

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**ESCHELON FINANCIAL SERVICES, LLC d/b/a
EMV PAYMENT SYSTEMS, LLC**

and

Case 28-CA-146504

LA'CETTE BLAYLOCK, an Individual

**MOTIONS TO TRANSFER AND CONTINUE MATTER
BEFORE THE BOARD AND FOR DEFAULT JUDGMENT**

The General Counsel, by the undersigned Counsel for the General Counsel, hereby files with the National Labor Relations Board (the Board), pursuant to provisions of Section 102.24(b) and 102.50 of the Board's Rules and Regulations, Series 8, as amended (the Board's Rules), these motions to transfer and continue matter before the Board and for default judgment, and, in support of said motions, alleges as follows:

1. The charge and amended charge in Case 28-CA-146504 was filed by La'Cette Blaylock (Charging Party) against Eschelon Financial Services, LLC d/b/a EMV Payment Systems, LLC (Respondent) on February 17, 2015 and April 27, 2015, respectively, alleging Respondent has engaged and is engaging in certain unfair labor practices affecting commerce set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. § 151 et. seq. (the Act).

2. On February 18, 2015, a true copy of the charge in Case 28-CA-146504, referenced above in paragraph 1, was duly served upon Respondent by regular mail at its facility located at 1616 East Indian School Road, Suite 255, Phoenix, Arizona 85016

(Respondent's facility). Copies of the charge and the affidavit of service of the charge are attached as GCX 1 and GCX 2, respectively.

3. On April 28, 2015, a true copy of the amended charge in Case 28-CA-146504, referenced above in paragraph 1, was duly served upon Respondent by regular mail at Respondent's facility. Copies of the amended charge and the affidavit of service of the amended charge are attached as GCX 3 and GCX 4, respectively.

4. Based upon the charge and amended charge, referenced above in paragraph 1, the General Counsel, by the Regional Director for Region 28, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules, issued a Complaint and Notice of Hearing (Complaint) on April 30, 2015.

5. On April 30, 2015, a true copy of the Complaint in Case 28-CA-146504, referenced above in paragraph 4, was duly served upon Respondent by certified mail at Respondent's facility. Copies of the Complaint and the affidavit of service of the Complaint are attached as GCX 5 and GCX 6, respectively.

6. In the paragraph of the Complaint, "Answer Requirement," Respondent was notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules, it was required to file an Answer to the Complaint within 14 days from the date of service which was May 14, 2015, and that failure to do so would result in all the allegations of the Complaint being deemed admitted to be true and so found by the Board. Respondent failed to file an Answer by May 14, 2015.

7. On May 22, 2015, Counsel for the General Counsel issued a letter to Respondent, informing it that it had until May 29, 2015 to file and serve its Answer. The letter also notified Respondent that the Region would file a Motion for Default Judgment

with the Board should Respondent fail to file and serve its Answer by the deadline date. A copy of the May 22 letter is attached as GCX 7. The letter was duly served upon Respondent by U.S. Mail at Respondent's facility, and at the business address of Eschelon Financial Group, LLC (Eschelon), 8125 North 23rd Avenue, Suite 200, Phoenix, AZ 85201. Copies of the envelopes reflecting service at Respondent's facility and at Eschelon's business address are attached as GCX 8 and GCX 9, respectively. Additionally, the May 22 letter was e-mailed that same day to David Barton, Respondent's Director of Human Resources, at dbarton@mymerchantsupport.com and at dbarton@emvpaymentsystem.com. Barton opened and read his e-mail on May 26, 2015. A copy of the Region's e-mail and a copy reflecting Barton's receipt of that e-mail are attached as GCX 10 and GCX 11, respectively. Respondent failed to file and serve an Answer by May 29, 2015.

8. Section 102.20 of the Board's Rules states the time for respondent to file an answer and the effect on failing to file an answer:

Answer to complaint; time for filing; contents; allegations not denied deemed admitted.—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

9. Despite having been advised of the filing requirements, Respondent has failed to file an Answer to the Complaint. Furthermore, Respondent has not shown any good cause to justify its failure to file an Answer. This failure, coupled with the specific

allegations of the Complaint, provide the basis for filing this Motion for Default Judgment.

