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Subject: Fwd: Seniority List
From: "Tom Schmidt" <tom@onboardtours.com>
Date: Mon, February 27, 2012 10:08 am
To: "ron" <ron@onboardtours.com> ([more](#))
Options: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | | [View as HTML](#) | [Add to Address Book](#)

Do not respond to him.

For the record, we do not assign shifts based purely on seniority. Assignments are made based on a COMBINATION of availability, skills, work ethic, professionalism, experience operating the particular tour, and seniority.

Tom Schmidt
OnBoard Tours
tom@onboardtours.com
New York City <<http://www.onboardnewyorktours.com/>> • Washington DC<<http://www.onboarddctours.com/>>
• Las Vegas <<http://www.onboardlasvegastours.com/>>

Schedule a Call With Me <<https://my.timedriver.com/NYXXQ>>

Executive Assistant:
Liliana Landaverde
liliana@ctschmidt.com
281-907-3004

----- Forwarded message -----
From: Fred Pflantzer <efpe@nyc.rr.com>
Date: Mon, Feb 27, 2012 at 11:42 AM
Subject: Seniority List
To: tom@onboardtours.com

Tom,****

** **

I texted Ron last night to inquire about why I have not received any work since January 10th.****

** **

Since the work list is supposedly based on seniority I would have to ask you why there are at least three people on the list who have been with the company for less time than I who are getting regular work.****

Case No.	Official Exhibit No
CA-CA-73340	OC 14
Disposition:	Identified <input checked="" type="checkbox"/>
Rejected <input type="checkbox"/>	Received <input checked="" type="checkbox"/>
IN THE MATTER OF:	
NY Bdy Shuttle	
Date: 8/7/12	Witness: Reporter: mfm
No. Pages: 2	

OC 14

** **

Ron says he will schedule a meeting when he has time, but I have heard nothing from him.****

** **

Perhaps you can enlighten me. ****

** **

Fred Pflantzer ****

Attachments:

[untitled-\[2\]](#)

3.7k

[text/html]

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Subject: Re: Beware OnBoard Tours Bouncing Paychecks, no Union, no chance
From: "Tom Schmidt" <tom@onboardtours.com>
Date: Mon, February 13, 2012 1:51 pm
To: "ron@onboardtours.com" <ron@onboardtours.com>
Options: View Full Header | View Printable Version | Download this as a file | | View as HTML | Add to Address Book

Lovely.

On Monday, February 13, 2012, <ron@onboardtours.com> wrote:

> ----- Original Message ----- Case No. 02-07-78340 Official Exhibit No. 8013
> Subject: Fwd: Beware OnBoard Tours Bouncing Paychecks, no Union, no chance
> From: "keelin winter" <keelino319@gmail.com>
> Date: Sat, February 11, 2012 8:50 pm
> To: ron@onboardtours.com

Disposition: Identified
 Rejected Received

> -----
> THIS IS FROM A CITYSIGHTS EMPLOYEE.

IN THE MATTER OF:
NY Party Shutek
 Date: 8/7/12 Witness: --- Reporter: mbm
 No. Pages: (3)

> Ron...

> I thought you might get a kick out of this ! It's always the companies
> with these people, never them. Obviously why CitySights does not want him
> and his buddies anymore either. LOL [?]

