

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

BOULDER CONTRACTING INC.

and

**Cases 10-CA-189876
10-CA-193007**

SANTIAGO ZAVALA-GONZALEZ, an Individual

**MOTION TO TRANSFER PROCEEDINGS BEFORE THE BOARD
AND FOR DEFAULT JUDGMENT**

Pursuant to Section 102.24 and 102.50 of the Board's Rules and Regulations, Series 8, as amended, Counsel for the General Counsel respectfully moves the National Labor Relations Board (Board) to: (1) transfer these cases and continue proceedings before the Board; (2) deem the allegations in the consolidated complaint in this matter as admitted to be true without taking substantive evidence supporting the allegations; and (3) issue a Decision and Order granting Default Judgment.

In support of this motion, Counsel for the General Counsel avers as follows:

1. On December 15, 2016, Santiago Zavala-Gonzales (Zavala), an Individual, filed a Charge against Pittard Construction Company in Case 10-CA-189876 alleging that Pittard Construction Company engaged in certain unfair labor practices affecting commerce as set forth and defined in 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 Board. A copy of the Charge and the Affidavit of Service is attached hereto as Exhibits 1 and 2.

2. On January 3, 2017, Zavala filed a first Amended Charge against Pittard Construction Company and Boulder Contracting Inc. in Case 10-CA-189876. A copy of the first Amended Charge and the Affidavit of Service is attached hereto as Exhibits 3 and 4.

3. On February 14, 2017, Zavala filed a Charge against Boulder Contracting Inc. (Respondent) in Case 10-CA-193007 alleging that Respondent engaged in certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq.. A copy of the Charge and the Affidavit of Service is attached hereto as Exhibits 5 and 6.

4. On March 10, 2017, the Acting Regional Director approved withdrawal of the portion of the Charge filed against Pittard Construction Company in Case 10-CA-189876. The letter approving withdrawal of the Charge is attached hereto as Exhibit 7.

5. On April 27, 2017, the Regional Director for Region 10, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issued a Complaint and Notice of Hearing in Case 10-CA-189876. A copy of the Complaint and Notice of Hearing was duly served on Respondent at its 5665 Atlanta Hwy, Suite 103-172, Alpharetta, GA 30004-3932, address on April 27, 2017. A copy of the Complaint and Notice of Hearing and the Affidavit of Service is attached hereto as Exhibits 8 and 9.

6. On May 11, 2017, Respondent filed an Answer to the Complaint issued in Case 10-CA-189876. A copy of the Answer is attached hereto as Exhibit 10.

7. On June 7, 2017, the Acting Regional Director for Region 10, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issued an Order

Consolidating Cases, Consolidated Complaint and Notice of Hearing in Cases 10-CA-189876 and 10-CA-193007, alleging that Respondent violated Section 8(a)(1) of the Act by the following conduct:

a. About November 24, 2016, Respondent discharged Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales because they engaged in concerted activities with each other for the purposes of mutual aid and protection by walking off the jobsite because they did not receive their weekly paychecks.

b. Within the last six months, and continuing to date, Respondent misclassified its workers as independent contractors rather than employees, thereby inhibiting them from engaging in Section 7 activity and depriving them of their rights guaranteed under the Act.

8. A copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing was duly served upon Respondent at its 5665 Atlanta Hwy, Suite 103-172, Alpharetta, Georgia 30004-3932, address on June 7, 2017. A copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and the Affidavit of Service is attached hereto as Exhibits 11 and 12.

9. On June 20, 2017, the Respondent filed an Amended Answer to the Consolidated Complaint. A copy of the Amended Answer is attached hereto as Exhibit 13.

10. On August 15, 2017, Respondent filed a Notice of Withdrawal withdrawing its Answer to the Complaint issued on April 27, 2017, and its Amended Answer to the Consolidated Complaint issued on June 7, 2017. A copy of the Notice of Withdrawal is attached hereto as Exhibit 14.

11. On August 15, 2017, an Order Postponing Hearing Indefinitely issued in the hearing set for August 16, 2017. A copy of the Order is attached hereto as Exhibit 15.

