

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

INTERNATIONAL	)	Case No. 2023-LPA-002
BROTHERHOOD OF TEAMSTERS,)	
	)	ORDER:
Complaining Party,)	
	)	(1) DIRECTING LICENSEES AND
and	)	CHALLENGED LABOR
	)	ORGANIZATION TO ANSWER
NC3 SYSTEMS, INC.; NC3	)	COMPLAINT; AND
SYSTEMS, INC. dba CALIVA; NC3)	
SYSTEMS, INC. dba DELI BY	)	(2) DIRECTING GENERAL
CALIVA BELLFLOWER; CALIVA	)	COUNSEL TO INVESTIGATE AND
CAMISJ2, INC. dba DELI BY	)	REPORT TO THE BOARD ITS
CALIVA SAN JOSE; COASTAL	)	RECOMMENDATION AND
DISPENSARY, LLC,	)	FINDINGS RE: LABOR PEACE
	)	AGREEMENT COMPLAINT
Licensees,)	
	)	Admin. Order No. 2023-07
and)	
	)	(August 16, 2023)
NATIONAL AGRICULTURAL)	
WORKERS UNION,)	
)	
Challenged Labor Organization.)	
_____)	

ORDER

On July 27, 2023, complaining party International Brotherhood of Teamsters (Teamsters) filed a complaint with the Agricultural Labor Relations Board (ALRB or Board) pursuant to Business and Professions Code section 26051.5, subdivision (a)(5)(D). The complaint alleges that challenged labor organization National Agricultural Workers Union (NAWU) is not a bona-fide labor organization under the

Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA),¹ and has entered into labor peace agreements with multiple businesses licensed to conduct commercial cannabis activities, including Nc3 Systems, Inc.; Nc3 Systems, Inc. dba Caliva; Nc3 Systems, Inc. dba Deli by Caliva; Caliva Camisj2, Inc. dba Deli by Caliva San Jose; and Coastal Dispensary, LLC (hereinafter collectively referred to as the “Licensees”). According to the Cannabis Unified License Search page on the Department of Cannabis Control’s (DCC) web site, Nc3 Systems, Inc. holds the following active licenses listed in the Teamsters’ complaint: C10-0000441-LIC, C11-0000819-LIC, CCL18-0000036,² CCL18-0000037,³ CCL18-0000038,⁴ CCL18-0000047,⁵ and CCL19-0000316;⁶ Nc3 Systems, Inc. dba Caliva holds the following active licenses listed in the Teamsters’ complaint: C9-0000135-LIC and CDPH-10002244; Nc3 Systems, Inc. dba Deli by Caliva Bellflower holds the following license listed in the Teamsters’ complaint: C10-0000627-LIC; and Caliva Camisj2, Inc. dba Deli by Caliva San Jose holds the following license listed in the Teamsters’ complaint: C12-0000216-

¹ Bus. & Prof. Code, § 26001 et seq.

² Both the Teamsters’ complaint and Caliva’s website (<<https://caliva.com/licenses>>) list this license number as PML18-0000036.

³ The Teamsters’ complaint lists this license as PAL18-0000037, but it is listed on Caliva’s web site as PML18-0000037.

⁴ The Teamsters’ complaint lists this license as MAL18-0000038, but it is listed on Caliva’s web site as PAL18-0000038.

⁵ Both the Teamsters’ complaint and Caliva’s web site list this license number as PAL18-0000047.

⁶ Both the Teamsters’ complaint and Caliva’s web site list this license number as PAL19-0000316.

LIC. The Teamsters also served its complaint on Coastal Dispensary, LLC, which holds the following license according to the DCC's Cannabis Unified License Search page: C10-0000062-LIC.

Under the MAUCRSA, labor organizations, or any current or former employee of a licensee, may file a complaint with the ALRB alleging that a licensee has entered into a labor peace agreement with an organization that is not a bona fide labor organization. (Bus. & Prof. Code, § 26051.5, subd. (a)(5)(D)(i).) Following receipt of such a complaint, the statute directs the Board to “consider all relevant evidence provided or obtained in rendering a decision” whether the challenged organization is a bona fide labor organization, and to issue a report to DCC no later than 90 days after receipt of the complaint. (Bus. & Prof. Code, § 26051.5, subd. (a)(5)(D)(ii).)

We therefore ORDER that NAWU and each of the Licensees shall file an answer to the complaint within 10 days after the issuance of this order. (Cf. Board reg. 20170, subd. (b).)⁷ The answers shall be filed and served in accordance with Board regulations 20160-20169. The answers shall respond to the allegations of the complaint, and shall include all evidence and authority upon which NAWU and the Licensees rely in asserting NAWU's status as a bona fide labor organization and disputing the allegations of the Teamsters' complaint. In addition, NAWU and each of the Licensees are directed to file with their answers unredacted copies all labor peace agreements into which they have entered, whether between them or with other entities, and NAWU also shall file

⁷ The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

with its answer any collective bargaining agreements it has executed with any employer.

