UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

APOLLO DETECTIVE, INC.

and **CASE 13-CA-61510**

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1

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

Pursuant to Sections 102.20, 102.21, 102.24, 102.50 and 102.26 of the National Labor Relations Board's Rules and Regulations, the Acting General Counsel, through his attorney Cristina Ortega, files this Motion to Transfer Proceedings to the Board and Motion for Default Judgment. The Acting General Counsel is entitled to default judgment in this case because Apollo Detective, Inc., (herein referred to as "Respondent"), failed to timely file an answer to the Complaint, Compliance Specification, Order Consolidating Complaint and Compliance Specification, Answering Requirement and Notice of Consolidated Hearing (herein referred to as "Complaint and Compliance Specification") issued on September 27, 2011, as required by Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations.

In support of said motions, Counsel for the Acting General Counsel respectfully submits the following:

1. On July 21, 2011, Service Employees International Union, Local 1, (herein called "Charging Party" or "Union") filed a charge in Case 13-CA-061510 alleging that Respondent violated Sections 8(a)(1) and 8(a)(5) of the Act. A copy of the charge is attached hereto as Exhibit 1; the affidavit of service is attached hereto as Exhibit 2.

2. On September 27, 2011, the Regional Director for Region 13 issued the Complaint and Compliance Specification, alleging that the Respondent violated Section 8(a)(1)

of the Act. The Complaint and Compliance Specification also advised the Respondent if it failed to file an Answer within 21 days of its service, as required under Sections 102.20, 102.21, 102.56 of the Board's Rules and Regulations, all of the allegations would be admitted to be true and so found by the Board.

3. The Complaint and Compliance Specification was served by certified mail upon the last known address on file for Respondent. Respondent had previously received and accepted written communications[1] addressed to that same address. However, the Complaint and Compliance Specification was returned to the Region and marked, "RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD."[2] A copy of the Complaint and Compliance Specification is attached hereto as Exhibit 3; the affidavit of service on Respondent is attached hereto as Exhibit 4; the unclaimed domestic return receipt is attached hereto as Exhibit 5.

3. On October 26, 2011, Respondent was sent two letters by certified mail, return receipt requested, which each included copies of the Complaint and Compliance Specification, from Vivian Robles, Region 13 Counsel for the Acting General Counsel, stating that Respondent failed to file an Answer within the time specifications required under Section 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, and that if said Answer was not filed by the close of business on November 2, 2011, a Motion for Default Judgment would be filed immediately with the Board. A copy of the "last chance" letter addressed to 1440 West 127th Street, Calumet Park, Illinois is attached hereto as Exhibit 6; the unclaimed domestic return

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[1] On September 19, 2011, the Board Agent investigating the case, sent a letter to Respondent's President, Frank Rogers, at the Respondent's facility, by certified mail, return receipt requested, asking Respondent to contact the Board Agent. On September 23, 2011, said correspondence was received and signed for by Mr. Frank Rogers at that address. Respondent has not notified the Region that this address is no longer valid.

[2] Respondent's failure to provide an appropriate address for service of documents or its failure to claim certified mail does not defeat the Act's purposes. Under the Board's Rules, the Region accomplished service by depositing the letter in the mail to Respondent's last known address. See *National Automotive Sprinklers*, 307 NLRB 481, fn. 1 (1992); *Michigan Expediting Service*, 282 NLRB 210, fn. 6 (1986).

[4] The Schererville, Indiana address was discovered by the Region pursuant to a Choice Point search. It is presumed that this address belongs to the Respondent's president.

receipt to said address is attached hereto as Exhibit 7; a copy of the "last chance" letter addressed to 1441 Inverness Lane, Schererville, Indiana 46375[4] is attached hereto as Exhibit 8; and the unclaimed domestic return receipt to said address is attached hereto as Exhibit 9.

4. Respondent has failed to file an Answer to the Complaint and Compliance Specification and no Answer is anticipated. Based on the foregoing, it is clear that no administrative hearing is necessary in this case and it is appropriate for the Board to issue a Decision and Order without further proceedings herein.