12. By withdrawing its Answer and Amended Answer to facts alleged in the Consolidated Complaint, Respondent has failed to comply with the procedural requirements for filing an answer to complaint as prescribed by Section 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as Amended. Section 102.20 of the Board's Rules and Regulations provides that the respondent, shall, within 14 days from service of the complaint, unless good cause is shown, file an answer specifically admitting, denying or explaining each of the facts alleged in the complaint. Section 102.20 further provides that "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 admitted.

WHEREFORE, Counsel for the General Counsel respectfully submits that, as shown by the foregoing, and pursuant to Section 102.20 and 102.21, Respondent's withdrawal of its Answer and Amended answer warrants a finding that Respondent admits all allegations of the Consolidated Complaint. Counsel for the General Counsel further submits that an Order Granting Default Judgment is fully warranted and necessary in order to effectuate the purposes of the Act and to avoid unnecessary costs and delay. See, e.g., *Lake States Industrial Services, Inc.*, 349 NLRB 29 (2007).

ACCORDINGLY, Counsel for the General Counsel respectfully moves that the Board:

- (1) Transfer these cases to the Board;
- (2) Find the Consolidated Complaint allegations are deemed to be true and that no hearing is necessary;
- (3) Find that Respondent violated Section 8(a)(1) of the Act as alleged in the Consolidated Complaint without taking evidence in support of the allegations; and

(4) Issue a Decision containing findings of fact and conclusions of law based on, and in accordance with, the allegations of the Consolidated Complaint and an Order granting all appropriate and traditional relief, including, that Respondent cease and desist from misclassifying its employees as independent contractors and to take the following affirmative action: 1) offer reinstatement to the same or substantially same job to employees Santiago Zavala-Gonzales and Gabriel Gonzales; 2) make Santiago Zavala-Gonzales and Gabriel Gonzales whole by reimbursing them for any reasonable consequential damages incurred by them as a result of Respondent's unlawful conduct against them; 3) expunge Respondent's record of all references pertaining to the discharge of Santiago Zavala-Gonzales, Gabriel Gonzales, and Ruben de Hoyos, and notify them in writing that this has been done; and 4) mail¹ an appropriate Notice² to employees.

Dated: September 13, 2017

Respectfully Submitted,

/s/ Kurt Brandner

Kurt Brandner
Counsel for the General Counsel
National Labor Relations Board,
Region 10
233 Peachtree Street NE
Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504

¹ Respondent does not have an office or meeting area appropriate for posting notices.

² A proposed Notice to Employees is attached hereto as Exhibit 16.

CERTIFICATE OF SERVICE

This is to certify that on September 13, 2017, copies of the General Counsel's Motion to Transfer Case to the Board and for Default Judgment was served electronically upon the following parties:

Stephen C. Key, Attorney at Law
Key Harrington Barnes, PC
3710 Rawlins St - Ste 950
Dallas, TX 75219-4237
skey@keyharrington.com

Santiago Zavala-Gonzalez
36 Willow Ln.
Riverdale, GA 30296-1337
santiagozavala848@gmail.com

Dated: September 13, 2017

Respectfully Submitted,

/s/ Kurt Brandner
Kurt Brandner
Counsel for the General Counsel
National Labor Relations Board,
Region 10
233 Peachtree Street NE
Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504

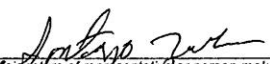
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

DO NOT WRITE IN THIS SPACE	
Case 10-CA-189876	Date Filed 12-15-2016

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Pittard Construction Company	b. Tel. No. (678) 714-2433 c. Cell No. (678) 283-7355 f. Fax No. g. e-Mail h. Number of workers employed 12
d. Address (Street, city, state, and ZIP code) 180 Antler Trail Alpharetta, GA 30005	e. Employer Representative Jack Treadwell
i. Type of Establishment (factory, mine, wholesaler, etc.) Construction	j. Identify principal product or service Drain Pipe construction
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 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) On or about November 24, 2016, the employer terminated multiple employees for engaging in protected concerted activities when they participated in a work strike.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Santiago Zavala- Gonzalez	
4a. Address (Street and number, city, state, and ZIP code) 36 Willow Lane Riverdale, GA 30296	4b. Tel. No. 720-327-8379 4c. Cell No. 720-327-8379 4d. Fax No. 4e. e-Mail
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.	
By  (Signature of representative or person making charge)	Tel. No. 720-327-8379 Office, if any, Cell No. Fax No. e-Mail
36 Willow Lane Riverdale, GA 30296 Address _____	12-15-16 (date)

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 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.

