

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

PARAGON SYSTEMS INC. /PATRONUS SYSTEMS INC.

Employers

and

**LAW ENFORCEMENT OFFICERS SECURITY
UNIONS LEOSU, LEOS-PBA**

Case No. 09-RC-243304

Petitioner

and

THE PROTECTION & RESPONSE OFFICERS OF AMERICA

Intervenor

and

**INTERNATIONAL UNION, SECURITY, POLICE &
FIRE PROFESSIONALS OF AMERICA (SPFPA)**

Intervenor

**INTERVENOR INTERNATIONAL UNION SECURITY POLICE & FIRE
PROFESSIONALS OF AMERICA (SPFPA)
STATEMENT IN OPPOSITION TO
PETITIONER LEOSU, LEOS-PBA'S MOTION TO DISMISS**

At 12:57 p.m., on June 27, 2019 Petitioner LEOSU Union emailed its Motion to Dismiss to counsel for Intervenor International Union SPFPA (and others) arguing that that a "conflict of interest" and "criminal concerns" warranted removal of the Intervenor International Union SPFPA as an Intervenor in this case, which is scheduled for hearing on Friday June 28, 2019 at 9:00 a.m.

For a variety of reasons Petitioner's Motion should be summarily rejected.

To begin with, Petitioner's submission is untimely. Section 102.66(d) of the Board's Rules and Regulations provides, in pertinent part, that a "party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument cornering any issue that the party failed to raise in a timely Statement of Position." The Statement of Position was due on or before noon on June 27, 2019. Petitioner's failure to meet this deadline is fatal to its attempt to file a motion to dismiss. See for example, Brunswick Bowling Products, LLC, 364 NLRB No. 96 (2016).

Even if there was some reason to somehow overlook this Board Rule – and there is not – none of the provocative allegations advanced by Petitioner are meritorious. The claimed disqualifying conflict of interest is entirely unsupported by facts. In any event, this wild claim cannot be ruled upon in advance of hearing, considering that the Board imposes a “considerable burden” on parties alleging a conflict “to come forward with a showing that danger of a conflict of interest.” *Beverly Enterprises-North Dakota, Inc.*, 293 N.L.R.B. 122 (1989) The Petitioner’s *ipse dixit*, un-factual allegations come nowhere near bearing this burden.

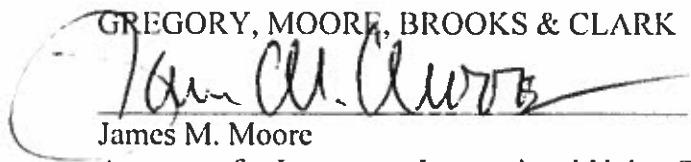
Moreover, especially as to Petitioner’s gratuitous characterization of “criminal concerns,” the National Labor Relations Board is not the venue to pursue such claims. As Petitioner notes, some members of the International Union SPFPA have apparently filed internal Union charges and called for an investigation by the United States Department of Labor. If there is a need for such an investigation that is outside the scope of the NLRB’s election procedures. The Department of Labor is fully capable of addressing whatever “evidence” Petitioner here believes warrants further scrutiny.

The absence of merit in the Petitioner’s submission is exemplified by its extravagant, if not defamatory assertion that the Intervenor International Union SPFPA’s Organizing Director offered Paragon employees a \$40,000 “BRIBE.” In fact, the source of this assertion is a letter written to Paragon employees dated April 8, 2019 in which it was explained that if Paragon employees, who were formerly represented by the SPFPA, voted to return to SPFPA representation, \$40,000 that had remained in the treasury of their former Local Union (No. 110) would be available “for Local Union business.” This transparent explanation of one of the benefits of “com[ing] home” was entirely legitimate. A copy of this letter (with apologies for the poor reproduction) is attached.

For all the reasons set forth it is respectfully submitted that Petitioner’s Motion to Dismiss is without merit and should be dismissed.

Respectfully submitted,

GREGORY, MOORE, BROOKS & CLARK



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Dated June 27, 2019