

STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD

<b>DIXON BEE COMPANY, LLC</b>	)	Case Nos. <b>2024-CE-093</b>
	)	
Respondent,	)	
	)	
and	)	<b>ORDER GRANTING GENERAL</b>
	)	<b>COUNSEL’S RENEWED REQUEST</b>
	)	<b>FOR ENFORCEMENT OF</b>
<b>UNITED FARM WORKERS OF</b>	)	<b>SUBPOENA DUCES TECUM</b>
<b>AMERICA,</b>	)	
	)	<b>Admin. Order No. 2026-05</b>
Charging Party.	)	
	)	(May 5, 2026)

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On April 3, 2026, the General Counsel of the Agricultural Labor Relations Board (“ALRB” or “Board”) filed with the Board a renewed request for enforcement of a subpoena duces tecum served on respondent Dixon Bee Company, LLC (“Respondent”). The General Counsel alleges the subpoena was properly served upon Respondent, that the subpoena seeks documents relevant to the General Counsel’s investigation, and that Respondent has failed to comply with the subpoena. Respondent disputes that it has not fully complied with the subpoena, and states that to the extent it has failed to provide subpoenaed information, such issues can be resolved through informal methods. The Board **GRANTS** the General Counsel’s enforcement request and delegates to the General Counsel the authority to bring an action in superior court to enforce the subpoena.

**BACKGROUND**

On October 16, 2024, Charging Party United Farm Workers filed the charge in the instant case. An amended charge was filed on January 21, 2025. The

amended charge alleges the Respondent unlawfully terminated an employee in retaliation for complaining about protective equipment, pay, and a company vehicle.

On April 1, 2025, the General Counsel served a subpoena duces tecum on the Respondent via email service sent to Respondent's counsel. The subpoena sought 16 categories of records, including, *inter alia*:

- Crew sheets for all agricultural workers at Dixon Bee from July 1, 2024 through the present
- Payroll records for all agricultural workers at Dixon Bee from July 1, 2024 through the present
- Names, addresses, telephone numbers, titles or positions held, job duties, and dates of employment for Dixon Bee's agricultural workers

The Respondent did not file a timely petition to revoke the subpoena. On June 30, 2025, the General Counsel petitioned the Board to seek enforcement of the subpoena in Solano County Superior Court, or to grant the General Counsel such authority. In its opposition, the Respondent asserted it had since complied with the subpoena and had sent "over 600 documents/records" to the General Counsel.

On July 28, 2025, the Board issued an administrative order finding that the Respondent's subpoena "was properly issued and the records sought are relevant to the charge investigation and identified with sufficient particularity." (*Dixon Bee Company, LLC* (July 28, 2025) ALRB Admin Order No. 2025-08, p. 2, quoting *St. Supéry, Inc.* (Sept. 28, 2022) ALRB Admin Order No. 2022-06-P, p. 6; *ALRB v. Laflin & Laflin* (1979) 89 Cal.App.3d 651, 663-664.) To address the Respondent's contention that it had since provided a complete response to the subpoena, the Board issued an order to show cause as to why the subpoena enforcement request should not be dismissed without prejudice. (*Dixon Bee Company, LLC, supra*, ALRB Admin Order No. 2025-08 at p. 2.)

On August 11, 2025, the General Counsel filed a response to the order to show cause stating it did not seek enforcement at the time and wished to withdraw the enforcement request without prejudice.

On April 3, 2026, the General Counsel filed the instant Renewed Request for Enforcement of Subpoena Duces Tecum. The General Counsel asserts that, upon review of the documents provided, and despite efforts to meet and confer, the Respondent has failed to fully comply with all portions of the subpoena. Specifically, the General Counsel seeks crew sheets and payroll records from various dates which the Respondent failed to proffer. Further, while the Respondent provided certain names and phone numbers of its agricultural workers, the General Counsel asserts the Respondent has failed to provide the requested addresses, titles, job duties, and dates of employment.