EXHIBIT 1

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PITTARD CONSTRUCTION COMPANY

Charged Party

and

SANTIAGO ZAVALA-GONZALEZ

Charging Party

Case 10-CA-189876

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 15, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mr. Jack Treadwell
Pittard Construction Company
180 Antler Trail
Alpharetta, GA 30005-3607

December 15, 2016

Date

Judy D. Bailey, Designated Agent of
NLRB

Name

/s/Judy D. Bailey

Signature

EXHIBIT 2

Form NLRB - 501 (2-06)

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

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-189876	1-3-2017

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 SEE ATTACHMENT	b. Tel. No.
	c. Cell No.
d. Address (street, city, state ZIP code)	e. Employer Representative
	f. Fax No.
	g. e-Mail
	h. Dispute Location (City and State)
i. Type of Establishment (factory, nursing home, hotel)	j. Principal Product or Service
	k. Number of workers in dispute location
<p>1. The above-named employer has engaged in and is engaging in 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.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>On or about November 24, 2016, the Employer(s) terminated multiple employees, including Santiago Zavala- Gonzalez, in retaliation for their engaging in protected concerted activities when they participated in a work strike.</p>	

3. Full name of party filing charge (if labor organization, give full name, including local name and number)	
Santiago Zavala- Gonzalez	
4a. Address (street and number, city, state, and ZIP code)	4b. Tel. No.
36 Willow Lane	
Riverdale, GA 30296	4c. Cell No.
	720-327-8379
	4d. Fax No.
	4e. e-Mail
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.	
By: <u><i>Santiago Zavala- Gonzalez</i></u>	Tel. No.
(signature of representative or person making charge)	Office, if any, Cell No.
Santiago Zavala- Gonzalez	Fax No.
Address: 36 Willow Lane	e-Mail
Riverdale, GA 30296	
Date: <u>31-12-16</u>	

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 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 involve its processes.

ATTACHMENT TO AMENDED CHARGE FORM 10-CA-189876

a. Name of Employer Pittard Construction Company		b. Tel. No. (678) 714-2433
		c. Cell No.
d. Address (street, city, state ZIP code) 5665 Atlanta Highway, Ste. 103-172, Alpharetta, GA, 30004	e. Employer Representative Robert Pittard, Owner	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Canton, GA
i. Type of Establishment (factory, nursing home, hotel) Construction	j. Principal Product or Service Construction	k. Number of workers at dispute location 12

JOINT AND/OR SINGLE EMPLOYER WITH

a. Name of Employer Boulder Contracting, Inc.		b. Tel. No. 678-319-1400
		c. Cell No.
d. Address (street, city, state ZIP code) 5665 Atlanta Highway, Ste. 103-172, Alpharetta, GA, 30004	e. Employer Representative Jack L. Treadwell, Owner	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Canton, GA
i. Type of Establishment (factory, nursing home, hotel) Construction	j. Principal Product or Service Construction	k. Number of workers at dispute location 12

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PITTARD CONSTRUCTION COMPANY

Charged Party

and

SANTIAGO ZAVALA-GONZALEZ

Charging Party

Case 10-CA-189876

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 January 3, 2016, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Mr. Jack Treadwell
Pittard Construction Company
180 Antler Trail
Alpharetta, GA 30005-3607

Robert Pittard, Owner
Pittard Construction Company
180 Antler Trail
Alpharetta, GA 30005-3607

Jack L. Treadwell, Owner
Boulder Contracting, Inc.
5665 Atlanta Hwy, Suite 103-172
Alpharetta, GA 30004-3932

