

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

EDWARDS PAINTING INC.

and

Case 19-CA-116399

INTERNATIONAL UNION OF PAINTERS AND
ALLIED TRADES DISTRICT COUNCIL 5,
AFFILIATED WITH INTERNATIONAL UNION
OF PAINTERS AND ALLIED TRADES

ORDER REFERRING REQUEST TO RE-OPEN/RECONSIDER

A Request to Re-open/Reconsider having been filed with the Regional Director on December 28, 2016, by Respondent without the advice of counsel,

IT IS ORDERED that, due to Respondent's mistaken *pro se* filing with the Region, the undersigned hereby refers the attached Request to Re-Open/Reconsider to the Board for proper processing.

Dated: January 3, 2017.



Ronald K. Hooks
Regional Director
National Labor Relations Board
Region 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

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AFFIDAVIT OF SERVICE OF: Order Referring Order Referring Request To Re-Open/Reconsider, dated January 3, 2017.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **January 3, 2017**, I served the above-entitled document(s) to the Office of the Executive Secretary by **e-file** and the following persons by **regular mail**, addressed to them at the following addresses:

Gene Edwards
Edwards Painting, Inc.
16580 S Hunter Ave
Oregon City, OR 97045

James Scott Oldham
International Union Of Painters And Allied
Trades, District Council 5
11105 NE Sandy Blvd.
Portland, OR 97220

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2101 4th Ave, Ste 1000
Seattle, WA 98121-2346

January 3, 2017

Date

Jacqueline Canty
Designated Agent of NLRB

Name

Jacqueline Canty

Signature

The National Labor Relations Board
In the matter of:
Edwards painting incorporated
and international union of Painters and Allied trades,
District Council 5, Affiliated with
International Union of Painters and Allied Trades.

Cases 19-CA -116399 and
19 - CA -122730

Request Re-open/ Reconsider

Through this motion Edwards Painting Inc. defendant respectfully requests that the Board reconsider its decision dated November 30, 2016, by which the board denied all 96 of the defendants defensive arguments, In effect denying each and every assertion held to be true by the defendant Edwards Painting Incorporated.

The NRLB's decision states that the exceptions were focused on the status of Connie Edwards, which is incorrect. The exceptions focused on whether there was a violation of the act with respect to applicants Roman Ramos, Arturo Ramos and Gustavo Garcia. During the entire course of the hearing, conducted by ALJ McCarrick, the plaintiff's legal council did not provide the court with a single affidavit or witness from any of the regular full time employee of Edwards Painting to corroborate a single accusation leveled against Edwards Painting by the plaintiffs. There was not one single item of hard evidence to back-up anything that the union organizers and promoters have accused Edwards Painting of having been engaged in. The administrative law Judge, John McCarrick, showed extreme animus towards the respondent, Edwards Painting, throughout the entire course of the hearing. The administrative law judge, the prosecuting attorney and Scott Oldham, during a court recess all walked back to and met in the judge's chambers without any representative of the respondent present. Scott Oldham and Wyatt McMinn were not fired or let go, they got themselves kicked off of the job that they were sent to do, another one of the very easy job that they were sent to do. They had several police incidents that they were involved in. They did malicious damage to jobs for virtually all of the builders that we could work for, before their criminal activities were conducted on their jobs. After their

criminal malicious damage they engaged in on the jobs, no one would allow those two, Oldham and McMinn, back on their sites again. It was irrelevant that they were union promoters, because as the other employees got to know Oldham and McMinn, they just became even more adamant that they did not want to sign with anything they were associated with. I never once initiated any conversation at any time with any employee, other than family members, at any time ever. We did have some employees sign with Oldham and McMinn and they stayed with us up until they quit to start their own businesses. Craig Winslow quit and went to work for another employer and when he was discharged from there he came back and demanded he be re-hired, which in no way was going to happen. The only reason he was still working for Edwards Painting when he quit was because he was signed with the union and I did not want to create an issue with the union. Craig Winslow had a drinking problem and problems with no drivers license due to DUIs. I do not know if the two Ramos brothers really wanted a job or not, they never as much as called me, although my wife told them that was the only way that they would be considered. When I would not fire or lay-off Oldham and McMinn, Scott Oldham got frustrated and stood at our front door and yelled at me, "why don't you just fire us union pukes". I just tried to ignore him and not accommodate him and let him go, which seemed to be what he and the other union plants were really trying to accomplish all along.

For the foregoing reasons Edwards Painting respectfully request the NLRB reconsider/reopen the cases
19-CA-116399 and 19-CA-122730

Edwards Painting
and
International Union of Painters District 5

respectfully submitted
Gene Edwards, Pres.
Edwards Painting, Inc.