> Keelin

> ----- Forwarded message -----

> From: Fred Pflantzer <efpe@nyc.rr.com>
> Date: Sat, Feb 11, 2012 at 4:15 PM
> Subject: Beware OnBoard Tours Bouncing Paychecks, no Union, no chance
> To: shadowgraph@hotmail.com, adiakite@citysightsny.com,
> adrienmatt@comcast.net, afridi nvc@yahoo.com, alfacinha1980@yahoo.com,
> amazingdeal@amazingmaildeals.com, dbarbarito001@nyc.rr.com,
> tonycaroppoli@gmail.com, rchierico@gmail.com, caseychris@optonline.net,
> mrspumpkinhead@hotmail.com, doncook1@verizon.net, jnc3@nyc.rr.com,
> richardcostella@aol.com, oliveharrin45@hotmail.com, guidediallo@gmail.com,
> sbdomnitz@aol.com, eva dorrepaal@hotmail.com, lelizd33@yahoo.com,
> lduff45@gmail.com, dse229@gmail.com, ZANNEFOSTER@aol.com, DIFRAK@aol.com,
> carey927@yahoo.com, igladish@nyc.rr.com, drew4988@aol.com,
> mike@mikegrantgraphics.com, glqrail@yahoo.com, joeyhannah@yahoo.com,
> clarisaxvcool@hotmail.com, key2nyc@gmail.com, marybethhennesy@gmail.com,
> hidethebody@gmail.com, michael t hoy@yahoo.com, itsidave@hotmail.com,
> juanit154@gmail.com, ifletch1159@yahoo.com, igladish@nyc.rr.com,
> asiajung@gmail.com, karenfleming225@gmail.com, lancek1112@yahoo.com,
> phil.kennedy@yahoo.com, tomkinghome@aol.com, majak@verizon.net,
> dKops1@nyc.rr.com, gablev@gmail.com, bbq@earthlink.net,
> flambert3000@gmail.com, c7c7c7r@aol.com, hoist05@yahoo.com,
> amancini108@yahoo.com, K2mackie@aol.com, samir86matar@yahoo.com,

cc 13

> dpmmav@gmail.com, cmqdraw52@yahoo.com, Gandolfgreat@aol.com,
> jebeenie@hotmail.com, gerald.murphy6@hotmail.com, maonique40@gmail.com,
> xspecc@aol.com, walking_brooklyn@yahoo.com, blpaholak@hotmail.com,
> peter.galman@gmail.com, peterlinari@earthlink.net, efpe@verizon.net,
> chefman822@nyc.rr.com, bpoli@mac.com, marvelmike@live.com, soldier@iqc.org
,
> rtrahan@citysightsny.com, nina@jerrywillis.net, shabanqu.s202@gmail.com,
> sherwoodt57@aol.com, garrettshore@gmail.com, west83jazz@aol.com,
> schnook99@hotmail.com, hope.spero@yahoo.com, staal211@hotmail.com,
> carla.stockton@gmail.com, craigstokle@gmail.com, joe45@email.com,
> twobittuna@nyc.rr.com, twu4you@aol.com, manuelroman30@yahoo.com,
> watkjim@gmail.com, keelino319@gmail.com, cmtours1@aol.com,
> ecuadominican@hotmail.com, zboyle@nwecorp.com
>
>
>

> Dear Colleagues and friends,****

> ** **

> As you probably know, I am no longer at CitySights, I resigned, said
> goodbye and went over to OnBoard Tours in October, thinking the grass and
> tips would be greener. Well as is often the case, I found it to be
untrue.**

> **

> ** **

> Believe it or not, CitySights is a worker's paradise compared to OnBoard!
> At OnBoard you will receive no health insurance, sick days, vacation days
> or one single benefit. You will ride around on unsafe buses, without the
> benefit of a PA system, or sometimes even a seat. ****

> ** **

> There is no union to protect you, you are subject to arbitrary
disciplinary
> actions and out-right dismissal without recourse. If the company were to
be
> sold, which is what I believe will happen there is no successor clause to
> protect your jobs.****

> ** **

> And perhaps most egregious of all of the flaws PAYCHECKS BOUNCE, yes
that's
> right, they bounce.****

> ** **

> Needless to say, I started to agitate for a union. Guess what happened, I
> stopped being called for work. I disappeared off the work sheet, not fired
> outright, but in effect kicked to the curb.****

> ** **

> My hat is off to USWU 1212 for the excellent work they have done
preserving
> your jobs. ****

> ** **
>
> As you all well know, we have a right to organize in this country, a right
> protected by the US Government.****
>
> ** **
>
> I am currently at the NLRB bringing charges against this dysfunctional
> company.****
>
> ** **
>
> So before you jump ship, talk to me, I'll be glad to fill you in on all
the
> gory details.****
>
> ** **
>
> Forgive me if you receive this twice, my mailing list contains
duplicates.**
> **
>
> ** **
>
> Yours, ****
>
> ** **
>
> Fred Pflantzer****
>
> ** **
>
--

