



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
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November 28, 2017

David A. Rosenfeld, Esq.
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-6430

Re: The Trump Corporation a/k/a The Trump
Organization, Inc., and Donald J. Trump for
President, Inc., et al
Case 02-CA-183801

Dear Mr. Rosenfeld:

We have carefully investigated and considered your charges that The Trump Corporation a/k/a The Trump Organization, Inc., Donald J. Trump for President, Inc., and the other entities named as charged parties in Case 02-CA-183801, have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Regarding the allegations against Donald J. Trump for President, Inc., even assuming, without deciding, that the Board has jurisdiction over that entity, and that the Confidentiality Agreement at issue in the charge contains overly broad work rules that have been applied to statutory employees of that entity at some point within the 10(b) period, I have concluded that it would not effectuate the policies and purposes of the Act to issue complaint against the named employer. First, the investigation disclosed that Donald J. Trump for President, Inc. was created for a specific and limited purpose, its primary function ended with the 2016 presidential election, and there is no evidence that it has employed statutory employees covered by the Act since November 2016. Second, you do not purport to have filed your charge on behalf of any particular employees of Donald J. Trump for President, Inc., and the absence of such connection further supports exercising prosecutorial discretion under Section 3(d) of the Act to decline to issue complaint here.

Regarding the allegations against The Trump Organization, Inc., and the other remaining entities named as charged parties in this case, I have similarly concluded that it would not effectuate the purposes of the Act to issue complaint. The investigation failed to disclose any evidence indicating that The Trump Organization, Inc., or any of the other additional entities named as charged parties, applied the Confidentiality Agreement to statutory employees.

Further, you do not purport to have filed your charge on behalf of any particular employees of The Trump Organization, Inc., or of any of the other additional entities named as charged parties, a factor which supports exercising prosecutorial discretion to decline to issue complaint here. Finally, any contention that The Trump Organization, Inc., and the other additional entities named as charged parties, are joint or single employers with Donald J. Trump for President, Inc., is without evidentiary support.

For the foregoing reasons, I have decided that formal proceedings in this matter will not effectuate the policies and purposes of the Act, and I am dismissing your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

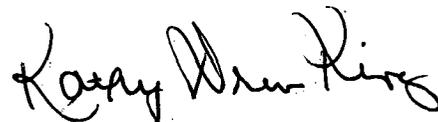
Appeal Due Date: The appeal is due on **December 12, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **December 11, 2017**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 12, 2017**. The request may be filed

electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **December 12, 2017, even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



KATHY DREW KING
Acting Regional Director

Enclosure

cc: Caroline N. Cohen, Esq.
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The Trump Corporation a/k/a The Trump
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