

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

OPEN DOOR RETAIL GROUP, INC.

and

Case 16-CA-028083

VANDA JORDAN, an Individual

**MOTION TO TRANSFER AND CONTINUE CASE
BEFORE THE BOARD AND
MOTION FOR DEFAULT JUDGMENT**

COMES NOW Jamal M. Allen, Counsel for the Acting General Counsel, in the above-styled and numbered case, pursuant to Section 102.24 and 102.50 of the Board's Rules and Regulations, Series 8, as amended, and files this Motion to Transfer and Continue Case Before the Board and Motion for Default Judgment.

In support of this Motion, Counsel for the Acting General Counsel offers the following:

i.

On February 23, 2012, the National Labor Relations Board, herein called the Board, issued its Decision and Order, 358 NLRB No. 9, finding Open Door Retail Group, Inc., herein called Respondent, violated Section 8(a)(1) of the Act by unlawfully terminating Vanda Jordan in retaliation for her protected, concerted activities. A copy of the Board's Decision and Order is attached hereto as Exhibit 1.

2.

The Board's February 23, 2012 Decision and Order directed Respondent to take certain affirmative actions to remedy the aforementioned violations, including making whole discriminatee Vanda Jordan for losses she suffered as a result of Respondent's unlawful termination of her employment.

3.

By letters dated March 2, 2012, and April 5, 2012, Respondent was directed to comply with the Board's Order. Respondent has failed to respond to these letters and has failed to take any of the actions required by the Board's Order. Copies of the March 2 and April 5, 2012 letters are attached hereto as Exhibit 2 and Exhibit 3.

4.

On May 31, 2012, the Regional Director of Region 16, pursuant to Section 102.54 of the Board's Rules and Regulations, Series 8, as amended, issued a Compliance Specification and Notice of Hearing in Case No. 16-CA-028083. Said Compliance Specification was served on Respondent by certified mail on May 31, 2012. Pursuant to Sections 102.56 of the Board's Rules and Regulations, Series 8, as amended, the Compliance Specification requested that Respondent file an Answer on or before June 21, 2012. Copies of the Compliance Specification and service thereof are attached hereto as Exhibits 4 and 5.

5.

The Compliance Specification alleges that the backpay owed to Vanda Jordan is as follows:

(a) The backpay period for Jordan begins on June 22, 2011, the date on which she was unlawfully discharged;

(b) Vanda Jordan's backpay period continues to the date on which Respondent makes her a valid offer of reinstatement;

(c) An appropriate measure of the gross backpay Jordan would have received during the backpay period is the amount she would have earned had she continued to be employed by Respondent;

(d) The average number of hours which Jordan would have worked per week is 38 and the hourly wage rate which Jordan would have been paid is \$9.00 per hour; and

(e) The total amount due Jordan from the date of discharge to the date of the issuance of the Compliance Specification is \$14,431, plus additional net backpay which accrues until the date on which Respondent makes a valid offer of reinstatement to Jordan, less withholdings required by Federal and state laws, plus interest accrued to the date of payment.

6.

By a letter dated June 22, 2012, Counsel for the Acting General Counsel advised Respondent that it had failed to file an Answer to the Compliance Specification referred to above in paragraphs 4 and 5. The letter further advised Respondent that a Motion for Default Judgment would be filed if Respondent failed to file an Answer before the close of business on June 29, 2012. A copy of this letter is attached hereto as Exhibit 6.

7.

On July 2, 2012, Compliance Officer Charlene Donovan hand-delivered a copy of the Compliance Specification referred to above in paragraphs 4 and 5, and the letter referred to above in paragraph 6, to Respondent's place of business, at the Thomas Kinkade Art Gallery located at 10 Kemah Waterfront Street, Suite M, Kemah, TX 77565.

8.

As of today's date, Respondent has failed and refused to file an Answer to the Compliance Specification.

9.