NOTE: New mailing address:

Tom Schmidt
3701 Kirby Drive, Suite 845
Houston, Texas 77098
(713) 249-7908
tom@ctschmidt.com
Schedule a Call With Me <<https://my.timedriver.com/NYXXQ>>

Liliana Landaverde
Executive Assistant
(281) 907-3004
liliana@ctschmidt.com

Attachments:

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Subject: NLRB

From: "Fred Pflantzer" <efpe@nyc.rr.com>

Date: Wed, February 8, 2012 8:49 pm

To: tom@onboardtours.com ([more](#))

Options: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | | [View as HTML](#) | [Add to Address Book](#)

Tom,

I await a response to my letter, you owe it to us all.

If you haven't received this from the NLRB here is a copy of my charges filed against you.

Meanwhile here is a letter from another member of your "team." Perhaps it's time you looked into the way the NY operation is being run in your absence.

I have begun posting my letters and discussions on Face Book, I will warn every tour guide I possible can about the conditions at OnBoard tours.

Fred Pflantzer

Hi Fred.

I worked at OnBoard on and off since 2007.

They were always weird, but the product was good and so were the tips.

But Ron, who I was really friendly with, became disrespectful and it set a bad tone for my experience there. He did stuff just to mess with me, and I think he cut my salary and may not have always paid me.

I have no idea what Vincent Ford was doing there beyond being an imposing presence.

I used to get along great with the drivers but many of my favorites were gone and some of my least favorites stuck around.

Case No. Official Exhibit No.

CA-73340 GC12

Disposition: Identified

Rejected Received

IN THE MATTER OF:

NY Party Shuttle

Date: 8/7/12 Witness: Reporter: mtm

No. Pages: 2

GC12 ✓

Also customer service, which had some disturbing aspects since 2008, became thoroughly bad. You can see the ass marks in the seats and the grease marks on the head rests. When I toured with them in 2010 I nearly gagged seeing the deteriorating conditions.

I stopped submitting my schedule.

I'd like to work there, but I need a few factors to change.

I did A LOT for that company, and I sacrificed a lot for them. I don't work where I don't get respect. It is bad spiritually, and generally it means that I am going to get ripped off.

Working with them and networking at GANyc got my career going, though. Shitty-Sighs nearly propelled me from the industry. It was like going to hell early there.

Best regards,

XXXXX (name removed by me)

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Tom Schmidt <cthomasschmidt@gmail.com>

Can someone cover my shift tomorrow?

joeyhannah@yahoo.com <joeyhannah@yahoo.com>

Sun, Feb 5, 2012 at 3:49 PM

Reply-To: joeyhannah@yahoo.com

To: Fred Pflantzer <efpe@nyc.rr.com>, berenise@aol.com, James <thegolfnut@earthlink.net>, John Gallagher <seeyourlove@hotmail.com>, McConeghey <dbmbrooklyn@gmail.com>, Norberto Garcia <garcia312nyc@yahoo.com>, Stephan Stanley <stanley845@gmail.com>, Jason Schuman <jason.s@romancingmanhattanontours.com>, Roffe <ILB31592@aol.com>, Roy Branch <rob_brac@hotmail.com>, Elvis Avila <elvisavila@ymail.com>, Lois Marks <ocmarks6@yahoo.com>, T <ticker@onboardtours.com>, Omar Morgan <omar@onboardtours.com>, Robert <robert@onboardtours.com>, Matt <matt@onboardtours.com>, Mike Grant <mike@mikegrantgraphics.com>, Karen King <karen_king_f@yahoo.com>, Anthony Falwell <tonefall1@aol.com>, Jessenia Vargas <jesseniaavargas85@gmail.com>, Jim <jimacchetta@yahoo.com>, Joel <joel@onboardtours.com>, Cynthia Bemios <cynthia@onboardtours.com>, Melvin Brewster <melvin@onboardtours.com>, Garrett Shore <garrettshore@gmail.com>, Gary Dennis <galidennis@aol.com>, Dennis Glisson <dennis_glisson@yahoo.com>, Bertram Greaves <bertramgreaves@yahoo.com>, Edwin <edwin@onboardtours.com>, Anna Martin <annafmartin909@gmail.com>, Nadine Miller <nmliller30@verizon.net>, Randy <rpowers195@aol.com>
Cc: tom@onboardtours.com, Vincent Ford <vincent@onboardtours.com>, ron@onboardtours.com