We delegate to the General Counsel authority to investigate the complaint filed by the Teamsters against NAWU and the Licensees and to report to the Board its findings regarding whether NAWU is a bona fide labor organization under the MAUCRSA.

The report shall be filed with the Executive Secretary for submission to the Board no later than 45 days after the issuance of this order. The report shall state the General Counsel's recommendation to the Board regarding whether NAWU is a bona fide labor organization consistent with the guidance set forth in *Professional Technical Union, Local 33* (2023) 49 ALRB No. 3 and Administrative Order No. 2023-02-P, dated March 30, 2023. The report shall also state the factual basis upon which the recommendation is made, and all evidence and legal authority relied upon in reaching the determination.

The report shall be served on all parties. Upon filing its report, the General Counsel also shall transmit to the Executive Secretary the administrative record of its investigation, which shall include copies of any inquiries or document requests issued to the parties and any responses thereto, any subpoenas issued during the course of the investigation and any responses thereto, and any other documents or other evidence obtained during the course of its investigation.

All parties may have the opportunity to respond to the General Counsel's report. Any party that desires to respond to the General Counsel's report shall file such response with the Executive Secretary for submission to the Board within 10 days after

the General Counsel files its report and shall serve its response on all parties. The Board will not consider any evidence or argument not provided to the General Counsel in the course of its investigation or otherwise included in the complaint or any answers filed thereto and may draw appropriate inferences from any refusal to cooperate with the General Counsel's investigation. (*Professional Technical Union, Local 33, supra*, 49 ALRB No. 3, p. 9.)

IT IS SO ORDERED.

DATED: August 16, 2023

VICTORIA HASSID, Chair

ISADORE HALL III, Member

BARRY D. BROAD, Member

RALPH LIGHTSTONE, Member

CINTHIA N. FLORES, Member

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

PROOF OF SERVICE
(Code Civ. Proc., §§ 1013a, 1013b, 2015.5)

Case Name: INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Complainant Party;
and
NC3 SYSTEMS, INC.; NC3 SYSTEMS, INC. dba CALIVA; NC3
SYSTEMS, INC. dba DELI BY CALIVA BELLFLOWER; CALIVA
CAMISJ2, INC. dba DELI BY CALIVA SAN JOSE; COASTAL
DISPENSARY, LLC, Licensees,
and
NATIONAL AGRICULTURAL WORKERS UNION, Challenged Labor
Organization

Case No.: Case No. 2023-LPA-002

I am over the age of 18 years and not a party to this action. I am employed in the County of Sacramento. My business address is 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On August 16, 2023, I served this **ADMINISTRATIVE ORDER NO. 2023-07** on the parties in this action as follows:

- **By Email** to the parties pursuant to Board regulation 20169 (Cal. Code Regs., tit. 8, § 20169) from my business email address angelica.fortin@alrb.ca.gov:

Julia L. Montgomery Julia.Montgomery@alrb.ca.gov
General Counsel

Franchesca C. Herrera Franchesca.Herrera@alrb.ca.gov
Deputy General Counsel

Renée Sánchez, rqs@sdlaborlaw.com
Hayes, Ortega & Sánchez, LLP
Counsel for Complainant Party International Brotherhood of Teamsters

- **By Certified Mail** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, with return receipt requested, in the United States mail at Sacramento, California, addressed as follows:

National Agricultural Workers Union (NAWU)
Sean McNally
President, Secretary-Treasurer
7219 Meadowbrook Lane
Bakersfield, CA 93309
Certified Return Receipt #: 7022 1670 0001 5158 3187

National Agricultural Workers Union (NAWU)

Raimondo | Miller
Kevin B. Piercy, Esq.
PO Box 28100
Fresno, CA 93729
Certified Return Receipt #: 7022 1670 0001 5158 3262

Coastal Dispensary, LLC

Seyamack Kouretchian
1140 South Coast Highway 101
Encinitas, CA 92024
Certified Return Receipt #: 7022 1670 0001 5158 3286

NC3 Systems

Laurie Holcomb
Agent for Service of Process
3165 Red Hill Ave.
Costa Mesa, CA 92626
Certified Return Receipt #: 7022 1670 0001 5158 3293

Caliva CamisSJ2, Inc.

Laurie Holcomb
Agent for Service of Process
3165 Red Hill Ave.
Costa Mesa, CA 92626
Certified Return Receipt #: 7022 1670 0001 5158 3309

Executed on August 16, 2023, at Sacramento, California. I certify under penalty of perjury that the foregoing is true and correct.


Angelica Fortin
Legal Secretary