Based on Respondent's failure to file an Answer to the Compliance Specification in accordance with Section 102.56 of the Board's Rules and Regulations, Series 8, as amended, Counsel for the Acting General Counsel moves that the Board:

- (a) Grant Counsel for the Acting General Counsel's Motion to Transfer and Continue Case Before the Board and Motion for Default Judgment;
- (b) Find that all allegations of the Compliance Specification are true;
- (c) Issue a Decision and Order finding Respondent's net backpay liability from the date of Jordan's discharge to the date of the issuance of the Compliance Specification is \$14,431, plus additional net backpay which accrues to the date on which Respondent makes Jordan a valid offer of reinstatement, less the withholdings required by Federal and state laws, plus interest accrued to the date of payment; and
- (d) Provide any further relief as the Board may deem to be appropriate in order to effectuate the purposes and policies of the Act.

DATED at Houston, Texas, this 10th day of July 2012.


JAMAL M. ALLEN
Counsel for the Acting General Counsel
National Labor Relations Board
Region 16
1919 Smith Street, Suite 1545
Houston, TX 77002-8051

CERTIFICATE OF SERVICE

I hereby certify that on this date copies of the foregoing Motion To Transfer And Continue Case Before The Board And Motion For Default Judgment, dated July 10, 2012, were served by regular and overnight mail on the following parties.

MIKE BARON, OPERATIONS MANAGER
OPEN DOOR RETAIL
PO BOX 590043
HOUSTON, TX 77259-0043

VANDA JORDAN
714 VOYAGER DR
HOUSTON, TX 77062-5617

MIKE BARON
KINKADE ART GALLERY
10 KEMAH WATERFRONT, SUITE M
KEMAH, TX 77565

Dated this 10th day of July 2012 at Houston, Texas.



JAMAL M. ALLEN
Counsel for the Acting General Counsel
National Labor Relations Board
Region 16
1919 Smith Street, Suite 1545
Houston, TX 77002-8051

NOTICE This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, DC 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

Open Door Retail Group, Inc. and Vanda Jordan.
Case 16-CA-28083

February 23, 2012

DECISION AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS HAYES
AND GRIFFIN

The Acting General Counsel seeks a default judgment in this case on the ground that the Respondent has failed to file an answer to the complaint. Upon a charge filed by Vanda Jordan on June 29, 2011, the Acting General Counsel issued a complaint on December 15, 2011, against Open Door Retail Group, Inc. (the Respondent), alleging that it has violated Section 8(a)(1) of the National Labor Relations Act. The Respondent failed to file an answer.

On January 6, 2012, the Acting General Counsel filed a Motion for Default Judgment with the Board. Thereafter, on January 9, 2012, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. On February 2, 2012, the Board issued a Revised Notice to Show Cause, noting that the original notice was not served on the Respondent at all of its known addresses. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the complaint affirmatively stated that unless an answer was received by December 29, 2011, the Board may find, pursuant to a motion for default judgment, that the allegations in the complaint are true. Further, the undisputed allegations in the Acting General Counsel's motion disclose that the Region, by letter dated December 30, 2011, advised the Respondent that unless an answer was received by January 6, 2012, the Region would seek default judgment in this case based on the Respondent's failure to respond to the complaint allegations. Nevertheless, the Respondent failed to file an answer.

In the absence of good cause being shown for the failure to file an answer to the complaint, we deem the alle-

gations in the complaint and notice of hearing to be admitted as true, and we grant the Acting General Counsel's Motion for Default Judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, the Respondent, a Texas corporation, with places of business located in Kemah, Texas, has been engaged in the business of operating various retail stores including an art gallery, candy store, and souvenir shop along the Kemah Boardwalk.

During the 12-month period preceding issuance of the complaint, a representative period, the Respondent, in the course and conduct of its business operations described above, derived gross revenues in excess of \$500,000.

We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of the Respondent within the meaning of Section 2(11) of the Act, and/or agents of the Respondent within the meaning of Section 2(13) of the Act:

Ron Larson	Owner
Mike Baron	Operations Manager

On about June 20 and 21, 2011, the Respondent's employee, Vanda Jordan, engaged in concerted activities with other employees for the purposes of mutual aid and protection by discussing with her coworkers an oral reprimand she received from owner Ron Larson as a result of a secret shopper report conducted at the Respondent's Violets Are Blue retail store.