In its April 10, 2026 opposition, the Respondent alleges that any outstanding documents “are minimal at best.” The Respondent claims “a cursory review” of the materials provided to the General Counsel establishes it complied with the subpoena, and that “the General Counsel and Respondent should be ordered to meet and confer to informally resolve any discovery issues that might exist.” The Respondent also asserts the request for identifying information for the Respondent’s agricultural workers is irrelevant and overly burdensome, but would “work with” the General Counsel to provide such information if the subpoena were narrowed to only include agricultural workers from the same crew as the Charging Party. Finally, the Respondent argues that request for enforcement be considered waived, as the General Counsel has not actively inquired about the subpoenaed information since an October 2025 email regarding the provision of employee addresses.

## DISCUSSION

Pursuant to its authority to investigate unfair labor practice charges, the Agricultural Labor Relations Act (“ALRA” or “the Act”)<sup>1</sup> grants the ALRB access “at all reasonable times” to any evidence of any person subject to investigation. (Lab. Code, § 1151, subd. (a); *King City Nursery, LLC* (2020) ALRB Admin. Order No. 2020-01-P at p. 4.) The Board has the authority to issue subpoenas requiring testimony or the production of evidence. (*Ibid.*) The authority of the General Counsel to obtain records or testimony from a respondent via subpoena pursuant to an unfair labor practice investigation is a matter of settled law. (Cal. Code Regs., tit. 8, § 20217, subd. (a); *King City Nursery, LLC, supra*, ALRB Admin. Order No. 2020-01-P at p. 4.) The General Counsel’s investigative subpoena power is broad and limited only by the requirement that the information sought must be relevant to the inquiry. (*Id.* at p. 5.)

If a person does not intend to comply with a subpoena served by the General Counsel, that person must file a petition to revoke the subpoena within five days. (Cal. Code Regs., tit. 8, § 20217, subd. (d).) The petition to revoke is filed with the Executive Secretary and “shall explain with particularity the grounds for objecting to each item covered by the petition.” (*Ibid.*) A subpoena may be revoked where “the materials required to be produced do not relate to any matter under investigation, or the subpoena does not describe with sufficient particularity the materials whose production is required, or the testimony or records sought are privileged or confidential or deal with a matter not subject to review, or the subpoena is otherwise invalid.” (Cal. Code Regs., tit. 8, § 20217, subd. (e).) A person who fails to petition to revoke an investigative subpoena

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<sup>1</sup> The ALRA is codified at Labor Code section 1140 et seq.

thereby waives their objections to the subpoena. (*King City Nursery, LLC, supra*, ALRB Admin. Order No. 2020-01-P at p. 11 [party that failed to assert privacy objection in petition to revoke to subpoena waived that objection]; *Detroit Newspaper Agency* (1998) 326 NLRB 700, 751 fn. 25 [confidentiality objections to subpoena waived where no timely petition to revoke was filed]; *NLRB v. Frederick Cowan & Co.* (2nd Cir. 1975) 522 F.2d 26, 28 [trial court erred in refusing to enforce NLRB subpoena where employer had failed to file petition to revoke]; *EEOC v. Cuzzens of Georgia, Inc.* (5th Cir. 1979) 608 F.2d 1062, 1064 [“an employer served with an EEOC subpoena and making no effort to exhaust the available administrative remedies may not thereafter challenge the subsequent judicial enforcement of that subpoena for any reason short of objections based on constitutional grounds”].)

Where a person fails to comply with an investigative subpoena, “the general counsel may request that the Board apply to an appropriate superior court for an order requiring compliance in accordance with section 20250(k) or authorize the general counsel to make such application.” (Board reg. 20217, subd. (g).) The Board “shall seek enforcement on relation of the general counsel, or may delegate authority to the general counsel to seek enforcement on behalf of the Board, or a party unless in the judgment of the Board the enforcement of such subpoena or notice would be inconsistent with law or the policies of the Act.” (Board reg. 20250, subd (k).)