10. Based on the failure of Respondent to file an Answer under Section 102.20 of the Board's Rules, it is respectfully submitted that the Board deem all the allegations of the Complaint to be true, and issue an appropriate default judgment order. *On Target Security, Inc.*, 362 NLRB No. 31 (2015); *Pro Works Contracting, Inc.*, 362 NLRB No. 2 (2015); *Fine Fare Supermarkets*, 359 NLRB No. 65 (2013).

NOW THEREFORE, in accordance with Section 102.24(b) and Section 102.50 of the Board's Rules, Counsel for the General Counsel respectfully requests that the Board transfer and continue this matter before it, find that all of the allegations in the Complaint are deemed to be admitted to be true and so found, and that without a hearing, the Board issue a Decision and Order containing such findings of facts and conclusions of law, and a remedial order in accordance with the allegations in the Complaint.

Dated at Phoenix, Arizona, this 3rd day of June 2015.

/s/ Chris J. Doyle
Chris J. Doyle
Counsel for the General Counsel
National Labor Relations Board – Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
Telephone: (602) 640-2198
Facsimile (602) 640-2178
E-Mail: christopher.doyle@nrlb.gov

CERTIFICATE OF SERVICE

I hereby certify that the **MOTIONS TO TRANSFER AND CONTINUE MATTER BEFORE THE BOARD AND FOR DEFAULT JUDGMENT** in Case 28-CA-146504 was served via E-Gov, E-Filing, electronic mail and/or U.S. Mail, on this 3rd day of June 2015, on the following:

Via E-Gov, E-Filing:

Gary W. Shinnery, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Via Electronic Mail:

David Barton
Director of Human Resources
Eschelon Financial Group, LLC
8125 North 23rd Avenue, Suite 200
Phoenix, AZ 85021
E-Mail: dbarton@mymerchantsupport.com
E-Mail: dbarton@emvpaymentsystem.com

Via U.S. Mail:

Eschelon Financial Services, LLC d/b/a
EMV Payment Services, LLC
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016

La'Cette Blaylock
9501 East Broadway Road, #70
Mesa, AZ 85208
E-Mail: chynnahairstylz@yahoo.com

/s/ Chris J. Doyle
Chris J. Doyle
Counsel for the General Counsel
National Labor Relations Board - Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099
Telephone: (602) 640-2198
Facsimile (602) 640-2178
E-Mail: christopher.doyle@nrlb.gov

Form NLRB - 601 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-146504	February 17, 2015

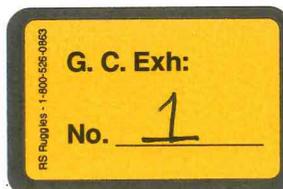
File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer EMV Payment Systems	b. Tel. No. (623) 748-0330	c. Cell No.
d. Address (street, city, state ZIP code) 1616 East Indian School Road Suite 255 Phoenix, AZ 85016	e. Employer Representative Jiety Anzosa	f. Fax No.
i. Type of Establishment (factory, etc.) Credit card	j. Principal Product or Service	g. e-Mail
k. Number of workers at dispute location approx 30		h. Dispute Location (City and State)
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a) (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
During the last six months the Employer has interfered with, restrained or coerced employees in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act by, among other ways, discharging La'Cette Blayock because she engaged in concerted activities including complaining about the Employer's failure to provide breaks for its employees.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) La'Cette Blayock		
4a. Address (street and number, city, state, and ZIP code) 500 North Metro Blvd, #1106 Chandler, AZ 85226	4b. Tel. No.	4c. Cell No. (510) 888-4140
	4d. Fax No.	4e. e-Mail chynnahairstylz@yahoo.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.
By: 	La'Cette Blayock	Office, if any, Cell No. (510) 688-4140
(signature of representative or person making charge) Address: 500 North Metro Blvd, #1106, Chandler, AZ 85226	Print Name and Title Date:	Fax No. e-Mail chynnahairstylz@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1003)