January 3, 2017

Date

Judy D. Bailey, Designated Agent of NLRB

Name

/s/ Judy D. Bailey

Signature

EXHIBIT 4

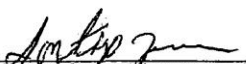
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case 10-CA-193007	Date Filed 2-14-2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Boulder Contracting Inc.	b. Tel. No. (678) 714-02433
	c. Cell No. (678) 283-7355
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 5665 Atlanta Highway, Ste. 103-172, Alpharetta, GA, 30004	e. Employer Representative Jack Treadwell
	g. e-Mail
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Construction	j. Identify principal product or service Construction
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ 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) Since at least August 1, 2016, the Employer has misclassified its employees as independent contractors, thereby inhibiting them from engaging in Section 7 activity and depriving them of the protections of the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Santiago Zavala	
4a. Address (Street and number, city, state, and ZIP code) 36 Willow Lane Riverdale, GA 30296	4b. Tel. No. (720) 327-8379
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail
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.	
By  (Signature of representative or person making charge)	Santiago Zavala (Print/type name and title or office, if any)
36 Willow Lane, Riverdale, GA, 30296 Address	(date)
	Tel. No. (720) 327-8379
	Office, if any, Cell No.
	Fax No.
	e-Mail

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BOULDER CONTRACTING INCL.

Charged Party

and

SANTIAGO ZAVALA-GONZALEZ

Charging Party

Case 10-CA-193007

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 14, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Jack L. Treadwell, Owner
Boulder Contracting Inc.
5665 Atlanta Highway
Suite 103-172
Alpharetta, GA 30004-3932

February 14, 2017

Date

Judy D. Bailey, Designated Agent of NLRB

Name

/s/ Judy D. Bailey

Signature

EXHIBIT 6



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858

March 10, 2017

James Stuart Teague, Attorney
110 Samaritan Dr., Ste 109
Cumming, GA 30040-2569

Re: Pittard Construction Company
Case 10-CA-189876

Dear Mr. Treadwell,

This is to advise that I have approved the withdrawal of the above-referenced charge against Pittard Construction Company.

The remaining allegations that Boulder Contracting Inc. violated Section 8(a)(1) of the Act by discharging multiple employees in retaliation for their protected concerted activity remain subject to further processing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott C. Thompson", is written over a horizontal line.

SCOTT C. THOMPSON
Acting Regional Director

cc: Robert Pittard, Owner
Pittard Construction Company
5665 Atlanta Hwy, Suite 103-172
Alpharetta, GA 30004-3932

Santiago Zavala-Gonzalez
36 Willow Ln
Riverdale, GA 30296-1337

EXHIBIT 7

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

BOULDER CONTRACTING INC.

and

Case 10-CA-189876

SANTIAGO ZAVALA-GONZALEZ, an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Santiago Zavala-Gonzalez, an Individual (Charging Party). 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 Boulder Contracting Inc. (Respondent) has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Charging Party on December 15, 2016, and a copy was served on Respondent by U.S. mail on December 15, 2016.

(b) The first amended charge in this proceeding was filed by the Charging Party on January 3, 2017, and a copy was served on Respondent by U.S. mail on January 3, 2017.

2.

(a) At all material times, Respondent, a Georgia Corporation, has been engaged in installing drainage systems at various locations in the greater Atlanta, Georgia area, with a headquarters in Canton, Georgia.

(b) During the calendar year ending December 31, 2016, Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at its Canton, Georgia, facility goods valued in excess of \$50,000 directly from points outside the State of Georgia.

(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:

- | | | |
|---------------------|---|----------------------|
| (a) Antonio Mendoza | - | Foreman (Supervisor) |
| (b) Jack Treadwell | - | Owner |
| (c) Juan Zavala | - | Foreman (Supervisor) |

4.

(a) About November 24, Respondent's employees Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales engaged in concerted activities with each other for the purposes of mutual aid and protection by walking off the jobsite because they did not receive their weekly paychecks.

(b) About November 24, Respondent discharged Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales.

(c) Respondent engaged in the conduct described above in paragraph 4(b), because Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales engaged in the conduct described above in paragraph 4(a), and to discourage employees from engaging in these or other concerted activities.

5.

Within the last six months, and continuing to date, Respondent has misclassified its workers as independent contractors rather than employees, thereby inhibiting them from engaging in Section 7 activity and depriving them of their rights guaranteed under the Act.

6.

By the conduct described above in paragraphs 4 and 5, 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.

7.