WHEREFORE, Counsel for the Acting General Counsel respectfully requests that the Board grant the Motion to Transfer Proceedings to the Board and the Motion for Default Judgment. The Board should also deem all of the allegations in the Complaint and Compliance Specification to be true and issue an appropriate Decision and Order.

DATED at Chicago, Illinois, this 30th day of November, 2011.

Cristina M. Ortega
Counsel for the Acting General Counsel
National Labor Relations Board
Region 13
209 South LaSalle Street, Suite 900
Chicago, Illinois 60604

Attachments

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Transfer Proceedings to the Board and Motion for Default Judgment has been served this 30th day of November 2011, in the manner indicated, upon the following parties of record:

CERTIFIED MAIL:

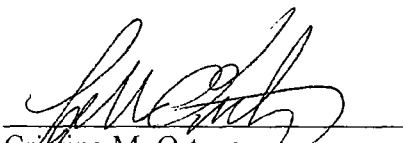
Mr. Frank Rogers
Apollo Detective, Inc.
1440 W. 127th Street
Calumet Park, Illinois 60827

Mr. Frank Rogers
Apollo Detective, Inc.
1441 Inverness Lane
Schererville, Indiana 46375

Mr. Steven Stewart
SEIU, Local 1
111 E. Wacker Drive
Suite 2500
Chicago, Illinois 60601

CERTIFIED MAIL AND E-FILED

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
Office of Executive Secretary
1099 14th Street, N.W.
Washington, D.C. 20570



Cristina M. Ortega
Counsel for the Acting General Counsel
National Labor Relations Board
Region 13
209 South LaSalle Street, Suite 900
Chicago, Illinois 60604

FORM EXEMPT UNDER 44 U.S.C. 3512

FORM NLRB-501
(9-07)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
13-CA-61510	7/21/11

INSTRUCTIONS:
File an original together with four copies and a copy for each additional charged party named in Item 1 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		b. Number of workers employed
Apollo Detective, Inc.		25+
c. Address *(Street, city, state, and ZIP code)*	d. Employer Representative	e. Telephone No
1440 West 127th Street Calumet Park, IL 60643	Frank Rogers	( ) - 708 489.5300 Fax No ( ) - 708.489.6706
f. Type of Establishment *(factory, mine, wholesaler, etc.)*	g. Identify principal product or service	
Security Contractor	Private Security Services	

h. 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)* (5) 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)*

For a period of several months, the above named Employer has failed and refused to remit held union dues to the exclusive bargaining representative of its employees, Service Employees International Union, Local 1.

Such conduct violates Sections 8(a)(1) and (5) of the Act.

3. Full name of party filing charge *(If labor organization, give full name, including local name and number)*
Service Employees International Union, Local 1

4a. Address *(Street and number, city, state, and ZIP code)*	4b. Telephone No
111 E. Wacker Dr., Suite 2500 Chicago, IL 60601	( ) - (312) 233-8748 Fax No ( ) - (312) 233-8848

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)* Service Employees International Union

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 Steven M. Stewart
(Signature of representative or person making charge)

Steven M. Stewart, Counsel
(Print/type name and title or office, if any)

Address Same as above

(fax) ( ) - Same as above
( ) - Same as above
(Telephone No.)

07/21/11
(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 found in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of the information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT
tabbies
1

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

APOLLO DETECTIVE, INC. Charged Party and **LOCAL 1, SEIU** Charging Party	**Case 13-CA-061510**

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 22, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

FRANK ROGERS
APOLLO DETECTIVE, INC.
1440 W 127TH ST
CALUMET PARK, IL 60827-6046

July 22, 2011	Denise Gatsoudis, Designated Agent of NLRB
Date	Name
	Signature

EXHIBIT
2

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

APOLLO DETECTIVE, INC.

and CASE 13-CA-61510

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 1

I. COMPLAINT

II. COMPLIANCE SPECIFICATION

III. ORDER CONSOLIDATING COMPLAINT
AND COMPLIANCE SPECIFICATION

IV. ANSWER REQUIREMENT

V. NOTICE OF CONSOLIDATED HEARING

I. COMPLAINT

Service Employees International Union, Local 1, herein called the Union, has charged that Apollo Detective, Inc., herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 et seq. Based thereon the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, issues this Complaint and alleges as follows:

I

The charge in this proceeding was filed by the Union on July 21, 2011, and a copy was served by regular mail on Respondent on July 22, 2011.

