UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 48 Charged Party and ICTSI OREGON, INC., Charging Party and INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 8, Involved Party.	**Case 19-CD-080738**

DECLARATION OF MICHAEL T. GARONE IN SUPPORT OF ICTSI'S MEMORANDUM IN OPPOSITION TO PMA'S MOTION FOR RECONSIDERATION

I, Michael T. Garone, declare and state as follows:

1. I am one of the attorneys for ICTSI Oregon, Inc., Charging Party in Case No. 19-CD-080738 (hereafter "ICTSI").

2. I make this Declaration based upon my personal knowledge and on the records and files of this matter in support of ICTSI's Memorandum in Opposition to PMA's Motion for Reconsideration.

3. On August 14, 2012, Elvis Ganda, CEO of my client ICTSI, received a letter from James McKenna, President and CEO of Pacific Maritime Association ("PMA"). A true and correct copy of this letter is attached hereto as Exhibit 1 to this Declaration.

4. On August 15, 2012, I responded to Exhibit 1 by letter to PMA's attorney, Seth Sethness. A copy of my August 15, 2012 letter to Mr. Sethness is attached as Exhibit 1 to

Mr. McKenna's affidavit dated August 20, 2012, previously submitted by PMA in support of its motion for reconsideration in this matter.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed and respectfully submitted on this 27th day of August 2012.

By: _____
Michael T. Garone
Attorneys for ICTSI Oregon, Inc.

EXHIBIT 1

PACIFIC MARITIME ASSOCIATION

555 MARKET STREET
THIRD FLOOR
SAN FRANCISCO, CA 94105
(415) 576-3209

JAMES C. McKENNA
PRESIDENT AND CEO

August 14, 2012

Via Email and Fedex

Mr. Elvis Ganda, Chief Executive Officer
ICTSI Oregon, Inc.
4004 Kruse Way Place, Suite 325
Lake Oswego, OR 97035

Re: Membership Status of ICTSI Oregon, Inc. in the Pacific Maritime Association

Dear Elvis:

This letter will confirm issues we at Pacific Maritime Association (PMA) have raised with ICTSI Oregon, Inc. (ICTSI) concerning possible sanctions against ICTSI, including expulsion from membership in the Association.

In May and June of 2012, PMA had several communications with ICTSI about ICTSI's compliance with its obligations as a member of PMA. As you know, PMA was not satisfied with ICTSI's responses, and PMA commenced the process of imposing monetary sanctions against ICTSI.

In its presentation to the PMA Board before the sanctions went into effect, ICTSI advised the Board that it had assigned reefer plugging/unplugging work to the ILWU under an interim resolution and was engaged in negotiations regarding a long-term solution. The Board decided to suspend the imposition of sanctions, but ICTSI was informed that PMA reserved the right to take action in the future in its discretion.

On July 3, 2012, ICTSI announced in federal court in Portland that it had modified its lease with the Port of Portland, that it now controlled the assignment of reefer plug and unplug and monitoring work at Terminal 6 in Portland, and that ICTSI was assigning that work to ILWU (International Longshore and Warehouse Union) workers and would continue to do so until and unless the National Labor Relations Board at some point in the future directed ICTSI to do otherwise.

Subsequently, however, ICTSI has taken actions that have called into question its commitment to honor its obligations as a member of the Association. At times it appears to have waffled on its earlier statement that ILWU workers will continue into the future to get reefer plug and unplug and monitoring work at Terminal 6 in Portland. ICTSI has offered documents and testimony and arguments at various federal court and federal agency proceedings that undercut or contradict the earlier statements about ILWU getting the work. Furthermore, making its commitment contingent upon the future decisions of the NLRB was less than satisfactory, particularly due to ICTSI's failure to honor its obligations to the ILWU through its efforts to persuade the NLRB to assign the reefer work to Port employees represented by another union.

In view of the statements and actions calling into question once again whether ICTSI is honoring its commitments as a PMA member, please be advised that PMA continues to monitor the situation and continues to be concerned about it will need to revisit sanctioning ICTSI including possible expulsion from PMA. In this regard, we note that ICTSI has asserted that the lease with the Port of Portland it entered prior to applying for membership in PMA precluded its assignment of reefer plugging and unplugging in accordance with the PCLCA. If that is the case, this indicates that ICTSI knew or should have known of the alleged preclusion but failed to disclose it during the PMA application process. In any event, had PMA known of it, PMA would not have accepted ICTSI as a member.

It is my hope that we can avoid further talk of sanctions or expulsion of ICTSI, but that is up to ICTSI. You must honor the Pacific Coast Labor Contract Document between the PMA and the ILWU and you must honor the directives of PMA and its Board of Directors. If you do not, PMA will be considering sanctions, including potential expulsion.

Sincerely,

James C. McKenna

CERTIFICATE OF SERVICE

This certifies that today I electronically filed the foregoing document and served it by electronic mail on:

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Dated August 27, 2012.

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