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

WHEREFORE, the General Counsel seeks, as part of the remedy for the unfair labor practices alleged above in paragraphs 4 and 5, an order requiring Respondent to reimburse the discriminatees for reasonable consequential damages incurred by them as a result of Respondent's unlawful conduct. 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 11, 2017, or postmarked on or before May 10, 2017.** 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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File 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 August 16, 2017 at 10:00 a.m. (EST), at 233 Peachtree Street, NE, Harris Tower – Suite 1000, Atlanta, Georgia 30303, 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: April 27, 2017



A handwritten signature in black ink that reads "Claude T Harrell Jr".

Claude T. Harrell, Jr.
Regional Director
National Labor Relations Board
Region 10
233 Peachtree Street, NE
Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504

Attachments

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

BOULDER CONTRACTING INC.

and

Case 10-CA-189876

SANTIAGO ZAVALA-GONZALEZ, an Individual

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 27, 2017**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Jack Treadwell
Pittard Construction Company
180 Antler Trl
Alpharetta, GA 30005-3607

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED
- 70150640000476613905**

Robert Pittard, Owner
Pittard Construction Company
180 Antler Trl
Alpharetta, GA 30005-3607

FIRST CLASS MAIL

James Stuart Teague
110 Samaritan Dr - Ste 109
Cumming, GA 30040-2569

FIRST CLASS MAIL

Jack L. Treadwell, Owner
Boulder Contracting, Inc.
5665 Atlanta Hwy - Suite 103-172
Alpharetta, GA 30004-3932

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED
- 70150640000476613912**

Stephen C. Key, Attorney At Law
Key Harrington Barnes, Pc
3710 Rawlins St, Ste 950
Dallas, TX 75219-4237

FIRST CLASS MAIL

Santiago Zavala-Gonzalez
36 Willow Ln
Riverdale, GA 30296-1337

CERTIFIED MAIL - 70150640000476613929

APRIL 27, 2017

Date

Yvette Davis, Designated Agent of NLRB

Name

Signature

EXHIBIT 9

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 10-CA-189876

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.

Jack Treadwell
Pittard Construction Company
180 Antler Trail
Alpharetta, Georgia 30005-3607

Robert Pittard, Owner
Pittard Construction Company
180 Antler Trail
Alpharetta, Georgia 30005-3607

James Stuart Teague
110 Samaritan Dr Ste 109
Cumming, Georgia 30040-2569

Santiago Zavala-Gonzalez
36 Willow Lane
Riverdale, Georgia 30296-1337

Jack L. Treadwell, Owner
Boulder Contracting, Inc.
5665 Atlanta Hwy
Suite 103-172
Alpharetta, GA 30004-3932

Stephen C. Key, Attorney At Law
Key Harrington Barnes, PC
3710 Rawlins St, Ste 950
Dallas, TX 75219-4237

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

BOULDER CONTRACTING, INC.

and

Case No. 10-CA-189876

SANTIAGO ZAVALA-GONZALEZ,

RESPONDENT'S ORIGINAL ANSWER

Respondent, Boulder Contracting, Inc. ("Boulder"), hereby files this Answer to the General Counsel's Complaint and Notice of Hearing. Boulder responds to the correspondingly-numbered paragraphs in the Complaint as follows:

1.

- (a) Boulder admits the allegations of this paragraph.
- (b) Boulder admits the allegations of this paragraph.

2.

- (a) Boulder admits the allegations of this paragraph.
- (b) Boulder admits the allegations of this paragraph.
- (c) Boulder admits the allegations of this paragraph.

3.

Boulder admits that the individuals listed below held the positions indicated opposite their respective names, below, and admits that Jack Treadwell was a supervisor of Boulder within the meaning of Section 2(11) of the Act and an agent of Boulder within the meaning of Section 2(13) of the Act:

- (a) Antonio Mendoza - Foreman
- (b) Jack Treadwell - Owner

EXHIBIT 10

(c) Juan Zavala - Foreman

4.

(a) Boulder admits that on or about November 24, Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales unilaterally and unambiguously terminated their employment but denies the remaining allegations of this paragraph.

(b) Boulder denies that it discharged Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales.

(c) Boulder denies the allegations of this paragraph.

5.

Boulder denies the allegations of this paragraph.

6.

Boulder denies the allegations of this paragraph.

7.

Boulder denies the allegations of this paragraph.