PRIVACY ACT STATEMENT 1-1278739664

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 9 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EMV PAYMENT SYSTEMS

Charged Party

and

LA'CETTE BLAYOCK, AN INDIVIDUAL

Charging Party

Case 28-CA-146504

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 18, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

EMV Payment Systems
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016-8614

February 18, 2015

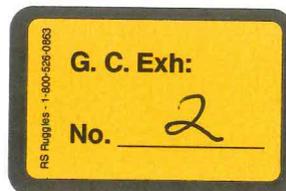
Date

Kay Davis, Designated Agent of NLRB

Name

/s/ Kay Davis

Signature



UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-146504	April 27, 2015

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Eschelon Financial Services, LLC d/b/a EMV Payment Systems		b. Tel. No. (623) 748-0330
d. Address (street, city, state ZIP code) 1616 E. Indian School Road Suite 255 Phoenix, Arizona 85016		c. Cell No.
e. Employer Representative Amelja Espinoza		f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Phoenix, AZ
i. Type of Establishment (factory, nursing home, hotel) Merchant Services	j. Principal Product or Service Credit card processing	k. Number of workers at dispute location +30

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six-months the above-named Employer has interfered with, restrained and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act, by among other acts, by threatening to discharge employees because they engage in concerted complaints about employee schedules, and discharging its employee La' Cette Blaylock (Blaylock) because she engaged in concerted complaints with other employees about the Employer failing to provide breaks to employees.

Within the last six months, the above-named Employer has discriminated against its employees, including Blaylock by, among other things, maintaining overly-broad and discriminatory rules in its employee handbook.

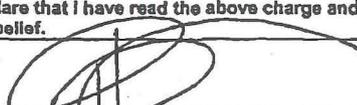
By the above and other acts the Employer has interfered with, restrained and coerced it employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

La'Cette Blaylock

4a. Address (street and number, city, state, and ZIP code) 9501 East Broadway Road #70 Mesa, AZ 85208		4b. Tel. No.
		4c. Cell No. (510) 688-4140
		4d. Fax No.
		4e. e-Mail chynnahairstylz@yahoo.com

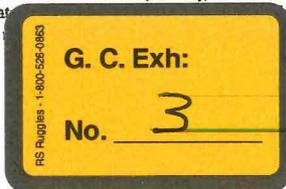
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.
By: 	La'Cette Blaylock, An Individual	Office, if any, Cell No. (510) 688-4140
(signature of representative or person making charge)	Print Name and Title	Fax No.
Address: 9501 East Broadway Road #70 Mesa, AZ 85208	Date:	e-Mail chynnahairstylz@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related charges. The uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Your response to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ESCHELON FINANCIAL SERVICES, LLC
D/B/A EMV PAYMENT SYSTEMS

Charged Party

and

LA'CETTE BLAYLOCK

Charging Party

Case 28-CA-146504

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 28, 2015, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Eschelon Financial Services, LLC d/b/a
EMV Payment Systems
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016-8614

April 28, 2015

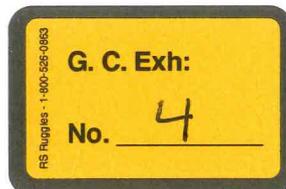
Date

Kay Davis, Designated Agent of NLRB

Name

/s/ Kay Davis

Signature



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

ESCHELON FINANCIAL SERVICES, LLC d/b/a
EMV PAYMENT SYSTEMS, LLC

and

Case 28-CA-146504

LA'CETTE BLAYLOCK, an Individual

COMPLAINT AND NOTICE OF HEARING

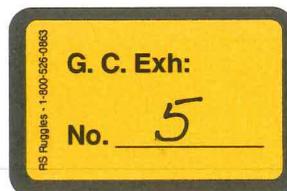
This Complaint and Notice of Hearing is based on a charge filed by La'Cette Blaylock, an Individual (Blaylock). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that EMV Payment Systems, whose correct name is Eschelon Financial Services, LLC d/b/a EMV Payment Systems (Respondent), has violated the Act as described below.

