

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

SOLO MIO, INC.)	Case No. 2023-CE-002-VIS
)	
Charged Party,)	ORDER GRANTING GENERAL
)	COUNSEL’S REQUEST FOR
and,)	SUBPOENA ENFORCEMENT
)	
OSCAR GARCIA,)	
)	
Charging Party.)	Administrative Order No.: 2025-10
)	
_____)	(August 25, 2025)

On August 7, 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 RFL, Inc. (RFL), a farm labor contractor providing labor to charged party employer, Solo Mio, Inc. (Solo Mio). (Lab. Code, § 1151, subd. (b); Board regs. 20217, subd. (g), 20250, subd. (k).)¹ RFL 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 May 2, 2023, charging party Oscar Garcia filed an unfair labor practice (ULP) charge against Solo Mio. The charge alleges that on April 17, 2023, the owner of Solo Mio discharged Garcia in retaliation for an interview Garcia gave to a Fresno

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

television station describing reduced hours and pay he and others were experiencing at Solo Mio.

During the course of investigating the charge, General Counsel staff learned that farm labor contractor, RFL provided labor to Solo Mio in April 2023. The General Counsel believes that RFL's employees may have information pertinent to the investigation.

On September 5, 2024, the General Counsel sent a subpoena duces tecum for records relating to the investigation of the charge to RFL's agent for service of process via certified mail. However, the unopened envelope was returned to the regional office on October 1, 2024. Then on October 2, 2024, General Counsel staff personally served the subpoena at RFL's office and left the subpoena with a person who identified herself as a relative of RFL's CEO.

The records were due October 16, 2024. RFL did not produce the records or file a petition to revoke the subpoena. The General Counsel filed this enforcement request on August 7, 2025. Attached in support of the enforcement request is a declaration by Assistant General Counsel, Xavier Sanchez and a copy of the September 5, 2024 subpoena. Under Board regulation section 20250 (k), RFL had until August 13, 2025 at 5:00 p.m. to file a response with the Board. No response was received.

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.)

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

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

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* (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

There is no dispute that the subpoena complies with Board regulation

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].)

20217 and was properly served.

As part of the investigation, the General Counsel seeks RFL's records to assist in the investigation of the allegation that Solo Mio retaliated against the charging party for publicly complaining about reduced hours and pay. The General Counsel seeks to identify percipient witness among workers RFL supplied to Solo Mio during the relevant time-period, and seeks information about workers who were terminated during the time of the events alleged in the charge. The ALRA authorizes the General Counsel to subpoena evidence that relates to any matter under investigation or in question. (Lab. Code § 1151, subd. (a); Cal. Code Regs., tit.8, § 20217, subd. (b).) Thus, the subpoenaed records are material and relevant to the issues in this investigation.

The items in the subpoena are described with sufficient particularity to put RFL on notice as to what is being requested and are not overbroad as the scope is appropriately tailored to the nature of the investigation.

III. RFL, Inc. Waived Any Objections to the Subpoena

RFL did not file a petition to revoke the subpoena and therefore waived any objections to it. RFL 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 RFL, Inc. pursuant to Labor Code section 1151, subdivision (b) is GRANTED.

IT IS SO ORDERED.

DATED: August 25, 2025

CINTHIA N. FLORES, Acting Chair

ISADORE HALL, III, Member

BARRY D. BROAD, Member

RALPH LIGHTSTONE, Member