On about June 22, 2011, the Respondent discharged Vanda Jordan.

The Respondent discharged Jordan because Jordan engaged in concerted activities for the purposes of mutual aid and protection, and to discourage employees from engaging in these or other concerted activities.

CONCLUSION OF LAW

By the conduct described above, the Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act, and has thereby engaged in unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, having found that the Respondent has violated Section 8(a)(1) of the Act by discharging Vanda Jordan because she engaged in protected concerted activities, we shall order the Respondent to offer Jordan full reinstatement to her former job, or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed, and to make Jordan whole for any loss of earnings and other benefits suffered as a result of the Respondent's unlawful actions against her. Backpay shall be computed in accordance with *F. W. Woolworth Co.*, 90 NLRB 289 (1950), with interest as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), enf. denied on other grounds sub nom. *Jackson Hospital Corp. v NLRB*, 647 F.3d 1137 (D.C. Cir. 2011).¹

The Respondent shall also be required to remove from its files any reference to the unlawful discharge of Vanda Jordan and to notify her in writing that this has been done and that the unlawful discharge will not be used against her in any way.

ORDER

The National Labor Relations Board orders that the Respondent, Open Door Retail Group, Inc., Kemah, Texas, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Discharging or otherwise discriminating against employees because they engaged in concerted activities for the purposes of mutual aid and protection, and to discourage employees from engaging in concerted activities.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

¹ In the complaint, the Acting General Counsel seeks an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination. Further, the Acting General Counsel requests that the Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid it will be allocated to the appropriate periods. Because the relief sought would involve a change in Board law, we believe that the appropriateness of this proposed remedy should be resolved after a full briefing by the affected parties, and there has been no such briefing in this case. Accordingly, we decline to order this relief at this time. See, e.g., *Ishikawa Gasket America, Inc.*, 337 NLRB 175, 176 (2001), enf. 354 F.3d 534 (6th Cir. 2004), and cases cited therein.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days from the date of this Order, offer Vanda Jordan full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.

(b) Make Vanda Jordan whole for any loss of earnings and other benefits suffered as a result of the discrimination against her, in the manner set forth in the remedy section of this decision.

(c) Within 14 days from the date of this Order, remove from its files any reference to the unlawful discharge of Vanda Jordan and, within 3 days thereafter, notify her in writing that this has been done and that the unlawful discharge will not be used against her in any way.

(d) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

(e) Within 14 days after service by the Region, post at its Kemah, Texas facility copies of the attached notice marked "Appendix."² Copies of the notice, on forms provided by the Regional Director for Region 16, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.³ Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees

² If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

³ For the reasons stated in his dissenting opinion in *J. Picini Flooring*, 356 NLRB No. 9 (2010), Member Hayes would not require electronic distribution of the notice.

and former employees employed by the Respondent at any time since June 22, 2011.

(f) Within 21 days after service by the Region, file with the Regional Director for Region 16 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. February 23, 2012

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

Richard F. Griffin, Jr., Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE

NATIONAL LABOR RELATIONS BOARD

An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT discharge or otherwise discriminate against any of you for engaging in concerted activities for the purpose of mutual aid and protection or to discourage employees from engaging in these and other concerted activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, within 14 days from the date of the Board's Order, offer Vanda Jordan full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.

WE WILL make Vanda Jordan whole for any loss of earnings and other benefits resulting from her discharge, less any net interim earnings, plus interest.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful discharge of Vanda Jordan, and WE WILL, within 3 days thereafter, notify her in writing that this has been done and that the unlawful discharge will not be used against her in any way.