Hi OnBoard tour guides:

I've been assigned the 9:30 see the shops and 12:30 see it all tomorrow but can't work. Could someone please help by covering my tours? If you can, or know someone who would like to, you or that person should contact me @ 917-7213078. Thanks for any and all assistance afforded in this matter.

Go Giants!

Joey Hannah

Sent from my BlackBerry® powered by Virgin Mobile.

From: "Fred Pflantzer" <efpe@nyc.rr.com>

Date: Thu, 2 Feb 2012 11:51:50 -0500

To: <berenise@aol.com>; 'Joey' <joeyhannah@yahoo.com>; 'James' <thegolfnut@earthlink.net>; 'John Gallagher' <seeyourlove@hotmail.com>; 'McConeghey' <dbmbrooklyn@gmail.com>; 'Norberto Garcia' <garcia312nyc@yahoo.com>; 'Stephan Stanley' <stanley845@gmail.com>; 'Jason Schuman' <jason.s@romancingmanhattanontours.com>; 'Roffe' <ILB31592@aol.com>; 'Roy Branch' <rob_brac@hotmail.com>; 'Elvis Avila' <elvisavila@ymail.com>; 'Lois Marks' <ocmarks6@yahoo.com>; 'T' <ticker@onboardtours.com>; 'Omar Morgan' <omar@onboardtours.com>; 'Robert' <robert@onboardtours.com>; 'Matt' <matt@onboardtours.com>; 'Mike Grant' <mike@mikegrantgraphics.com>; 'Karen King' <karen_king_f@yahoo.com>; 'Anthony Falwell' <tonefall1@aol.com>; 'Jessenia Vargas' <jesseniaavargas85@gmail.com>; 'Jim' <jimacchetta@yahoo.com>; 'Joel' <joel@onboardtours.com>; 'Cynthia Bemios' <cynthia@onboardtours.com>; 'Melvin Brewster' <melvin@onboardtours.com>; 'Garrett Shore' <garrettshore@gmail.com>; 'Gary Dennis' <galidennis@aol.com>; 'Dennis Glisson' <dennis_glisson@yahoo.com>; 'Bertram Greaves' <bertramgreaves@yahoo.com>; 'Edwin' <edwin@onboardtours.com>; 'Anna Martin' <annafmartin909@gmail.com>; 'Nadine Miller' <nmliller30@verizon.net>; 'Randy' <rpowers195@aol.com>; <tanenhaus@gmail.com>; 'Gay Zizes' <qz100@webtv.net>
Cc: <tom@onboardtours.com>; <vincent@onboardtours.com>; <ron@onboardtours.com>
Subject: Your rights to organize

Advanced Search

with the NLRB

- Dear Tour Guides, Drivers, Colleagues.

You have a right to be represented by a union, it is Federal Law that protects those rights. I have brought charges against OnBoard for abridging my rights to do so.

I will keep you posted as this case progresses.

Case No. 02-07-73340 Official Exhibit No. EC 11

Disposition: Identified
 Rejected Received

IN THE MATTER OF:
NY Party Shuttle

Date: 8/7/12 Witness: - Reporter: mbin

No. Pages: 5

EC 11 ✓

Yours,

Fred Pflantzer

- Reports & Policies

Home » Rights We Protect » Employer/Union Rights & Obligations

Employer/Union Rights and Obligations

The National Labor Relations Act forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or from working together to improve terms and conditions of employment, or refraining from any such activity. Similarly, labor organizations may not restrain or coerce employees in the exercise of these rights.