DEFENSES

1. All or some of the alleged discriminatees were not discharged. Rather, they voluntarily resigned.
2. No relief should be granted for any alleged actions that are outside the scope of the charges filed by the Union and referenced in paragraph 1 of the Complaint.
3. Any claim for backpay or other relief is barred, in whole or in part, due to unconditional offers of reinstatement made by Respondent.
4. Any claim for backpay or other relief is barred, in whole or in part, for any time periods during which the alleged discriminatees could have returned to work.

5. Any claim for backpay or other relief is barred to the extent any of the alleged discriminatees failed to reasonably mitigate any alleged damages.
6. All or part of the relief sought is barred by payment.
7. All or part of the relief sought should be denied to the extent the discriminatees worked and were paid for the time worked.
8. Any alleged damages should be offset or reduced by any interim income or other earnings.

WHEREFORE, Respondent requests that the Board dismiss the Regional Director's Consolidated Complaint and Notice of Hearing with prejudice, and grant Respondent all other relief as is just and proper.

By: /s/ Stephen C. Key
Stephen C. Key
TX State Bar No. 00791022
Key Harrington Barnes, P.C.
3710 Rawlins, Suite 950
Dallas, Texas 75219
(214) 615-7929
(214) 615-7926 (Facsimile)
skey@keyharrington.com

ATTORNEYS FOR
BOULDER CONTRACTING, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served on counsel of record on May 11, 2017.

/s/ Stephen C. Key

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

BOULDER CONTRACTING INC.

and

**Cases 10-CA-189876
10-CA-193007**

SANTIAGO ZAVALA-GONZALEZ, an Individual

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Case 10-CA-189876 and Case 10-CA-193007, which are based on charges filed by Santiago Zavala-Gonzalez, an Individual, are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, 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 Boulder Contracting Inc. (Respondent) has violated the Act as described below.

1.

(a) The charge in Case 10-CA-189876 was filed by the Charging Party on December 15, 2016, and a copy was served on Respondent by U.S. mail on December 15, 2016.(b) The first amended charge in Case 10-CA-189876 was filed by the Charging Party on January 3, 2017, and a copy was served on Respondent by U.S. mail on January 3, 2017.

(c) The charge in Case 10-CA-193007 was filed by the Charging Party on February 14, 2017, and a copy was served on Respondent by U.S. mail on February 14, 2017.

2.

(a) At all material times, Respondent, a Georgia Corporation, has been engaged in installing drainage systems at various locations in the greater Atlanta, Georgia area, with a headquarters in Canton, Georgia.

(b) During the calendar year ending December 31, 2016, Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at its Canton, Georgia, facility goods valued in excess of \$50,000 directly from points outside the State of Georgia.

(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:

- | | | |
|---------------------|---|----------------------|
| (a) Antonio Mendoza | - | Foreman (Supervisor) |
| (b) Jack Treadwell | - | Owner |
| (c) Juan Zavala | - | Foreman (Supervisor) |

4.

(a) About November 24, Respondent's employees Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales engaged in concerted activities with each other for the purposes of mutual aid and protection by walking off the jobsite because they did not receive their weekly paychecks.

(b) About November 24, Respondent discharged Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales.

(c) Respondent engaged in the conduct described above in paragraph 4(b), because Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales engaged in the conduct described above in paragraph 4(a), and to discourage employees from engaging in these or other concerted activities.

5.

Within the last six months, and continuing to date, Respondent has misclassified its workers as independent contractors rather than employees, thereby inhibiting them from engaging in Section 7 activity and depriving them of their rights guaranteed under the Act.

6.

By the conduct described above in paragraphs 4 and 5, 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.

7.

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

WHEREFORE, the General Counsel seeks, as part of the remedy for the unfair labor practices alleged above in paragraphs 4 and 5, an order requiring Respondent to reimburse the discriminatees for reasonable consequential damages incurred by them as a result of Respondent's unlawful conduct. 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 June 21, 2017 or postmarked on or before June 20, 2017**. 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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File 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 August 16, 2017 at 10:00 a.m. (EST), at 233 Peachtree Street, NE, Harris Tower – Suite 1000, Atlanta, Georgia 30303, 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: June 7, 2017



A handwritten signature in dark ink, appearing to read "Scott C. Thompson", is written over a horizontal line.