OPEN DOOR RETAIL GROUP, INC.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 16
HOUSTON RESIDENT OFFICE
1919 SMITH STREET, SUITE 1545
HOUSTON, TX 77002

Agency Website: www.nlr.gov
Telephone: 713-209-4885
Fax: 713-209-4890

March 2, 2012

MIKE BARON, OPERATIONS MANAGER
OPEN DOOR RETAIL
PO BOX 590043
HOUSTON, TX 77259-0043

Re: Open Door Retail
Case 16-CA-028083

Dear MR. BARON:

Enclosed is a copy of the Board Decision and Order in the above matter that issued on February 23, 2012. This letter discusses what Respondent needs to do to comply with the Board's Order.

Post Notice: Enclosed are 10 copies of the Notice to Employees. A responsible official of the Respondent, not Respondent's attorney, must sign and date the Notices before posting them. The Notices should be conspicuously displayed where notices to employees are customarily posted for a period of 60 consecutive days at Respondent's facility in Kemah, Texas. Respondent must take reasonable steps to ensure that the Notices are not altered, defaced or covered by other material. If additional Notices are required, please let me know. During the posting period, a member of the Regional Office staff may visit Respondent's facility to inspect the Notices.

Remedial Actions: The Board's Order requires that Respondent take the following affirmative actions in order to fully comply in this matter. Please provide all of the requested documentation to me at the address shown above.

By March 8, 2012, Respondent is required to offer Vanda Jordan full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority and any other rights or privileges which she previously enjoyed. **Please provide this office with a copy of the written job offer sent to Vanda Jordan.**

Respondent is required to make Vanda Jordan whole for the loss of earnings and other benefits which resulted from her unlawful discharge. **The amount of backpay due to Vanda Jordan is to be determined.**

By March 8, 2012, Respondent is required to expunge its files of any reference to the unlawful discharge of Vanda Jordan and, within three days thereafter, notify her in writing of the expungment and that the unlawful discharge will not be used against her in any way. **Please provide this office with a copy of the written notice of expungment sent to Vanda Jordan.**

Respondent is required to provide the Board or its agents with records needed in order to determine the amount of backpay due to Vanda Jordan, including an electronic copy of such records if they are stored in electronic form. **No later than March 16, 2012, please provide this office with the weekly payroll records for the period from January 1, 2011, to date. Additional records may be requested as needed.**

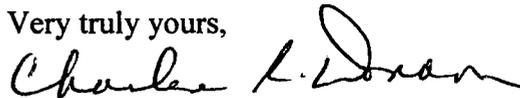
If Respondent customarily communicates with its employees electronically, including by email, posting on an intranet or internet site, and/or by other electronic means, the notices must be distributed to employees by the same electronic method. **Please provide this office with a copy of any electronic distribution of the notice, including the date and method of distribution, and any web address or passwords needed to verify electronic postings.**

Certification of Compliance: A Certification of Compliance form is enclosed. This form, containing information about the steps being taken to comply with the Board Order and where and when the Notices were posted, should be returned **with four (4) signed and dated Notices within 21 days of the date of this letter.**

Closing the Case: When all of the affirmative terms of the Board's Order have been fully complied with and there are no reported violations of its negative provisions, you will be notified that the case has been closed on compliance. Timely receipt of the signed and dated Notices and required Sworn Certification of Compliance will assist us in closing the case in a timely manner.

Your cooperation in this matter will be appreciated.

Very truly yours,



CHARLENE R. DONOVAN
Compliance Officer

Enclosures: Board Decision and Order
Notices
Certification of Compliance Form

CERTIFICATION OF COMPLIANCE

**RE: Open Door Retail
Case 16-CA-028083**

As required by the Board order in this matter, this document is a sworn certification of the steps that Respondent has been taken to comply with the Board order.

Physical Posting

The Notice to Employees in the above matter was posted on (date) _____
at the following locations: (List specific places of posting)

Attached are four signed and dated Notices.

Electronic Distribution

The Notice to Employees in the above captioned matter was also distributed electronically on
(date) _____ by the following means. (State means of distribution and
attach proof.)