II

(a) At all material times Respondent, an Illinois corporation, with an office and place of business in Calumet Park, Illinois, herein called the Respondent's facility, has been engaged in the business of providing security guard services at various locations.

(b) During the past calendar year, a representative period, the Respondent, in conducting its business operations described above in paragraph II(a), provided security services in excess of $50,000 to enterprises which are directly engaged in interstate commerce.

EXHIBIT
3

(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.

III

At all material times the Union has been a labor organization within the meaning of Section 2(5) of the Act.

IV

At all material times Frank Rogers held the position of Respondent's President, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

V

(a) About January 1, 2008, Respondent and the Union entered into a collective-bargaining agreement covering certain of Respondent's employees, which provides:

> The Employer agrees to deduct in the first pay period of each month, from the pay of every employee who has executed and caused to be delivered to the Employer a written assignment, the regular monthly dues and the initiation fee and COPE contributions of the Union, if due and owing, in accordance with the Constitution and Bylaws of the Union. Where the employee, who is on check off, has insufficient earnings during the first pay period of the month, the deductions shall be made by the Employer from the next wage payment in accordance with billings furnished by the Union. A complete list of employees describing the deduction shall be submitted with each remittance.

(b) From January 21, 2011 until it closed on or about July 17, 2011, Respondent deducted union dues from its employees' paychecks pursuant to the dues-checkoff provision in the collective bargaining agreement and employee check-off authorizations.

(c) During the period described above in paragraph V(b) Respondent failed to remit to the Union the union dues it deducted from the employees' paychecks and retained the money for itself.

VI

By the conduct described above in paragraph V, 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) and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

II. COMPLIANCE SPECIFICATION

The Acting General Counsel of the National Labor Relations Board, on behalf of the Board by the undersigned Regional Director for Region 13, is issuing the above Complaint seeking that Respondent take certain remedial action, including remission of Union dues deducted by the Respondent from employee wages to the Union. In order to effectuate the purposes and policies of the Act, pursuant to Section 102.54(c) of the Rules and Regulations of the National Labor Relations Board the Regional Director of the National Labor Relations Board for Region 13, pursuant to authority duly conferred upon him by the Board, issues this Compliance Specification and alleges as follows:

I

(a) An appropriate measure of the dues owed to the Union begins January 21, 2011, six months prior to the filing of this charge, through and including July 17, 2011, when the Respondent ceased to operate its business (a period which included seven monthly deduction cycles) multiplied by the amount of dues deducted per employee per month multiplied by the number of Respondent's employees who had authorized the deduction of Union dues from their paychecks.

(b) The amount of dues deducted per employee per month was $38.20.

(c) There were 20 employees employed by the Respondent who had authorized the deduction of Union dues from their paychecks.

(d) The total amount of Union dues owed by the Employer to be remitted to the Union is $5,348.00 comprised of 20 employees at $38.20 each or $764.00 total per month multiplied by 7 monthly deduction cycles January 2011 through July, 2011.

II

The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not now known to the Regional Director.

III

Summarizing the facts and calculations specified above, the obligation of Respondent to make whole the Union will be discharged by payment in the gross amount of $5,348 plus interest calculated accrued to the date of payment.

III. ORDER CONSOLIDATING COMPLAINT AND COMPLIANCE SPECIFICATION

Having duly considered the matter, and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs and delay, the undersigned,

HEREBY ORDERS, pursuant to Section 102.54 of the Board's Rules and Regulations – Series 8, as amended, that the Complaint and Compliance Specification be, and they hereby are, consolidated for hearing before an Administrative Law Judge.

IV. ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21 and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before October 18, 2011 or postmarked on or before October 17, 2011.** Unless filed electronically in a pdf format, 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.nlrb.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 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to this consolidated complaint and compliance specification is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature 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 be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification paragraphs I - III that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached.

Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

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 Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the compliance specification paragraphs I - III in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

V. NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 3, 2012, at 11:00 a.m.** at **209 South LaSalle Street, Suite 900, Chicago, Illinois**, 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 consolidated complaint and compliance specification. 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 Chicago, Illinois, this 27th day of September, 2011.