Examples of employer conduct that violates the law:

- Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity.
- Threatening to close the plant if employees select a union to represent them.
- Questioning employees about their union sympathies or activities in circumstances that tend to interfere with, restrain or coerce employees in the exercise of their rights under the Act.
- Promising benefits to employees to discourage their union support.
- Transferring, laying off, terminating, assigning employees more difficult work tasks, or otherwise punishing employees because they engaged in union or protected concerted activity.
- Transferring, laying off, terminating, assigning employees more difficult work tasks, or otherwise punishing employees because they filed unfair labor practice charges or participated in an investigation conducted by NLRB.

Examples of labor organization conduct that violates the law:

- Threats to employees that they will lose their jobs unless they support the union.
- Seeking the suspension, discharge or other punishment of an employee for not being a union member even if the employee has paid or offered to pay a lawful initiation fee and periodic fees thereafter.
- Refusing to process a grievance because an employee has criticized union officials or because an employee is not a member of the union in states where union security clauses are not permitted.
- Fining employees who have validly resigned from the union for engaging in protected concerted activities following their resignation or for crossing an unlawful picket line.
- Engaging in picket line misconduct, such as threatening, assaulting, or barring non-strikers from the employer's premises.
- Striking over issues unrelated to employment terms and conditions or coercively enmeshing neutrals into a labor dispute.

What rules govern collective bargaining for a contract?

After employees choose a union as a bargaining representative, the employer and union are required to meet at reasonable times to bargain in good faith about wages, hours, vacation time,

insurance, safety practices and other mandatory subjects. Some managerial decisions such as subcontracting, relocation, and other operational changes may not be mandatory subjects of bargaining, but the employer must bargain about the decision's effects on unit employees.

It is an unfair labor practice for either party to refuse to bargain collectively with the other, but parties are not compelled to reach agreement or make concessions.

If after sufficient good faith efforts, no agreement can be reached, the employer may declare impasse, and then implement the last offer presented to the union. However, the union may disagree that true impasse has been reached and file a charge of an unfair labor practice for failure to bargain in good faith. The NLRB will determine whether true impasse was reached based on the history of negotiations and the understandings of both parties.

If the Agency finds that impasse was not reached, the employer will be asked to return to the bargaining table. In an extreme case, the NLRB may seek a federal court order to force the employer to bargain.

The parties' obligations do not end when the contract expires. They must bargain in good faith for a successor contract, or for the termination of the agreement, while terms of the expired contract continue.

A party wishing to end the contract must notify the other party in writing 60 days before the expiration date, or 60 days before the proposed termination. The party must offer to meet and confer with the other party and notify the Federal Mediation and Conciliation Service of the existence of a dispute if no agreement has been reached by that time.

How is "good faith" bargaining determined?

There are hundreds, perhaps thousands, of NLRB cases dealing with the issue of the duty to bargain in good faith. In determining whether a party is bargaining in good faith, the Board will look at the totality of the circumstances. The duty to bargain in good faith is an obligation to participate actively in the deliberations so as to indicate a present intention to find a basis for agreement. This implies both an open mind and a sincere desire to reach an agreement as well as a sincere effort to reach a common ground.

The additional requirement to bargain in "good faith" was incorporated to ensure that a party did not come to the bargaining table and simply go through the motions. There are objective criteria that the NLRB will review to determine if the parties are honoring their obligation to bargain in good faith, such as whether the party is willing to meet at reasonable times and intervals and whether the party is represented by someone who has the authority to make decisions at the table.

Conduct away from the bargaining table may also be relevant. For instance if an Employer were to make a unilateral change in the terms and conditions of employees employment without bargaining, that would be an indication of bad faith.