Reinstatement of Vanda Jordan

A written offer of reinstatement was sent to Vanda Jordan on (date) _____
by the following means. (State means of distribution and **attach copy of the offer.**)

Expungment of Files

All reference to the unlawful discharge of Vanda Jordan was removed from Respondent's files
on (date) _____. Written notification of the expungment was sent to
Vanda Jordan on (date) _____. (State means of distribution and **attach a copy
of the written notification.**)

Provision of Records Needed to Calculate Backpay

Copies of the weekly payroll records from January 1, 2011, to date are attached. Additional records will be provided as requested by the Region.

I have read this Certification of Compliance, I fully understand it, and I state under penalty of perjury that it is true and correct.

Dated
:

By:

(Signature)

Title:

Print Name



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 16
HOUSTON RESIDENT OFFICE
1919 SMITH STREET, SUITE 1545
HOUSTON, TX 77002

Agency Website: www.nlr.gov
Telephone: 713-209-4885
Fax: 713-209-4890

April 5, 2012

MIKE BARON, OPERATIONS MANAGER
OPEN DOOR RETAIL
PO BOX 590043
HOUSTON, TX 77259-0043

Re: Open Door Retail
Case 16-CA-028083

Dear MR. BARON:

Enclosed is a copy of the Board Decision and Order in the above matter that issued on February 23, 2012. This letter discusses what Respondent needs to do to comply with the Board's Order.

Post Notice: Enclosed are 10 copies of the Notice to Employees. A responsible official of the Respondent, not Respondent's attorney, must sign and date the Notices before posting them. The Notices should be conspicuously displayed where notices to employees are customarily posted for a period of 60 consecutive days at Respondent's facility in Kemah, Texas. Respondent must take reasonable steps to ensure that the Notices are not altered, defaced or covered by other material. If additional Notices are required, please let me know. During the posting period, a member of the Regional Office staff may visit Respondent's facility to inspect the Notices.

Remedial Actions: The Board's Order requires that Respondent take the following affirmative actions in order to fully comply in this matter. Please provide all of the requested documentation to me at the address shown above.

Respondent is required to offer Vanda Jordan full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority and any other rights or privileges which she previously enjoyed. **Please provide this office with a copy of the written job offer sent to Vanda Jordan.**

Respondent is required to make Vanda Jordan whole for the loss of earnings and other benefits which resulted from her unlawful discharge. **The amount of backpay due to Vanda Jordan is to be determined.**

Respondent is required to expunge its files of any reference to the unlawful discharge of Vanda Jordan and, within three days thereafter, notify her in writing of the expungment and that the unlawful discharge will not be used against her in any way. **Please provide this office with a copy of the written notice of expungment sent to Vanda Jordan.**

Respondent is required to provide the Board or its agents with records needed in order to determine the amount of backpay due to Vanda Jordan, including an electronic copy of such records if they are stored in electronic form. **No later than April 19, 2012, please provide this office with the weekly payroll records for the period from January 1, 2011, to date. Additional records may be requested as needed.**

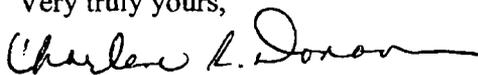
If Respondent customarily communicates with its employees electronically, including by email, posting on an intranet or internet site, and/or by other electronic means, the notices must be distributed to employees by the same electronic method. **Please provide this office with a copy of any electronic distribution of the notice, including the date and method of distribution, and any web address or passwords needed to verify electronic postings.**

Certification of Compliance: A Certification of Compliance form is enclosed. This form, containing information about the steps being taken to comply with the Board Order and where and when the Notices were posted, should be returned **with four (4) signed and dated Notices within 21 days of the date of this letter.**

Closing the Case: When all of the affirmative terms of the Board's Order have been fully complied with and there are no reported violations of its negative provisions, you will be notified that the case has been closed on compliance. Timely receipt of the signed and dated Notices and required Sworn Certification of Compliance will assist us in closing the case in a timely manner.

Your cooperation in this matter will be appreciated.