Joseph A. Barker, Regional Director
National Labor Relations Board
Region 13
209 South LaSalle Street, 9th Floor
Chicago, IL 60604

Attachments

FORM NLRB-4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case: 13-CA-61510

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.

Frank Rogers
Apollo Detective, Inc.
1440 W. 127th St.
Calumet Park, IL 60827-5300

Steven M. Stewart, Counsel
Local 1, SEIU
111 E. Wacker Dr., Ste. 2500
Chicago, IL 60601-3704

FORM NLRB-4668
(4-05)

(C CASES)

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official 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 administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be 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. In the absence of a request, the administrative law judge 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.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting 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 served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

CA-61510.

FORM NLRB-877
(4-84)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

APOLLO DETECTIVE, INC. **and** **SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1**	**CASE NO. 13-CA-61510** **DATE OF MAILING September 27, 2011**

AFFIDAVIT OF SERVICE OF **COMPLAINT AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid certified mail upon the following persons, addressed to them at the following addresses:

Frank Rogers
Apollo Detective, Inc.
1440 W. 127th St.
Calumet Park, IL 60827-5300

Steven M. Stewart, Counsel
Local 1, SEIU
111 E. Wacker Dr., Ste. 2500
Chicago, IL 60601-3704

Rec 9/29/11

Subscribed and sworn to before me this 27th day of September, 2011.	**DESIGNATED AGENT** **/s/ Denise Gatsoudis** NATIONAL LABOR RELATIONS BOARD

EXHIBIT
4

English Customer Service USPS Mobile Register / Sign In

USPS.COM

Search USPS.com or Track Packages

Quick Tools | Ship a Package | Send Mail | Manage Your Mail | Shop | Business Solutions

Track & Confirm

GET EMAIL UPDATES PRINT DETAILS

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70081300000042526839		Processed through USPS Sort Facility	October 23, 2011, 9:32 pm	CHICAGO, IL 60607	Certified Mail
		Unclaimed	October 14, 2011, 4:50 am	RIVERDALE, IL	
		Notice Left	September 28, 2011, 11:49 am	RIVERDALE, IL 60827	

Check on Another Item

What's your label (or receipt) number?

Find

LEGAL
Privacy Policy ›
Terms of Use ›
FOIA ›
No FEAR Act EEO Data ›

OTHER USPS SITES
Business Customer Gateway ›
Postal Inspectors ›
Inspector General ›
Postal Explorer ›

ON USPS.COM
Government Services ›
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Site Index ›

ON ABOUT.USPS.COM
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Newsroom ›
Mail Service Updates ›
Forms & Publications ›
Careers ›

EXHIBIT 5

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 13
209 SOUTH LASALLE STREET, SUITE 900
CHICAGO, IL 60604-1219
An Equal Opportunity Employer

OFFICIAL BUSINESS

7008 1300 0000 4252 6839

UNITED STATES POSTAGE
02 1M $05.79
SEP 27 2011
MAILED FROM ZIP CODE 60606

Frank Rogers
Apollo Detective, Inc.
1440 W. 127th St.
Calumet Park, IL 60827-5300

24
NE
4M
9-28
10-6
10-13

NIXIE 606 DC 1 00 10/20/11
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 60604121999 *2942-01539-20-38

60604@1219

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

7008 1300 0000 4252 6839

Frank Rogers
Apollo Detective, Inc.
13-CA-61510
Complaint & Compliance Spec
Robles

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United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
209 South LaSalle Street – 9th Floor
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

October 26, 2011

Mr. Frank Rogers
Apollo Detective, Inc.
1440 West 127th Street
Calumet Park, Illinois 60827

RE: Apollo Detective, Inc.
Case 13-CA-61510

Dear Mr. Rogers:

On September 27, 2011, a Complaint and Compliance Specification issued in above-captioned case. A copy of the Complaint and Compliance Specification was served on you by certified mail on that same date. Pursuant to Section 102.56 of the Board's Rules and Regulations you were required to file an original and four (4) copies of an Answer to the Specification with the Region within 21 days of its service or by Tuesday, October 18, 2011. As of this date, however, the Region has not received your Answer to the Complaint and Compliance Specification.