Scott C. Thompson
Acting Regional Director
National Labor Relations Board
Region 10
233 Peachtree Street NE
Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504
Atlanta, Georgia 30303-1504

Attachments

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

BOULDER CONTRACTING INC.

and

Cases 10-CA-189876
10-CA-193007

SANTIAGO ZAVALA-GONZALEZ, An Individual

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated 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 June 7, 2017, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

JACK TREADWELL
PITTARD CONSTRUCTION COMPANY
180 ANTLER TRL
ALPHARETTA, GA 30005-3607

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED - 70150640000476614117**

ROBERT PITTARD, OWNER
PITTARD CONSTRUCTION COMPANY
180 ANTLER TRL
ALPHARETTA, GA 30005-3607

FIRST CLASS MAIL

JAMES STUART TEAGUE
110 SAMARITAN DR STE 109
CUMMING, GA 30040-2569

FIRST CLASS MAIL

JACK L. TREADWELL, OWNER
BOULDER CONTRACTING, INC.
5665 ATLANTA HWY
SUITE 103-172
ALPHARETTA, GA 30004-3932

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED - 70150640000476614124**

STEPHEN C. KEY ATTORNEY AT LAW
KEY HARRINGTON BARNES, PC
3710 RAWLINS ST, STE 950
DALLAS, TX 75219-4237

FIRST CLASS MAIL

SANTIAGO ZAVALA-GONZALEZ
36 WILLOW LN
RIVERDALE, GA 30296-1337

CERTIFIED MAIL - 70141200000016759234

June 7, 2017
Date

Yvette Davis, Designated Agent of NLRB
Name


Signature

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

BOULDER CONTRACTING, INC.

and

**Cases 10-CA-189876
10-CA-193007**

SANTIAGO ZAVALA-GONZALEZ, and Individual

RESPONDENT'S ORIGINAL ANSWER

Respondent, Boulder Contracting, Inc. ("Boulder"), hereby files this Answer to the General Counsel's Order Consolidating Cases, Consolidated Complaint and Notice of Hearing. Boulder responds to the correspondingly-numbered paragraphs in the Complaint as follows:

1.

- (a) Boulder admits the allegations of this paragraph.
- (b) Boulder admits the allegations of this paragraph.

2.

- (a) Boulder admits the allegations of this paragraph.
- (b) Boulder admits the allegations of this paragraph.
- (c) Boulder admits the allegations of this paragraph.

3.

Boulder admits that the individuals listed below held the positions indicated opposite their respective names, below, and admits that Jack Treadwell was a supervisor of Boulder within the meaning of Section 2(11) of the Act and an agent of Boulder within the meaning of Section 2(13) of the Act:

- (a) Antonio Mendoza - Foreman

EXHIBIT 13

- (b) Jack Treadwell - Owner
- (c) Juan Zavala - Foreman

4.

(a) Boulder admits that on or about November 24, Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales unilaterally and unambiguously terminated their employment but denies the remaining allegations of this paragraph.

(b) Boulder denies that it discharged Santiago Zavala-Gonzales, Ruben de Hoyos de Leon, and Gabriel Gonzales.

(c) Boulder denies the allegations of this paragraph.

5.

Boulder denies the allegations of this paragraph.

6.

Boulder denies the allegations of this paragraph.

7.

Boulder denies the allegations of this paragraph.

DEFENSES

1. All or some of the alleged discriminatees were not discharged. Rather, they voluntarily resigned.
2. No relief should be granted for any alleged actions that are outside the scope of the charges filed by the Union and referenced in paragraph 1 of the Complaint.
3. Any claim for backpay or other relief is barred, in whole or in part, due to unconditional offers of reinstatement made by Respondent.

4. Any claim for backpay or other relief is barred, in whole or in part, for any time periods during which the alleged discriminatees could have returned to work.
5. Any claim for backpay or other relief is barred to the extent any of the alleged discriminatees failed to reasonably mitigate any alleged damages.
6. All or part of the relief sought is barred by payment.
7. All or part of the relief sought should be denied to the extent the discriminatees worked and were paid for the time worked.
8. Any alleged damages should be offset or reduced by any interim income or other earnings.

WHEREFORE, Respondent requests that the Board dismiss the Regional Director's Consolidated Complaint and Notice of Hearing with prejudice, and grant Respondent all other relief as is just and proper.