Very truly yours,



CHARLENE R. DONOVAN
Compliance Officer

Enclosures: Board Decision and Order
Notices
Certification of Compliance Form

cc: RON LARSON
OPEN DOOR RETAIL GROUP, INC.
THOMAS KINDADE GALLERY KEMAH
10 KEMAH WATERFRONT STREET
SUITE M
KEMAH, TX 77565

RON LARSON
OPEN DOOR RETAIL GROUP, INC.
P.O. BOX 590043
HOUSTON, TX 77259

RON LARSON
OPEN DOOR RETAIL GROUP, INC.
15914 HEATHERDALE DRIVE
HOUSTON, TX 77059

RON LARSON
OPEN DOOR RETAIL GROUP, INC.
16011 SPRING FOREST DRIVE
HOUSTON, TX 77059

RON LARSON
OPEN DOOR RETAIL GROUP, INC.
2634 PLYMOUTH ROCK DRIVE
WEBSTER, TX 77598

RON LARSON
OPEN DOOR RETAIL GROUP, INC.
503 BRADFORD STREET
SUITE A
KEMAH, TX 77535

RON LARSON
OPEN DOOR RETAIL GROUP, INC.
2216 STRAND STREET
GALVESTON, TX 77550

CERTIFICATION OF COMPLIANCE

**RE: Open Door Retail
Case 16-CA-028083**

As required by the Board order in this matter, this document is a sworn certification of the steps that Respondent has been taken to comply with the Board order.

Physical Posting

The Notice to Employees in the above matter was posted on (date) _____
at the following locations: (List specific places of posting)

Attached are four signed and dated Notices.

Electronic Distribution

The Notice to Employees in the above captioned matter was also distributed electronically on
(date) _____ by the following means. (State means of distribution and
attach proof.)

Reinstatement of Vanda Jordan

A written offer of reinstatement was sent to Vanda Jordan on (date) _____
by the following means. (State means of distribution and **attach copy of the offer.**)

Expungment of Files

All reference to the unlawful discharge of Vanda Jordan was removed from Respondent's files
on (date) _____. Written notification of the expungment was sent to
Vanda Jordan on (date) _____. (State means of distribution and **attach a copy
of the written notification.**)

Provision of Records Needed to Calculate Backpay

Copies of the weekly payroll records from January 1, 2011, to date are attached. Additional records will be provided as requested by the Region.

I have read this Certification of Compliance, I fully understand it, and I state under penalty of perjury that it is true and correct.

Dated _____ By: _____
: _____ (Signature)

Title: _____
_____ Print Name

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

OPEN DOOR RETAIL GROUP, INC.

Respondent

and

Case No. 16-CA-028083

VANDA JORDAN

Charging Party

COMPLIANCE SPECIFICATION AND NOTICE OF HEARING

On February 23, 2012, the National Labor Relations Board, herein called the Board, issued its Decision and Order, 358 NLRB No. 9, directing Open Door Retail Group, Inc, herein called Respondent, to offer Vanda Jordan full reinstatement to her former job, expunge its files of any references to her unlawful discharge and notify her in writing that this has been done, and make her whole for losses suffered as a result of its discrimination against her.

By letters of March 2, 2012, and April 5, 2012, Respondent was directed to comply with the Board's Order. Respondent has failed to respond to these letters and has failed to take any of the actions required by the Board's Order.

In order to resolve the amount of backpay due to Jordan, the Regional Director for Region 16 issues this Compliance Specification and Notice of Hearing and alleges that the backpay owing to Jordan is as follows:

1. (a) The backpay period for Jordan begins on June 22, 2011.

(b) Jordan's backpay period continues to the date on which Respondent makes her a valid offer of reinstatement.

2. An appropriate measure of the gross backpay Jordan would have received during the backpay period is the amount she would have earned if she had been continually employed by Respondent.

3. (a) The gross backpay Jordan would have earned is the sum of calendar quarter regular earnings and is set forth in Exhibit A.

(b) Regular earnings are computed by multiplying the number of weeks of backpay in each calendar quarter by the number of hours Jordan would have worked per week by her hourly wage rate.