Therefore, please be advised that I will recommend that a Motion for Default Judgment be filed with the Board if an Answer to the Compliance Specification is not received in the Regional Office by Wednesday, November 2, 2011. For you convenience, I have enclosed a copy of the Complaint and Compliance Specification. If you have any questions or wish to discuss settlement of this matter, please call me at 312-353-7589.

Sincerely,

Vivian Perez Robles
Attorney

Enclosure

CERTIFIED MAIL

EXHIBIT
tabbies
6

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

APOLLO DETECTIVE, INC.

and CASE 13-CA-61510

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 1

I. COMPLAINT

II. COMPLIANCE SPECIFICATION

III. ORDER CONSOLIDATING COMPLAINT
AND COMPLIANCE SPECIFICATION

IV. ANSWER REQUIREMENT

V. NOTICE OF CONSOLIDATED HEARING

I. COMPLAINT

Service Employees International Union, Local 1, herein called the Union, has charged that Apollo Detective, Inc., herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 et seq. Based thereon the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, issues this Complaint and alleges as follows:

I

The charge in this proceeding was filed by the Union on July 21, 2011, and a copy was served by regular mail on Respondent on July 22, 2011.

II

(a) At all material times Respondent, an Illinois corporation, with an office and place of business in Calumet Park, Illinois, herein called the Respondent's facility, has been engaged in the business of providing security guard services at various locations.

(b) During the past calendar year, a representative period, the Respondent, in conducting its business operations described above in paragraph II(a), provided security services in excess of $50,000 to enterprises which are 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.

III

At all material times the Union has been a labor organization within the meaning of Section 2(5) of the Act.

IV

At all material times Frank Rogers held the position of Respondent's President, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

V

(a) About January 1, 2008, Respondent and the Union entered into a collective-bargaining agreement covering certain of Respondent's employees, which provides:

> The Employer agrees to deduct in the first pay period of each month, from the pay of every employee who has executed and caused to be delivered to the Employer a written assignment, the regular monthly dues and the initiation fee and COPE contributions of the Union, if due and owing, in accordance with the Constitution and Bylaws of the Union. Where the employee, who is on check off, has insufficient earnings during the first pay period of the month, the deductions shall be made by the Employer from the next wage payment in accordance with billings furnished by the Union. A complete list of employees describing the deduction shall be submitted with each remittance.

(b) From January 21, 2011 until it closed on or about July 17, 2011, Respondent deducted union dues from its employees' paychecks pursuant to the dues-checkoff provision in the collective bargaining agreement and employee check-off authorizations.

(c) During the period described above in paragraph V(b) Respondent failed to remit to the Union the union dues it deducted from the employees' paychecks and retained the money for itself.

VI

By the conduct described above in paragraph V, 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) and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

II. COMPLIANCE SPECIFICATION

The Acting General Counsel of the National Labor Relations Board, on behalf of the Board by the undersigned Regional Director for Region 13, is issuing the above Complaint seeking that Respondent take certain remedial action, including remission of Union dues deducted by the Respondent from employee wages to the Union. In order to effectuate the purposes and policies of the Act, pursuant to Section 102.54(c) of the Rules and Regulations of the National Labor Relations Board the Regional Director of the National Labor Relations Board for Region 13, pursuant to authority duly conferred upon him by the Board, issues this Compliance Specification and alleges as follows:

I

(a) An appropriate measure of the dues owed to the Union begins January 21, 2011, six months prior to the filing of this charge, through and including July 17, 2011, when the Respondent ceased to operate its business (a period which included seven monthly deduction cycles) multiplied by the amount of dues deducted per employee per month multiplied by the number of Respondent's employees who had authorized the deduction of Union dues from their paychecks.

(b) The amount of dues deducted per employee per month was $38.20.

(c) There were 20 employees employed by the Respondent who had authorized the deduction of Union dues from their paychecks.

(d) The total amount of Union dues owed by the Employer to be remitted to the Union is $5,348.00 comprised of 20 employees at $38.20 each or $764.00 total per month multiplied by 7 monthly deduction cycles January 2011 through July, 2011.

II

The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not now known to the Regional Director.