1. (a) The charge in this proceeding was filed by Blaylock on February 17, 2015, and a copy was served on Respondent by U.S. mail on February 18, 2015.

(b) The amended charge in this proceeding was filed by Blaylock on April 27, 2015, and a copy was served on Respondent by U.S. mail on April 28, 2015.

2. (a) At all material times, Respondent has been a corporation, with an office and place of business in Phoenix, Arizona (Respondent's facility), and has been engaged in business as a merchant services provider.

(b) In conducting its operations during the 12-month period ending February 17, 2015, Respondent provided services valued in excess of \$50,000



directly to enterprises within the State of Arizona, including Visa, Inc., an enterprise directly engaged in interstate commerce.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

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

DJ Manley	-	Supervisor
Betsy Anzone	-	Human Resources Manager
Amelia Espinoza	-	Supervisor
David Barton	-	Human Resources Director

4. (a) In about February 2015, Respondent's employee Blaylock engaged in concerted activities with other employees for the purposes of mutual aid and protection by raising with Respondent and discussing among themselves Respondent's employee break policies and practices.

(b) Since about July 1, 2014, Respondent has maintained the following overly-broad and discriminatory rules in its 2012 Employee Handbook (Handbook):

(1) At page 22:

Confidential information/Non-Disclosure

All EMV Payment Systems records and information about EMV Payment Systems, its employees, customers, suppliers and vendors are to be kept confidential and divulged only to individuals within the company with both a need to receive and authorization to receive the information. All records and files maintained by the company are confidential and remain the property of the company. No EMV Payment Systems records, files or EMV Payment Systems -related information may be removed from EMV Payment System's premises or disclosed to any outside party without the express permission from EMV Payment Systems. Confidential information regarding EMV Payment Systems includes, but is not limited to, financial records, business,

marketing, and strategic plans, Human Resources and payroll records regarding current and former employees, the identity of, contact information for, and any other account information on customers, vendors and suppliers, inventions, programs, trade secrets, formulas, techniques and processes, and any other documents or information regarding the company's operations, procedures or practices. Additionally, the contents of EMV Payment Systems records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose.

Employees must not disclose any confidential information to any unauthorized person inside or outside the company. Employees who are unsure about the confidential nature of specific information must ask their supervisor or human resources for clarification. The company reserves the right to avail itself of all legal or equitable remedies to prevent impermissible use of confidential information or to recover damages incurred as a result of the impermissible use of confidential information. In addition, employees will be subject to appropriate disciplinary action, up to and including termination of employment for revealing information of a confidential nature. Employees may be required to enter into written confidentiality agreements confirming their understanding of the company's confidentiality policies.

The protection of confidential business information and trade secrets is vital to the interests and the success of EMV Payment Systems. Such confidential information includes, but is not limited to, the following examples:

* * * *

labor relations strategies

* * * *

current employee information

* * * *

previous employee information

* * * *

Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

(2) At Page 23

Conflict of Interest

EMV Payment Systems continued success depends upon the undivided loyalty of its employees throughout their employment. To maintain its reputation and the relationships it has developed with outside companies and individuals, EMV Payment Systems requires the following commitments from all of its employees.

Every EMV Payment Systems employee has a legal and ethical responsibility to promote EMV Payment Systems best interests. No employee may engage in any conduct or activity that is inconsistent with EMV Payment Systems best interests or

that in any fashion disrupts, undermines, or impairs EMV Payment Systems relationships with any customer or prospective customer or any outside organization, person or entity with which EMV Payment Systems has or proposes to enter into an arrangement, agreement, or contractual relationship of any kind.

EMV Payment Systems requires the complete commitment of all full-time employees. Such employees may not engage in any outside activity or accept work in any outside position that either interferes with their ability to devote their full and best efforts to EMV Payment Systems or raises an actual or potential conflict of interest or the possible appearance of a conflict of interest. Employees who have any questions whatsoever regarding this policy or the potential impact of outside activities on their position with EMV Payment Systems should contact the President of the company before accepting any outside position or engaging in any such activity.