4. The average number of hours which would have been worked per week by Jordan is 38.

5. The hourly wage rate which would have been paid to Jordan is \$9.00.

6. (a) Calendar quarter interim earnings are the wages Jordan received from interim employers during the backpay period for the same number of hours per week which she would have worked for Respondent, 38.

(b) Calendar quarter interim earnings are computed on a quarterly basis and are set forth in Exhibit A.

7. The calendar quarter net backpay due is the difference between the calendar quarter gross backpay and calendar quarter interim earnings. The calendar quarter net backpay due Jordan is set forth in Exhibit A.

8. Backpay, expenses and interest continue to accrue until Respondent makes a valid offer of reinstatement to Jordan.

9. Summarizing the facts and calculations specified above and in Exhibit A, the monetary obligation of Respondent to comply with the Board's Order will be discharged by payment to Jordan of \$14,431, plus additional net backpay which accrues to the date on which Respondent makes her a valid offer of reinstatement, less the withholding required by Federal and state laws, plus interest accrued to the date of payment.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an answer to the compliance specification. The answer must be **received by this office on or before June 21, 2012, or postmarked on or before June 20, 2012.** Unless filed electronically in a PDF format, Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that such answer be signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed. See Section 102.56(a). If the answer being filed electronically is a PDF document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a compliance specification is not a PDF file containing the required signature, then the E-Filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the compliance specification are true. If the answer fails to deny allegations of the compliance specification in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 6th day of August, 2012, at 9:00 a.m. and on consecutive days thereafter until concluded, at NLRB Courtroom, Mickey Leland Federal Building, 1919 Smith Street, Suite 1545, Houston, Texas, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this compliance specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Fort Worth, Texas, this 31st day of May, 2012.



Martha Kinard, Regional Director
National Labor Relations Board, Region 16
819 Taylor Street, Room 8A24
Fort Worth, Texas 76102

Attachments

Exhibit A

Case Name: Open Door Retail Group, Inc.
 Case Number: 16-CA-028083
 Claimant: Vanda Jordan

Backpay period:		
6/22/11 -		

Year	Qtr	Week End	Reg Hours	OT Hours	Hourly Rate	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2011	2	4/2				-					
2011	2	4/9				-					
2011	2	4/16				-					
2011	2	4/23				-					
2011	2	4/30				-					
2011	2	5/7				-					
2011	2	5/14				-					
2011	2	5/21				-					
2011	2	5/28				-					
2011	2	6/4				-					
2011	2	6/11				-					
2011	2	6/18				-					
2011	2	6/25	19		9.00	171					
2011	2	Total				171		171	-	-	171
2011	3	7/2	38		9.00	342					
2011	3	7/9	38		9.00	342					
2011	3	7/16	38		9.00	342					
2011	3	7/23	38		9.00	342					
2011	3	7/30	38		9.00	342					
2011	3	8/6	38		9.00	342					
2011	3	8/13	38		9.00	342					
2011	3	8/20	38		9.00	342					
2011	3	8/27	38		9.00	342					
2011	3	9/3	38		9.00	342					
2011	3	9/10	38		9.00	342					
2011	3	9/17	38		9.00	342					
2011	3	9/24	38		9.00	342					
2011	3	Total				4,446		4,446	-	-	4,446

Exhibit A

Case Name: Open Door Retail Group, Inc.
 Case Number: 16-CA-028083
 Claimant: Vanda Jordan

