STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

TISSUE-GROWN CORPORATION., Charged Party, and, **BEATRIZ ELIAS RIOS**, Charging Party.	Case No. **2023-CE-011-SAL** **ORDER GRANTING GENERAL COUNSEL'S REQUEST FOR SUBPOENA ENFORCEMENT** **Administrative Order No. 2025-09** (August 8, 2025)

On July 11, 2025, the General Counsel of the Agricultural Labor Relations Board (ALRB or Board) filed a request that the Board authorize the filing of a superior court action to enforce an investigative subpoena duces tecum issued to charged party Tissue-Grown Corporation (Tissue-Grown). (Lab. Code, § 1151, subd. (b); Board regs. 20217, subd. (g), 20250, subd. (k).)[1] Tissue-Grown did not file a response to the General Counsel's request. (Board reg. 20250, subd. (k).) For the reasons discussed below, we GRANT the request.

BACKGROUND

On March 14, 2023, charging party Beatriz Elias Rios filed an unfair labor practice charge alleging that Tissue-Grown threatened her and other workers with layoffs

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

in retaliation for complaints about work assignments.

On February 21, 2025, the General Counsel served an investigatory subpoena duces tecum on Tissue-Grown, stating the documents sought must be produced by March 6, 2025. The General Counsel states that Tissue-Grown did not file a timely petition to revoke the subpoena and did not provide any responsive documents.

DISCUSSION

I. The ALRB's Subpoena Power and Judicial Enforcement

The Agricultural Labor Relations Act (ALRA or Act)[2] expressly grants the Board, and General Counsel, access to "any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question." (Lab. Code, § 1151, subd. (a); *D'Arrigo Bros. of California v. United Farmworkers of America* (2014) 224 Cal.App.4th 790, 803.) This includes the authority to issue subpoenas to aid in the investigation of unfair labor practice charges.

A person that does not intend to comply with an investigatory subpoena must file a petition to revoke it within five days, stating "with particularity the grounds for objecting" to the subpoena. (Board reg. 20217, subd. (d).) Failure to file a petition to revoke waives any objections to the subpoena. (*King City Nursery, LLC* (Jan. 9, 2020) ALRB Admin. Order No. 2020-01-P, pp. 6, 11; *Detroit Newspaper Agency* (1998) 326 NLRB 700, 751, fn. 25; *NLRB v. Frederick Cowan & Co*. (2nd Cir. 1975) 522 F.2d 26, 28; *NLRB v. Williams* (D.Or. May 3, 2018) 2018 U.S. Dist. LEXIS 85632, *6-7.)

[2] The ALRA is codified at Labor Code section 1140 et seq.

Judicial enforcement is available when a person fails to comply with an investigative subpoena. (Lab. Code, § 1151, subd. (b); Board regs. 20217, subd. (g), 20250, subd. (k).) In such circumstances the Act contemplates the prompt enforcement of subpoenas through summary proceedings. (Lab. Code, § 1151, subd. (b).) Notably, like National Labor Relations Act (NLRA)[3] Section 11(2) [29 U.S.C. § 161(2)], Labor Code section 1151, subdivision (b) vests jurisdiction in a superior court to enforce an ALRB subpoena upon "application" by the Board. (*Goodyear Tire & Rubber Co. v. NLRB* (6th Cir. 1941) 122 F.2d 450, 451; *Cudahy Packing Co. v. NLRB* (10th Cir. 1941) 117 F.2d 692, 694.) In such a proceeding, "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." (*Laflin & Laflin, supra*, 89 Cal.App.3d at p. 664.)

In evaluating a request to enforce a subpoena, Board regulation 20250, subdivision (k) requires the Board to exercise its judgment concerning whether "the enforcement of such subpoena or notice would be inconsistent with law or the policies of the Act." In making this determination, the Board has considered whether the subpoena to be enforced "was regularly issued and the records sought are relevant to the administrative inquiry and identified with sufficient particularity." (*Laflin & Laflin, supra*, 89 Cal.App.3d at pp. 663-664; *St. Supéry, Inc. dba St. Supéry Vineyards & Winery*

[3] The NLRA is codified at 29 U.S.C. § 151 et seq. Labor Code section 1151 is modeled after NLRA Section 11 [29 U.S.C. § 161]. (*ALRB v. Laflin & Laflin* (1979) 89 Cal.App.3d 651, 663; see Lab. Code, § 1148 [stating the ALRB shall follow applicable precedent under the NLRA].)

(Sept. 28, 2022) ALRB Admin. Order No. 2022-06-P, p. 6; *Tri-Fanucchi Farms* (Aug. 11, 2023) ALRB Admin. Order No. 2023-06, p. 3.)

II. The Subpoena Complies with the Board's Regulations

The General Counsel's February 21, 2025 subpoena duces tecum was properly issued and served. The records sought by the subpoena are relevant to the General Counsel's investigation of the underlying unfair labor practice charge and are described with sufficient particularity.

III. Tissue-Grown Waived Any Objections to the Subpoena

Tissue-Grown did not file a petition to revoke the subpoena and therefore waived any objections to it. Tissue-Grown also failed to file any response to the General Counsel's request for subpoena enforcement.

ORDER

The General Counsel's request for authorization to seek judicial enforcement of its investigative subpoena duces tecum to charged party Tissue-Grown Corporation pursuant to Labor Code section 1151, subdivision (b) is GRANTED.

IT IS SO ORDERED.

DATED: August 8, 2025

Cinthia N. Flores, Acting Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

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

Case Name: **TISSUE-GROWN CORPORATION**, Respondent; and
BEATRIZ ELIAS RIOS, Charging Party

Case No.: **2023-CE-011-SAL**

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 8, 2025, I served this **ORDER GRANTING GENERAL COUNSEL'S REQUEST FOR SUBPOENA ENFORCEMENT (Administrative Order No. 2025-09)** on the parties in the this action as follows:

- **By Email** to the parties pursuant to Board regulations 20164 and 20169 (Cal. Code Regs., tit. 8, §§ 20164, 20169) from my business email address angelica.fortin@alrb.ca.gov:

  Charley M. Stoll — cstoll@cmsapc.com
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  Assistant General Counsel
  Agricultural Labor Relations Board

- **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:

  Beatriz EliasRios
  308 N. Palm Ave., Apt. C
  Santa Paula, CA 93060
  Certified U.S. Mail # 958907105270285717557O

Executed on August 8, 2025, at Sacramento, California. I certify under penalty of perjury that the foregoing is true and correct.

Angelica Fortin
Angelica Fortin, Legal Secratary