* * * * *

Conflicts of interest breaches can result in immediate termination and loss of future pay to employee along with legal recourse by EMV Payment Systems to reclaim *any* loss revenue or potential future revenue.

(3) At pages 25-26

Computer, Email and Internet Usage

EMV Payment Systems recognizes that use of the Internet has many benefits for EMV Payment Systems and its employees. The Internet and e-mail make communication more efficient and effective. Therefore, employees are encouraged to use the Internet appropriately. Unacceptable usage of the Internet can place EMV Payment Systems and others at risk. This policy discusses acceptable usage of the Internet.

The following guidelines have been established for using the Internet and e-mail in an appropriate, ethical and professional manner.

* * * * *

EMV Payment Systems Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is strictly prohibited. Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon EMV Payment Systems or be contrary to EMV Payment Systems' best interests; and any illegal activities -- including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail -- are forbidden.

* * * * *

The following behaviors are examples of actions and activities that are prohibited and can result in disciplinary action:

* * * * *

- Sending or posting confidential material, trade secrets or proprietary information outside of the organization
- Sending or posting messages or material that could damage the organization's image or reputation
- Sending or posting messages that disparage another organization's products or services

(c) Since about February 10, 2015, Respondent, by Amelia Espinoza, at Respondent's facility:

(1) threatened its employees with discharge if they engaged in protected concerted activities;

(2) issued an unlawful directive to its employees prohibiting them from engaging in protected concerted activities; and

(3) enforced an unlawful directive to its employees which prohibited them from engaging in protected concerted activities.

(d) About February 10, 2015, Respondent discharged Blaylock.

(e) Respondent engaged in the conduct described above in paragraph 4(c) because Blaylock engaged in the conduct described above in paragraph 4(a), and to discourage employees from engaging in these or other concerted activities.

5. By the conduct described above in paragraph 4, 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.

6. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraph 4, the General Counsel seeks an order requiring that Respondent reimburse the discriminatee for all search-for-work and work-related expenses regardless of whether the discriminatee received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before May 14, 2015, or postmarked on or before May 13, 2015.** Respondent should file the original copy 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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. 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 an answer be signed by counsel or non-attorney representative for

represented parties or by the party if not represented. See Section 102.21. 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 complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to 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 still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. 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 complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on July 21, 2015, at 9:00 a.m. (local time), at the Hearing Room of the National Labor Relations Board, 2600 North Central Avenue, Suite 1400, Phoenix, Arizona, and on consecutive days thereafter until concluded, 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 complaint. 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 Phoenix, Arizona, this 30th day of April 2015.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 28-CA-146504

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Eschelon Financial Services, LLC d/b/a
EMV Payment Systems
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016-8614

Ms. La'Cette Blaylock
500 North Metro Boulevard, #1106
Chandler, AZ 85226-3100

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ESCHELON FINANCIAL SERVICES, LLC
d/b/a EMV PAYMENT SYSTEMS, LLC

and

LA'CETTE BLAYLOCK, an Individual

Case 28-CA-146504

AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 30, 2015, I served the above-entitled document(s) by certified or U.S. mail, as noted below, upon the following persons, addressed to them at the following addresses:

Eschelon Financial Services, LLC d/b/a
EMV Payment Systems
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016-8614
7001 0320 0000 2489 5940

Ms. La'Cette Blaylock
500 North Metro Boulevard, #1106
Chandler, AZ 85226-3100

April 30, 2015

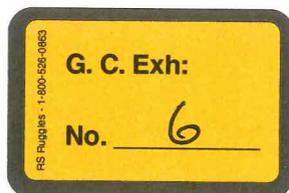
Date

Kay Davis, Designated Agent of NLRB

Name

/s/ Kay Davis

Signature





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004
Direct Dial: (602) 640-2198
Facsimile: (602) 640-2178
E-mail: christopher.doyle@nlrb.gov

Resident Offices

421 Gold Avenue, SW – Suite 310
P.O. Box 567
Albuquerque, NM 87103-0567
Telephone: (505) 248-5125
Facsimile: (505) 248-5134