Backpay period: 6/22/11 -		
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Year	Qtr	Week End	Reg Hours	OT Hours	Hourly Rate	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2011	4	10/1	38		9.00	342					
2011	4	10/8	38		9.00	342					
2011	4	10/15	38		9.00	342					
2011	4	10/22	38		9.00	342					
2011	4	10/29	38		9.00	342					
2011	4	11/5	38		9.00	342					
2011	4	11/12	38		9.00	342					
2011	4	11/19	38		9.00	342					
2011	4	11/26	38		9.00	342					
2011	4	12/3	38		9.00	342					
2011	4	12/10	38		9.00	342					
2011	4	12/17	38		9.00	342					
2011	4	12/24	38		9.00	342					
2011	4	12/31	38		9.00	342					
2011	4	Total				4,788		4,788	-	-	4,788
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2012	1	1/7	38		9.00	342					
2012	1	1/14	38		9.00	342					
2012	1	1/21	38		9.00	342					
2012	1	1/28	38		9.00	342					
2012	1	2/4	38		9.00	342					
2012	1	2/11	38		9.00	342					
2012	1	2/18	38		9.00	342					
2012	1	2/25	38		9.00	342					
2012	1	3/3	38		9.00	342					
2012	1	3/10	38		9.00	342					
2012	1	3/17	38		9.00	342					
2012	1	3/24	38		9.00	342					
2012	1	3/31	38		9.00	342					
2012	1	Total				4,446		4,446	-	-	4,446

Exhibit A

Case Name: Open Door Retail Group, Inc.
 Case Number: 16-CA-028083
 Claimant: **Vanda Jordan**

Backpay period:

6/22/11 -

Year	Qtr	Week End	Reg Hours	OT Hours	Hourly Rate	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2012	2	4/7	38		9.00	342					
2012	2	4/14	38		9.00	342					
2012	2	4/21	38		9.00	342					
2012	2	4/28	38		9.00	342					
2012	2	5/5	38		9.00	342					
2012	2	5/12	38		9.00	342					
2012	2	5/19				-					
2012	2	5/26				-					
2012	2	6/2				-					
2012	2	6/9				-					
2012	2	6/16				-					
2012	2	6/23				-					
2012	2	6/30				-					
2012	2	Total				2,052	1,473	580	-	-	580

Totals	14,431	-	-	14,431
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16

OPEN DOOR RETAIL

Charged Party

and

VANDA JORDAN

Charging Party

Case 16-CA-028083

AFFIDAVIT OF SERVICE OF COMPLIANCE SPECIFICATION AND NOTICE OF HEARING
With Form NLRB 4668 Attached

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 31, 2012, I served the above-entitled document(s) by post-paid certified mail upon the following persons, addressed to them at the following addresses:

Served by certified mail:

MIKE BARON, OPERATIONS MANAGER
OPEN DOOR RETAIL
PO BOX 590043
HOUSTON, TX 77259-0043
Certified No. 7011 0470 0000 5818 2901

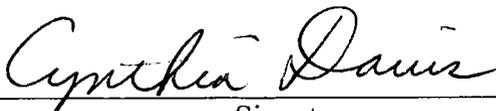
VANDA JORDAN
714 VOYAGER DR
HOUSTON, TX 77062-5617
Certified No. 7011 0470 0000 5818 2918

May 31, 2012

Date

Cynthia Davis, Designated Agent of NLRB

Name



Signature



United States Government

NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178

June 22, 2012

Mike Baron, Operations Manager
Open Door Retail
PO BOX 590043
Houston, TX 77259-0043

VIA FIRST CLASS MAIL

Re: Open Door Retail, Inc.
Case 16-CA-028083

Dear Mr. Baron:

On May 31, 2012, this office issued a Compliance Specification and Notice of Hearing in the above-referenced matter. Therein, you were advised on page 4 that pursuant to Section 102.56 of the Board's Rules and Regulations, you were required to file an Answer to said Compliance Specification which must be received by this office on or before June 21, 2012. Moreover, you were advised on page 4 of the Compliance Specification that the failure to file a timely answer may result in the Region submitting a Motion for Default Judgment to the Board requesting that it find that the allegations in the Compliance Specification are true. As of today's date you have failed to file an Answer.

Based on the preceding, please be advised that you will have until the close of business, on Friday, June 29, 2012, to file your Answer in this matter. Your failure to file an Answer by this new due date will lead me to recommend to the Regional Director that the Region seek a default judgment in this matter based on your failure to file an Answer to the Compliance Specification herein.

Should you have any questions regarding the foregoing, please do not hesitate to call the undersigned at 713/209-4879.

Sincerely,

Jamal M. Allen
Field Attorney
Region 16
National Labor Relations Board

Exhibit 6