III

Summarizing the facts and calculations specified above, the obligation of Respondent to make whole the Union will be discharged by payment in the gross amount of $5,348 plus interest calculated accrued to the date of payment.

III. ORDER CONSOLIDATING COMPLAINT AND COMPLIANCE SPECIFICATION

Having duly considered the matter, and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs and delay, the undersigned,

HEREBY ORDERS, pursuant to Section 102.54 of the Board's Rules and Regulations – Series 8, as amended, that the Complaint and Compliance Specification be, and they hereby are, consolidated for hearing before an Administrative Law Judge.

IV. ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21 and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before October 18, 2011 or postmarked on or before October 17, 2011.** Unless filed electronically in a pdf format, 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.nlrb.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 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to this consolidated complaint and compliance specification is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature 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 be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification paragraphs I - III that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached.

Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

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 Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the compliance specification paragraphs I - III in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

V. NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 3, 2012, at 11:00 a.m.** at **209 South LaSalle Street, Suite 900, Chicago, Illinois**, 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 consolidated complaint and compliance specification. 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 Chicago, Illinois, this 27th day of September, 2011.

Joseph A. Barker, Regional Director
National Labor Relations Board
Region 13
209 South LaSalle Street, 9th Floor
Chicago, IL 60604

Attachments

FORM NLRB-4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case: 13-CA-61510

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.

Frank Rogers
Apollo Detective, Inc.
1440 W. 127th St.
Calumet Park, IL 60827-5300

Steven M. Stewart, Counsel
Local 1, SEIU
111 E. Wacker Dr., Ste. 2500
Chicago, IL 60601-3704

FORM NLRB-4668
(4-05)

(C CASES)

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official 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 administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be 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. In the absence of a request, the administrative law judge 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.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting 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 served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

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EXHIBIT 7

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
209 South LaSalle Street – 9th Floor
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

October 26, 2011

Mr. Frank Rogers
Apollo Detective, Inc.
1441 Inverness Lane
Schererville, Indiana 46375

RE: Apollo Detective, Inc.
Case 13-CA-61510

Dear Mr. Rogers:

On September 27, 2011, a Complaint and Compliance Specification issued in above-captioned case. A copy of the Complaint and Compliance Specification was served on you by certified mail on that same date. Pursuant to Section 102.56 of the Board's Rules and Regulations you were required to file an original and four (4) copies of an Answer to the Specification with the Region within 21 days of its service or by Tuesday, October 18, 2011. As of this date, however, the Region has not received your Answer to the Complaint and Compliance Specification.

Therefore, please be advised that I will recommend that a Motion for Default Judgment be filed with the Board if an Answer to the Compliance Specification is not received in the Regional Office by Wednesday, November 2, 2011. For you convenience, I have enclosed a copy of the Complaint and Compliance Specification. If you have any questions or wish to discuss settlement of this matter, please call me at 312-353-7589.

Sincerely,

Vivian Perez Robles
Field Attorney

Enclosure

CERTIFIED MAIL

EXHIBIT
8

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

APOLLO DETECTIVE, INC.

and CASE 13-CA-61510

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 1

I. COMPLAINT

II. COMPLIANCE SPECIFICATION

III. ORDER CONSOLIDATING COMPLAINT
AND COMPLIANCE SPECIFICATION

IV. ANSWER REQUIREMENT

V. NOTICE OF CONSOLIDATED HEARING

I. COMPLAINT

Service Employees International Union, Local 1, herein called the Union, has charged that Apollo Detective, Inc., herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 et seq. Based thereon the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, issues this Complaint and alleges as follows:

I

The charge in this proceeding was filed by the Union on July 21, 2011, and a copy was served by regular mail on Respondent on July 22, 2011.

II

(a) At all material times Respondent, an Illinois corporation, with an office and place of business in Calumet Park, Illinois, herein called the Respondent's facility, has been engaged in the business of providing security guard services at various locations.

(b) During the past calendar year, a representative period, the Respondent, in conducting its business operations described above in paragraph II(a), provided security services in excess of $50,000 to enterprises which are 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.

III

At all material times the Union has been a labor organization within the meaning of Section 2(5) of the Act.