300 Las Vegas Boulevard South – Suite 2-901
Las Vegas, NV 89101-6637
Telephone: (702) 388-6417
Facsimile: (702) 388-6248

May 22, 2015

VIA U.S. MAIL

Eschelon Financial Services, LLC d/b/a EMV Payment Services, LLC
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016

VIA U.S. MAIL &

VIA E-MAIL (dbarton@mymerchantsupport.com; dbarton@emvpaymentsystem.com)

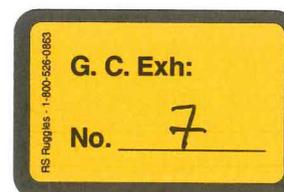
David Barton, Director of Human Resources
Eschelon Financial Group, LLC
8125 North 23rd Avenue, Suite 200
Phoenix, AZ 85021

Re: *Eschelon Financial Services, LLC d/b/a
EMV Payment Services, LLC*
Case 28-CA-146504

Dear Mr. Barton:

This is to advise you that it appears that Eschelon Financial Services, LLC d/b/a EMV Payment Services, LLC (Respondent) has failed to file an Answer to the Complaint and Notice of Hearing (Complaint) in the above-referenced matter. The Complaint issued on April 30, 2015. Pursuant to the Rules and Regulations of the National Labor Relations Board (the Board), Respondent has two weeks in which to file its Answer. An Answer to the Complaint was due by Thursday, May 14, 2015. As of today, no Answer has been received by the Region.

Please be advised that if Respondent fails to file and serve an Answer to the Complaint by Friday, May 29, 2015, the Region may file directly with the Board a Motion for Default Judgment, seeking to have the Board find that the allegations to the Complaint are admitted as true based on Respondent's failure to file an Answer.



Enclosed are Form NLRB-4668 and Sections 102.20-102.23 of the Board's Rules and Regulations to assist Respondent in preparing its Answer, as well as another copy of the Complaint for Respondent's convenience.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ Chris J. Doyle

Chris J. Doyle
Field Attorney

Enclosures

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

ESCHELON FINANCIAL SERVICES, LLC d/b/a
EMV PAYMENT SYSTEMS, LLC

and

Case 28-CA-146504

LA'CETTE BLAYLOCK, an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by La'Cette Blaylock, an Individual (Blaylock). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that EMV Payment Systems, whose correct name is Eschelon Financial Services, LLC d/b/a EMV Payment Systems (Respondent), has violated the Act as described below.

1. (a) The charge in this proceeding was filed by Blaylock on February 17, 2015, and a copy was served on Respondent by U.S. mail on February 18, 2015.

(b) The amended charge in this proceeding was filed by Blaylock on April 27, 2015, and a copy was served on Respondent by U.S. mail on April 28, 2015.

2. (a) At all material times, Respondent has been a corporation, with an office and place of business in Phoenix, Arizona (Respondent's facility), and has been engaged in business as a merchant services provider.

(b) In conducting its operations during the 12-month period ending February 17, 2015, Respondent provided services valued in excess of \$50,000

directly to enterprises within the State of Arizona, including Visa, Inc., an enterprise directly engaged in interstate commerce.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

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

DJ Manley	-	Supervisor
Betsy Anzone	-	Human Resources Manager
Amelia Espinoza	-	Supervisor
David Barton	-	Human Resources Director

4. (a) In about February 2015, Respondent's employee Blaylock engaged in concerted activities with other employees for the purposes of mutual aid and protection by raising with Respondent and discussing among themselves Respondent's employee break policies and practices.

(b) Since about July 1, 2014, Respondent has maintained the following overly-broad and discriminatory rules in its 2012 Employee Handbook (Handbook):

(1) At page 22:

Confidential information/Non-Disclosure

All EMV Payment Systems records and information about EMV Payment Systems, its employees, customers, suppliers and vendors are to be kept confidential and divulged only to individuals within the company with both a need to receive and authorization to receive the information. All records and files maintained by the company are confidential and remain the property of the company. No EMV Payment Systems records, files or EMV Payment Systems -related information may be removed from EMV Payment System's premises or disclosed to any outside party without the express permission from EMV Payment Systems. Confidential information regarding EMV Payment Systems includes, but is not limited to, financial records, business,

marketing, and strategic plans, Human Resources and payroll records regarding current and former employees, the identity of, contact information for, and any other account information on customers, vendors and suppliers, inventions, programs, trade secrets, formulas, techniques and processes, and any other documents or information regarding the company's operations, procedures or practices. Additionally, the contents of EMV Payment Systems records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose.