By: /s/ Stephen C. Key
Stephen C. Key
TX State Bar No. 00791022
Key Harrington Barnes, P.C.
3710 Rawlins, Suite 950
Dallas, Texas 75219
(214) 615-7929
(214) 615-7926 (Facsimile)
skey@keyharrington.com

ATTORNEYS FOR
BOULDER CONTRACTING, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served on counsel of record on June 20, 2017.

_____/s/ Stephen C. Key

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

BOULDER CONTRACTING, INC.

and

**Cases 10-CA-189876
10-CA-193007**

SANTIAGO ZAVALA-GONZALEZ, and Individual

RESPONDENT'S NOTICE OF WITHDRAWAL

Respondent, Boulder Contracting, Inc. ("Boulder"), hereby withdraws its Original Answer and its Amended Answer to the General Counsel's Order Consolidating Cases, Consolidated Complaint and Notice of Hearing.

By: /s/ Stephen C. Key
Stephen C. Key
TX State Bar No. 00791022
Key Harrington Barnes, P.C.
3710 Rawlins, Suite 950
Dallas, Texas 75219
(214) 615-7929
(214) 615-7926 (Facsimile)
skey@keyharrington.com

ATTORNEYS FOR
BOULDER CONTRACTING, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served on counsel of record on August 15, 2017.

/s/ Stephen C. Key

EXHIBIT 14

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

BOULDER CONTRACTING INC.

and

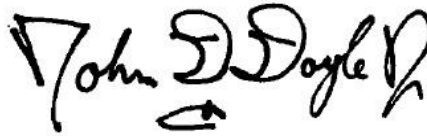
**Cases 10-CA-189876
10-CA-193007**

SANTIAGO ZAVALA-GONZALEZ, an Individual

ORDER POSTPONING HEARING INDEFINITELY

IT IS ORDERED that the hearing in the above matter set for Wednesday, August 16, 2017, is hereby postponed indefinitely due to Respondent's withdrawal of its Answers and commencement of default proceedings.

Dated: August 15, 2017

A handwritten signature in black ink that reads "John D. Doyle, Jr." with a stylized flourish at the end.

John D. Doyle, Jr.
Regional Director
National Labor Relations Board
Region 10
233 Peachtree Street NE
Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504

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

BOULDER CONTRACTING INC.

and

**Cases 10-CA-189876
10-CA-193007**

SANTIAGO ZAVALA-GONZALEZ, an Individual

AFFIDAVIT OF SERVICE OF: Order Postponing Hearing Indefinitely

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 15, 2017**, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

JAMES STUART TEAGUE
110 SAMARITAN DR - STE 109
CUMMING, GA 30040-2569

SANTIAGO ZAVALA-GONZALEZ
36 WILLOW LN
RIVERDALE, GA 30296-1337

JACK L. TREADWELL, OWNER
BOULDER CONTRACTING, INC.
5665 ATLANTA HWY - STE 103-172
ALPHARETTA, GA 30004-3932

STEPHEN C. KEY, ATTORNEY AT LAW
KEY HARRINGTON BARNES, PC
3710 RAWLINS ST - STE 950
DALLAS, TX 75219-4237

AUGUST 15, 2017

Date

Yvette Davis, Designated Agent of NLRB

Name

/s/Yvette Davis

Signature

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative 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 do anything to prevent you from exercising the above rights.

WE WILL NOT incorrectly classify employees as independent contractors in order to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to freely bring issues and complaints regarding payment of wages to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT fire you because you exercise your right to bring issues and complaints to us on behalf of yourself and other employees.

WE WILL offer Santiago Zavala and Gabriel Gonzales immediate and full reinstatement to their former jobs, or if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights and/or privileges previously enjoyed.

WE WILL pay Santiago Zavala and Gabriel Gonzales for the wages and other benefits they lost because we fired them.

WE WILL remove from our files all references to the discharge of Santiago Zavala, Ruben de Hoyos and Gabriel Gonzales and **WE WILL** notify them in writing that this has been done and that the discharge will not be used against them in any way.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Boulder Contracting, Inc.

(Employer)

Dated: _____

By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

Telephone:

Hours of Operation:

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.