

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

SEA MIST FARMS, LLC,	)	Case No. 2025-CE-045
	)	
Charged Party,	)	ORDER GRANTING GENERAL
	)	COUNSEL’S REQUEST FOR
and,	)	SUBPOENA ENFORCEMENT
	)	
MODESTO ROJAS BONILLA,	)	
	)	
Charging Party.	)	Administrative Order No. 2026-01
	)	
_____	)	(February 4, 2026)

On January 22, 2026, 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 Sea Mist Farms, LLC (Sea Mist). (Lab. Code, § 1151, subd. (b); Board regs. 20217, subd. (g), 20250, subd. (k).)<sup>1</sup> Sea Mist 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 August 13, 2025, charging party Modesto Rojas Bonilla filed an unfair labor practice charge alleging that Sea Mist suspended and then discharged him in retaliation for raising concerns about working conditions.

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

On December 16, 2025, the General Counsel served an investigatory subpoena duces tecum on Sea Mist, stating the documents sought must be produced by January 7, 2026. The General Counsel states that Sea Mist 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)<sup>2</sup> 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.)

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<sup>2</sup> 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)<sup>3</sup> 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 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**

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<sup>3</sup> 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].)

The General Counsel's December 16, 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. Sea Mist Waived Any Objections to the Subpoena**

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

IT IS SO ORDERED.

DATED: February 4, 2026

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cynthia N. Flores, Member