In considering requests to enforce subpoenas the Board considers whether the subpoena “was properly issued and the records sought are relevant to the charge investigation and identified with sufficient particularity.” (*St. Supéry, Inc., supra*, ALRB Admin Order No. 2022-06-P at p. 6; *ALRB v. Laflin & Laflin, supra*, 89 Cal.App.3d at

663-664 [“a subpoena enforcement order should issue if it appears the administrative subpoena was regularly issued and the records sought are relevant to the administrative inquiry and identified with sufficient particularity, unless the subpoena is overbroad or unreasonably burdensome or oppressive”]; see also Board regulation 20250, subd. (h) [subpoena to be revoked where it “does not describe with sufficient particularity the evidence whose production is required, or the testimony or records sought are privileged or otherwise protected or deal with a matter not subject to review, or the subpoena is otherwise invalid” and may be limited where the material sought is “unreasonably cumulative,” obtainable from a less burdensome source, or is “unduly burdensome or expensive” in light of the resources of the parties and the importance of the issues].) The Board has emphasized that subpoena enforcement proceedings are intended to be summary in nature, are not bound by the types of formalities required in typical civil actions and are not to be treated like pre-trial discovery disputes. (*St. Supéry, Inc., supra*, ALRB Admin Order No. 2022-06-P at p. 11.)

### **The Subpoena Meets the Standard for Judicial Enforcement**

The Board finds the subpoena was regularly issued and properly served as an investigative subpoena pursuant to Labor Code section 1151 and Board Regulation 20217. Additionally, the records sought are relevant to the investigation of the unlawful termination charge. The General Counsel seeks relevant records pertaining to the Respondent’s employees, including crew sheets, payroll records, and employee identifying information. Such materials fall well within the General Counsel’s broad investigatory authority. We also find the materials sought are described with sufficient particularity. The Board so found in the prior enforcement request. (*See Dixon Bee*

*Company, LLC, supra*, ALRB Admin Order No. 2025-08 at p. 2 [“The Board finds that the subpoena meets this standard.”])

By failing to timely petition to revoke the subpoena, the Respondent has waived any objections it might have to comply with it. This includes the Respondent’s assertion in its opposition that providing identifying information from all of its employees, rather than simply the employees in the Charging Party’s crew, would be overbroad and unduly burdensome.

We reject the Respondent’s argument that the General Counsel’s enforcement request is mooted by the Respondent’s provision of certain relevant documents. The Respondent paradoxically argues enforcement is inapposite because it has already provided all the requested information, while at the same time asserting that “any discovery issues that might exist” can be resolved through an informal process of meeting and conferring. The General Counsel, conversely, asserts Dixon Bee’s response to its subpoena is incomplete, and efforts to meet and confer have been unsuccessful to date. As the subpoena meets the Board’s standards for judicial enforcement, we grant the General Counsel’s renewed request for enforcement to ensure Respondent’s full compliance with all portions of the subpoena.

Finally, we reject the Respondent’s argument that the General Counsel waived its right to enforce the subpoena through inaction. The Board’s July 28, 2025 administrative order makes clear that “[i]f enforcement is not sought at this time, any dismissal or withdrawal would be without prejudice to a renewed request to enforce this subpoena at a later time.” (*Dixon Bee Company, LLC, supra*, ALRB Admin Order No. 2025-08 at p. 2.) Further, even assuming *arguendo* that failure to pursue enforcement of

the subpoena for roughly six months was “unreasonable delay” on behalf of the General Counsel, it is clear that the doctrine of laches (or, as the Respondent asserts in its opposition, a “waiver”) does not apply to the ALRB when acting to protect the public interest. (*Tri-Fanucchi Farms* (2014) 40 ALRB No. 4, p. 10, quoting *Colorado Milling and Elevator Co.* (1939) 11 NLRB 66, 68 [“It is well settled that the equitable principle of laches is not applicable to the government acting in the public interest.”]); see also *Briggs Manufacturing Co.* (1947) 75 NLRB 569, 573 [“the equitable doctrine of laches is not applicable to the [NLRB] as a Government agency acting in the public interest”].)

### **ORDER**

PLEASE TAKE NOTICE that the General Counsel’s request for judicial enforcement of the subpoena is **GRANTED**. Pursuant to Board regulation 20250, subdivision (k), the Board delegates to the General Counsel authority to seek judicial enforcement of the subpoena on behalf of the Board.

IT IS SO ORDERED.

DATED: May 5, 2026

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member