Employees must not disclose any confidential information to any unauthorized person inside or outside the company. Employees who are unsure about the confidential nature of specific information must ask their supervisor or human resources for clarification. The company reserves the right to avail itself of all legal or equitable remedies to prevent impermissible use of confidential information or to recover damages incurred as a result of the impermissible use of confidential information. In addition, employees will be subject to appropriate disciplinary action, up to and including termination of employment for revealing information of a confidential nature. Employees may be required to enter into written confidentiality agreements confirming their understanding of the company's confidentiality policies.

The protection of confidential business information and trade secrets is vital to the interests and the success of EMV Payment Systems. Such confidential information includes, but is not limited to, the following examples:

* * * *

labor relations strategies

* * * *

current employee information

* * * *

previous employee information

* * * *

Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

(2) At Page 23

Conflict of Interest

EMV Payment Systems continued success depends upon the undivided loyalty of its employees throughout their employment. To maintain its reputation and the relationships it has developed with outside companies and individuals, EMV Payment Systems requires the following commitments from all of its employees.

Every EMV Payment Systems employee has a legal and ethical responsibility to promote EMV Payment Systems best interests. No employee may engage in any conduct or activity that is inconsistent with EMV Payment Systems best interests or

that in any fashion disrupts, undermines, or impairs EMV Payment Systems relationships with any customer or prospective customer or any outside organization, person or entity with which EMV Payment Systems has or proposes to enter into an arrangement, agreement, or contractual relationship of any kind.

EMV Payment Systems requires the complete commitment of all full-time employees. Such employees may not engage in any outside activity or accept work in any outside position that either interferes with their ability to devote their full and best efforts to EMV Payment Systems or raises an actual or potential conflict of interest or the possible appearance of a conflict of interest. Employees who have any questions whatsoever regarding this policy or the potential impact of outside activities on their position with EMV Payment Systems should contact the President of the company before accepting any outside position or engaging in any such activity.

* * * * *

Conflicts of interest breaches can result in immediate termination and loss of future pay to employee along with legal recourse by EMV Payment Systems to reclaim *any* loss revenue or potential future revenue.

(3) At pages 25-26

Computer, Email and Internet Usage

EMV Payment Systems recognizes that use of the Internet has many benefits for EMV Payment Systems and its employees. The Internet and e-mail make communication more efficient and effective. Therefore, employees are encouraged to use the Internet appropriately. Unacceptable usage of the Internet can place EMV Payment Systems and others at risk. This policy discusses acceptable usage of the Internet.

The following guidelines have been established for using the Internet and e-mail in an appropriate, ethical and professional manner.

* * * * *

EMV Payment Systems Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is strictly prohibited. Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon EMV Payment Systems or be contrary to EMV Payment Systems' best interests; and any illegal activities -- including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail -- are forbidden.

* * * * *

The following behaviors are examples of actions and activities that are prohibited and can result in disciplinary action:

* * * * *

- Sending or posting confidential material, trade secrets or proprietary information outside of the organization
- Sending or posting messages or material that could damage the organization's image or reputation
- Sending or posting messages that disparage another organization's products or services

(c) Since about February 10, 2015, Respondent, by Amelia Espinoza, at Respondent's facility:

(1) threatened its employees with discharge if they engaged in protected concerted activities;

(2) issued an unlawful directive to its employees prohibiting them from engaging in protected concerted activities; and

(3) enforced an unlawful directive to its employees which prohibited them from engaging in protected concerted activities.

(d) About February 10, 2015, Respondent discharged Blaylock.

(e) Respondent engaged in the conduct described above in paragraph 4(c) because Blaylock engaged in the conduct described above in paragraph 4(a), and to discourage employees from engaging in these or other concerted activities.

