

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,	)	
	)	Administrative Order No. 2026-10
Charging Party.	)	
_____	)	(July 27, 2026)

On July 10, 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).)¹ 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

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

labor practice charge alleging that Sea Mist suspended and then discharged him in retaliation for raising concerns about working conditions.

On June 4, 2026, the General Counsel served an investigatory subpoena duces tecum on Sea Mist. On June 11, 2026, Sea Mist filed a petition to revoke the subpoena. On June 23, 2026, the Administrative Law Judge (ALJ) issued an order denying the petition to revoke and ordered Sea Mist to comply with the subpoena by July 3, 2026. To date, Sea Mist has not produced any responsive records or 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

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

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 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 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.

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 may follow applicable precedent under the NLRA].)

11, 2023) ALRB Admin. Order No. 2023-06, p. 3.)

II. The Subpoena Complies with the Board's Regulations

The General Counsel's subpoena duces tecum was properly issued and served. As discussed below, 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. Sea Mist failed to file any response to the General Counsel's request for enforcement of the subpoena, thereby waiving any objection to the enforcement request.

We also note that Sea Mist filed a petition to revoke the subpoena and the ALJ found the petition was without merit. To the extent the petition sought to revoke the subpoena in its entirety, the ALJ denied the request for failing to comport with Board regulation section 20217 subdivision (d).⁴

Sea Mist specifically objected only to six of the twenty-three subpoena requests: nos. 5, 10, 11, 13, 22, and 23, with no specific objections to the remaining requests. With respect to request no. 5, "documents relating to any disciplinary action initiated against agricultural workers for insubordination between January 1, 2025, and the present," the ALJ agreed the information sought is relevant as it might evidence whether Sea Mist's actions were consistent with its past practice and reflect what types of conduct employer had considered to be insubordination in the past.

⁴ Board regulation section 20217 subdivision (d) requires the party filing the petition to revoke to "explain with particularity the grounds for objecting to each item covered by the petition."

The ALJ rejected Sea Mist’s argument that the request is overbroad because it would have to search both its own personnel files and those of farm labor contractors (FLCs). The unfair labor practice charge (ULP) alleges the adverse action was carried out by a FLC acting as Sea Mist’s agent, so the inclusion of FLC records in the request is not overbroad. Moreover, the ALJ concluded Sea Mist failed to substantiate its claim of undue burden by showing that compliance with the subpoena would “seriously disrupt its normal business operations.” (*NLRB v. Carolina Food Processors* (4th Cir. 1996) 81 F.3d 507, 513.)

With respect to requests nos. 10 and 11, payroll records and other documents identifying all agricultural workers who reported to Supervisor Faustino, the ALJ rejected Sea Mist’s summary argument that the requests are overbroad. He agreed the documents are relevant and necessary to reveal percipient witnesses regarding working conditions referenced in the charge and employees’ concerted complaints concerning those conditions.

Request no. 13 seeks “all communications relating to complaints made by agricultural workers about disparate treatment between January 1, 2025, and July 31, 2025.” Sea Mist complained in its petition to revoke that the request is vague and overbroad because the term “disparate treatment” is not defined. The ALJ rejected this argument as the term disparate treatment is commonly used and well-understood in labor relations as treating an employee less favorably than other employees for discriminatory reasons, and is a factor routinely considered by the Board in determining whether an adverse action had a discriminatory motive.

Sea Mist also argued request no. 13 is overbroad because it is not limited to Supervisor Faustino's actions. The ALJ rejected this argument, citing National Labor Relations Board (NLRB) precedent holding discipline issued by other supervisors may be relevant in evaluating claims of disparate treatment. (*Genpak, LLC* (2023) 372 NLRB No. 76, p. 1; *Keller Manufacturing Co.* (1978) 237 NLRB 712, 715, 736, fn. 5.)

Finally, requests nos. 22 and 23 seek documents and communication relating to agricultural workers cultivating personal crops on Sea Mist Farms, LLC's property between January 1, 2025, and July 31, 2025. According to the declaration by the Assistant General Counsel attached to the subpoena, the ULP investigation has revealed certain employees, including the charging party, were given permission to cultivate crops for personal use as a condition of employment, and there were allegedly disagreements about when employees could tend to personal crops that led to concerted complaints.

Sea Mist argued these requests are vague, overbroad and unrelated to the ULP charge. The ALJ found this argument without merit, as the requests are tailored to the specific topic of personal crops for a limited, seven-month period. The ALJ also reasoned the request is relevant even though the ULP charge does not specifically mention the personal crop issue. The charge alleges the employer discriminated against the charging party for "raising concerns about working conditions, including but not limited to, broken water pipes, disparate treatment, and having to work in muddy fields." If the cultivation of personal crops is determined to be a working condition, then complaints about disparate treatment concerning this working condition would fall squarely within the language of the charge.

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

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: July 27, 2026

Victoria Hassid, Chair

Barry D. Broad, Member

Ralph Lightstone, Member