IV

At all material times Frank Rogers held the position of Respondent's President, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

V

(a) About January 1, 2008, Respondent and the Union entered into a collective-bargaining agreement covering certain of Respondent's employees, which provides:

> The Employer agrees to deduct in the first pay period of each month, from the pay of every employee who has executed and caused to be delivered to the Employer a written assignment, the regular monthly dues and the initiation fee and COPE contributions of the Union, if due and owing, in accordance with the Constitution and Bylaws of the Union. Where the employee, who is on check off, has insufficient earnings during the first pay period of the month, the deductions shall be made by the Employer from the next wage payment in accordance with billings furnished by the Union. A complete list of employees describing the deduction shall be submitted with each remittance.

(b) From January 21, 2011 until it closed on or about July 17, 2011, Respondent deducted union dues from its employees' paychecks pursuant to the dues-checkoff provision in the collective bargaining agreement and employee check-off authorizations.

(c) During the period described above in paragraph V(b) Respondent failed to remit to the Union the union dues it deducted from the employees' paychecks and retained the money for itself.

VI

By the conduct described above in paragraph V, 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) and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

II. COMPLIANCE SPECIFICATION

The Acting General Counsel of the National Labor Relations Board, on behalf of the Board by the undersigned Regional Director for Region 13, is issuing the above Complaint seeking that Respondent take certain remedial action, including remission of Union dues deducted by the Respondent from employee wages to the Union. In order to effectuate the purposes and policies of the Act, pursuant to Section 102.54(c) of the Rules and Regulations of the National Labor Relations Board the Regional Director of the National Labor Relations Board for Region 13, pursuant to authority duly conferred upon him by the Board, issues this Compliance Specification and alleges as follows:

I

(a) An appropriate measure of the dues owed to the Union begins January 21, 2011, six months prior to the filing of this charge, through and including July 17, 2011, when the Respondent ceased to operate its business (a period which included seven monthly deduction cycles) multiplied by the amount of dues deducted per employee per month multiplied by the number of Respondent's employees who had authorized the deduction of Union dues from their paychecks.

(b) The amount of dues deducted per employee per month was $38.20.

(c) There were 20 employees employed by the Respondent who had authorized the deduction of Union dues from their paychecks.

(d) The total amount of Union dues owed by the Employer to be remitted to the Union is $5,348.00 comprised of 20 employees at $38.20 each or $764.00 total per month multiplied by 7 monthly deduction cycles January 2011 through July, 2011.

II

The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not now known to the Regional Director.

III

Summarizing the facts and calculations specified above, the obligation of Respondent to make whole the Union will be discharged by payment in the gross amount of $5,348 plus interest calculated accrued to the date of payment.

III. ORDER CONSOLIDATING COMPLAINT AND COMPLIANCE SPECIFICATION

Having duly considered the matter, and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs and delay, the undersigned,

HEREBY ORDERS, pursuant to Section 102.54 of the Board's Rules and Regulations – Series 8, as amended, that the Complaint and Compliance Specification be, and they hereby are, consolidated for hearing before an Administrative Law Judge.

IV. ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21 and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before October 18, 2011 or postmarked on or before October 17, 2011.** Unless filed electronically in a pdf format, 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.nlrb.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 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to this consolidated complaint and compliance specification is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature 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 be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification paragraphs I - III that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached.

Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

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 Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the compliance specification paragraphs I - III in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

V. NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 3, 2012, at 11:00 a.m.** at **209 South LaSalle Street, Suite 900, Chicago, Illinois**, 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 consolidated complaint and compliance specification. 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 Chicago, Illinois, this 27th day of September, 2011.

Joseph A. Barker, Regional Director
National Labor Relations Board
Region 13
209 South LaSalle Street, 9th Floor
Chicago, IL 60604

Attachments

FORM NLRB-4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case: 13-CA-61510

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.

Frank Rogers
Apollo Detective, Inc.
1440 W. 127th St.
Calumet Park, IL 60827-5300

Steven M. Stewart, Counsel
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FORM NLRB-4668
(4-05)

(C CASES)

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official 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 administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be 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. In the absence of a request, the administrative law judge 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.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting 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 served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

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EXHIBIT 9

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