5. By the conduct described above in paragraph 4, 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.

6. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraph 4, the General Counsel seeks an order requiring that Respondent reimburse the discriminatee for all search-for-work and work-related expenses regardless of whether the discriminatee received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before May 14, 2015, or postmarked on or before May 13, 2015.** Respondent should file the original copy 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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. 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 an answer be signed by counsel or non-attorney representative for

represented parties or by the party if not represented. See Section 102.21. 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 complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to 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 still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. 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 complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on July 21, 2015, at 9:00 a.m. (local time), at the Hearing Room of the National Labor Relations Board, 2600 North Central Avenue, Suite 1400, Phoenix, Arizona, and on consecutive days thereafter until concluded, 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 complaint. 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 Phoenix, Arizona, this 30th day of April 2015.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 28-CA-146504

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Eschelon Financial Services, LLC d/b/a
EMV Payment Systems
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016-8614

Ms. La'Cette Blaylock
500 North Metro Boulevard, #1106
Chandler, AZ 85226-3100

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. You may be represented at this hearing by an attorney or other representative. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

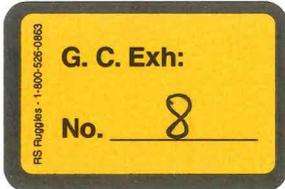
ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*— An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

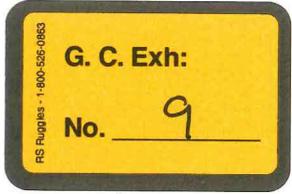


UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 28
2600 NORTH CENTRAL AVENUE - SUITE 1400
PHOENIX, AZ 85004-3099
An Equal Opportunity Employer

OFFICIAL BUSINESS

Eschelon Financial Services, LLC d/b/a EMV
Payment Services, LLC
1616 East Indian School Road, Suite 255
Phoenix, AZ 85016





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 28
2600 NORTH CENTRAL AVENUE - SUITE 1400
PHOENIX, AZ 85004-3099
An Equal Opportunity Employer

OFFICIAL BUSINESS

David Barton, Director of Human Resources
Eschelon Financial Group, LLC
8125 North 23rd Avenue, Suite 200
Phoenix, AZ 85021



Doyle, Christopher J.

From: Doyle, Christopher J.
Sent: Friday, May 22, 2015 3:28 PM
To: 'dbarton@mymERCHANTsupport.com'; 'dbarton@emvpaymentsystem.com'
Subject: Eschelon Financial Services, LLC d/b/a EMV Payment Services, LLC (Case 28-CA-146504)
Attachments: LTR.28-CA-146504.ER (1st Ltr to R re deadline to file ANS).pdf

Importance: High
Sensitivity: Personal

Flag Status: Completed

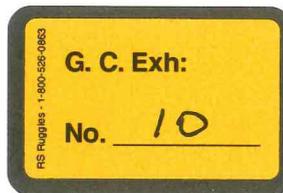
Dear Mr. Barton:

Please read the attached letter (which has also been sent via U.S. Mail), regarding Respondent's deadline to file an Answer to the Complaint and Notice of Hearing in the referenced matter.

Please contact me if you have any questions.

Sincerely,

Chris J. Doyle
Field Attorney
National Labor Relations Board
Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004
Direct Dial: (602) 640-2198
Facsimile: (602) 640-2178
christopher.doyle@nlrb.gov



Doyle, Christopher J.

From: David Barton <dbarton@mymERCHANTsupport.com>
To: Doyle, Christopher J.
Sent: Tuesday, May 26, 2015 8:27 AM
Subject: Read: Eschelon Financial Services, LLC d/b/a EMV Payment Services, LLC (Case 28-CA-146504)

Your message

To:
Subject: Read: Eschelon Financial Services, LLC d/b/a EMV Payment Services, LLC (Case 28-CA-146504)
Sent: Tuesday, May 26, 2015 3:26:45 PM (UTC) Monrovia, Reykjavik

was read on Tuesday, May 26, 2015 3:26:39 PM (UTC) Monrovia, Reykjavik.

