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August 29, 2013

Mr. Gary Shinnars, Executive Secretary
National Labor Relations Board
1099 14th St. N.W.
Washington, D.C. 20570-0001

Re: Amerisave Mortgage Corporation and Amanda A. Farahany
Case No. 10-CA-82519

Dear Mr. Shinnars:

Please forward this letter to the Board Members.

On June 24, 2013, Respondent Amerisave Mortgage Corporation filed its Brief in Response to Counsel for the Acting General Counsel's Brief to the Board regarding a Complaint and Notice of Hearing filed by Regional Director Claude T. Harrell against Amerisave. Since that time, the United States District Court for the Western District of Washington decided *Hooks ex rel. NLRB v. Kitsap Tenant Support Servs.*, No. C13-5470, 2013 U.S. Dist. LEXIS 114320 (W.D. Wash. August 13, 2013). In *Hooks*, the court held that the Board did not have a quorum when it appointed Ronald K. Hooks to serve as the Regional Director for Region 19. *Id.* at *3-4. Therefore, Regional Director Hooks did not have the authority to issue a complaint against the respondent, and the complaint was dismissed. *Id.* Notably, the Board appointed Regional Director Hooks and Regional Director Harrell *on the same day*, so it logically follows that the Board's appointment of Regional Director Harrell was also invalid, as Amerisave argued in Sections 1.B.1-2 of its Brief.

Further, the court rejected Regional Director Hooks' contention that, notwithstanding the Board's lack of a quorum, Acting General Counsel Lafe Solomon had the authority to delegate his responsibilities to Regional Director Hooks, including the power to initiate a complaint against the respondent. *Id.* at *4. As the court explained, this contention lacked merit because Acting General Counsel Solomon was not properly appointed under the Federal Vacancies Reform Act, 5 U.S.C. § 3345, *et seq.* *Id.* Accordingly, Regional Director Hooks did not have the power to file a complaint against the respondent. *Id.* This holding is directly applicable to Regional Director Harrell, an individual whom the Acting General Counsel also attempted to vest with authority that the Acting General Counsel did not possess himself.

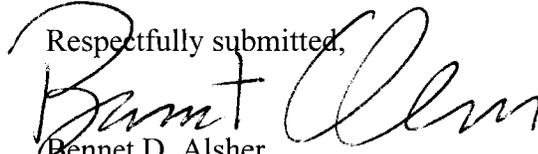
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In sum, the reasoning from the recent decision in *Hooks* should be applied to the above-styled matter. Simply put, Regional Director Harrell did not have the authority to file the Complaint and Notice of Hearing against Amerisave, and it should be dismissed as invalid.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bennet Alsher". The signature is written in a cursive style with a large initial "B".

Bennet D. Alsher

T. Cullen Stafford

Heath H. Edwards

Attorneys for Respondent

Amerisave Mortgage Corporation

BDA/ktr

cc: Amanda Farahany
Kerstin Meyers

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

AMERISAVE MORTGAGE CORPORATION

and

AMANDA A. FARAHANY

CASE 10-CA-82519

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he filed the foregoing
**LETTER BRIEF TO SUPPLEMENT RESPONDENT AMERISAVE MORTGAGE
CORPORATION'S BRIEF IN RESPONSE TO COUNSEL FOR THE ACTING
GENERAL COUNSEL'S BRIEF TO THE BOARD** via the NLRB E-Filing System
and served copies on the following via e-mail on August 29, 2013:

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