.

16 MS. DE YOUNG-DOMINGUEZ: Your Honor, I just
17 wanted to offer I think there was a little part of her
18 testimony that was left out again. If I can -- how would
19 you like me to address that?

20 ADMINISTRATIVE LAW JUDGE SOBLE: In this
21 instance, go ahead.

22 MS. DE YOUNG-DOMINGUEZ: And she said because my
23 cut was very deep (speaks Spanish).

24 THE WITNESS: Yes, and didn't want to take me to
25 the doctor or Urgent Care even though my wound was very

1 deep.

2 BY MS. DE YOUNG-DOMINGUEZ:

3 Q. And what happened after that?

4 A. The only thing they gave me was some creams to
5 take care of the wound at home. They gave me some creams
6 so I would take care of it at home.

7 Q. And how long were you unable to work because of
8 your injury?

9 A. When I went to Urgent Care, they gave me two
10 weeks.

11 Q. And what happened after that?

12 A. So at Urgent Care they gave me two weeks. So I
13 went back to work one week later to give them the paper to
14 let them know that I was going to be off for two weeks.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. At this
16 point --

17 MR. ROY: Your Honor --

18 ADMINISTRATIVE LAW JUDGE SOBLE: It's 4:57 so
19 we're not going to do any additional questions today.

20 I heard Mr. Roy about to say something. Was it
21 with respect to the last question or something different?

22 MR. ROY: She answered, Your Honor, I mean, the
23 other question, yes. I mean --

24 MS. DE YOUNG-DOMINGUEZ: Your Honor.

25 MR. ROY: -- what's the relevance? I mean,

1 she's --

2 MS. DE YOUNG-DOMINGUEZ: I just have two more
3 questions --

4 MR. ROY: -- she got something from the doctor --

5 MS. DE YOUNG-DOMINGUEZ: -- I'm really at the
6 end.

7 MR. ROY -- went back to work.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The
9 objection to the question is overruled.

10 And we're not going to do two more questions
11 because we won't have enough time to end by 5:00 to -- for
12 me to describe to the witness what to do between today and
13 tomorrow and she has to return tomorrow regardless.

14 So Ms. Angelica, tomorrow you need to arrive at
15 8:30 a.m. It's important that you do not discuss your
16 testimony at this hearing or the questions that you were
17 asked with anybody else. You can tell people that you
18 attended the hearing but you cannot say anything else about
19 it. And you can tell your work that you need to be back at
20 this hearing tomorrow morning at 8:30 a.m.

21 Between now and tomorrow morning, please do not
22 talk to any of the attorneys. And please do not talk to
23 anyone who worked at Cinagro either as a farmworker or as a
24 supervisor.

25 We apologize that you need to finish tomorrow

1 morning and we will see you at 8:30 a.m. tomorrow. Thank
2 you.

3 Okay. We have about 60 seconds. Is there
4 anything anyone needs to add before we all come back
5 tomorrow at 8:30?

6 MR. ROY: I would like to know if Victor is the
7 next witness to be called after this witness?

8 ADMINISTRATIVE LAW JUDGE SOBLE: I don't -- does
9 General Counsel have any other topics other than that?

10 MS. DE YOUNG-DOMINGUEZ: Yes.

11 ADMINISTRATIVE LAW JUDGE SOBLE: I couldn't hear
12 you.

13 MS. DE YOUNG-DOMINGUEZ: Your Honor, I just
14 wanted to say -- I wanted to ask if you needed a response
15 to Rob's earlier objection on relevance. Because I do have
16 responses (indiscernible).

17 ADMINISTRATIVE LAW JUDGE SOBLE: No. I've
18 allowed the questions to -- I've allowed the questions that
19 have been asked thus far and he's free to raise that
20 objection if you have a different question tomorrow. But
21 until then, if nothing else, it may go to her recollection
22 of particular days as opposed to anything else.

23 So. There was something else, though, that I was
24 about to get back to. Oh, it would be very helpful to know
25 the order of your remaining two witnesses because Ms. Eto

1 will be testifying in English and Mr. Mendoza will be
2 testifying in Spanish.

3 Do you know what order those two will be going?

4 MS. ARCINIEGA: I believe at this time, Your
5 Honor, that we would probably call Mr. Mendoza and then
6 Ms. Eto after that.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So I
8 think it's fair to say that we will get to Mr. Mendoza
9 pretty quickly tomorrow morning. But that we won't get to
10 Ms. Eto probably until after our lunch break. But that's
11 just -- those are both guesses on my part.

12 Mr. Roy?

13 MR. ROY: That's fine, Your Honor. I don't have
14 any questions.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Well, I was
16 letting you know that in case you were involved in advising
17 Ms. Eto of when she might or might not arrive. I have no
18 idea if she still works for your client or not.

19 MR. ROY: She's an independent bookkeeper and I'm
20 sure she's only going to last a couple of minutes, and I
21 don't intend to recall her.

22 ADMINISTRATIVE LAW JUDGE SOBLE: No, no, no, no,
23 no. I just don't know which of the two of you, if it's the
24 General Counsel or if it's Respondent's Counsel who will be
25 updating Ms. Eto when she needs to show up. Whoever it is,

1 she should be available in the morning, but she probably --
2 I'm imagining that Mr. Mendoza will take the bulk of the
3 morning, assuming that we finish with Ms. Angelica fairly
4 quickly.

5 MR. ROY: She's under subpoena by the GC, Your
6 Honor.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Eto?

8 MR. ROY: Yes.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So the
10 General Counsel, then, is the one who can sort of let her
11 know when she should be available, that's fine.

12 Anything else before --

13 MS. ARCINIEGA: I'm sorry --

14 ADMINISTRATIVE LAW JUDGE SOBLE: -- we go?

15 MS. ARCINIEGA: Your Honor, I'm sorry. I just
16 wanted to clarify with Mr. Roy because he's been -- we've
17 been in communication about him notifying her.

18 So if that's changed, Rob, I can call her. I
19 just understood that you were willing to continue
20 communicating when she would be called.

21 MR. ROY: Since I don't know the timing, Jessica,
22 I think it would best for you to give her a call. I'll
23 give you her telephone number if you don't have it.

24 MS. ARCINIEGA: I can do that, that's fine,
25 Mister -- okay. Yeah.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. So with
2 that in mind, I will see everyone tomorrow morning at 8:30.

3 And so, again, the 9:30 date is Monday, tomorrow
4 is 8:30. And hopefully it will be closer to Tuesday and
5 Wednesday when we've had no technical glitches as opposed
6 to today where we had a few minor ones.

7 I appreciate everyone working through those in
8 the system and I think other than this going a little bit
9 slower than I might have hoped, otherwise I think
10 everything is going the way it should be.

11 So I'll see everyone tomorrow morning at 8:30.
12 Thank you.

13 And we'll go off the record. It is 5:03 p.m.

14 (The hearing adjourned at 5:03 p.m.)
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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of March, 2021.



MARTHA L. NELSON, CERT**367

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

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IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of March, 2021.



Jill Jacoby
Certified Transcriber
AAERT No. CERT**D-633