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Resources

- [The NLRB Process](#)
- [Employee Rights Poster](#)

- Find a Case
 - File Case Documents
 - Fact Sheets
 - Graphs & Data
 - Find Your Regional Office
 - FAQs
 - Forms
 - National Labor Relations Act (NLRA)
 - Related Agencies
-

Related Links

- Brochures



- Rights We Protect
 - Employee Rights
 - Employer/Union Rights & Obligations
 - Jurisdictional Standards
- What We Do
 - Conduct Elections
 - Investigate Charges
 - Facilitate Settlements
 - Decide Cases
 - Enforce Orders
- Who We Are
 - The Board
 - The General Counsel
 - Division of Judges
 - Organizational Chart
 - Regional Offices
 - Careers
 - Inspector General
 - Request a Speaker
 - Our History
 - Acquisitions

- o Contact Us
 - **Cases & Decisions**
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 - o Advice Memos
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 - o Research
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 - o Announcements
 - o Fact Sheets
 - o Fact Check
 - o Graphs & Data
 - o Employee Rights Poster
 - o Brochures
 - o Foreign Language Publications
 - **Reports & Policies**
 - o Reports
 - o Rules & Regulations
 - o General Counsel Memos
 - o Operations-Management Memos
 - o Public Notices
 - o Manuals
 - o Policies
 - o Adobe PDF Reader
 - **Fact Sheets**
 - o Boeing Complaint Fact Sheet
 - o 10(j) Injunction Activity
 - o Final Rule for Notification of Employee Rights
 - o Litigation regarding state amendments

NYS-45 (8/11)

Quarterly Combined Withholding, Wage Reporting, And Unemployment Insurance Return



Reference these numbers in all correspondence:

UI Employer registration number **47-56366**

Withholding identification number **710977879**

Employer legal name:
NEW YORK PARTY SHUTTLE LLC

Mark an X in only one box to indicate the quarter (a separate return must be completed for each quarter) and enter the tax year.

Jan 1 - Mar 31 1 Apr 1 - Jun 30 2 July 1 - Sep 30 3 Oct 1 - Dec 31 4 Tax year **11**

Are dependent health insurance benefits available to any employee? Yes No

If seasonal employer, mark an X in the box

For office use only
Postmark
Received date
UI SK AI SI WT SK

Number of employees
Enter the number of full-time and part-time covered employees who worked during or received pay for the week that includes the 12th day of each month.

a. First month	b. Second month	c. Third month
55	52	52

Part A - Unemployment insurance (UI) information

Part B - Withholding tax (WT) information

1. Total remuneration paid this quarter **464339.02**

2. Remuneration paid this quarter to each employee in excess of \$8,500 since January 1 **390284.52**

3. Wages subject to contribution (subtract line 2 from line 1) **74054.50**

4. UI contributions due
Enter your Tax rate **8.1250** % **6016.92**

5. Re-employment service fund (multiply line 3 x .00075) **55.54**

6. UI previously underpaid with interest

7. Total of lines 4, 5, and 6 **6072.46**

8. Enter UI previously overpaid

9. Total UI amounts due (if line 7 is greater than line 8, enter difference) **6072.46**

10. Total UI overpaid (if line 8 is greater than line 7, enter difference and mark box 11 below)*

11. Apply to outstanding liabilities and/or refund

12. New York State tax withheld **17113.16**

13. New York City tax withheld **9001.51**

14. Yonkers tax withheld **49.52**

15. Total tax withheld (add lines 12, 13, and 14) **26164.19**

16. WT credit from previous quarter's return (see Instr.)

17. Form NYS-1 payments made for quarter

18. Total payments (add lines 16 and 17)

19. Total WT amount due (if line 15 is greater than line 18, enter difference) **26164.19**

20. Total WT overpaid (if line 18 is greater than line 15, enter difference here and mark an X in 20a or 20b)*

20a. Apply to outstanding liabilities and/or refund or 20b. Credit to next quarter withholding tax

21. Total payment due (add lines 9 and 19; make one remittance payable to NYS Employment Taxes) **32236.65**

QUEST COPY DO NOT FILE

* An overpayment of either tax cannot be used to offset the amount due on the other tax. Complete Parts D and E on back of form, if required. This is a scannable form; please file the original.

Part C - Employee wage and withholding information

Quarterly employee/payee wage reporting information (If more than five employees or if reporting other wages, do not make entries in this section; complete Form NYS-45-ATT. Do not use negative numbers; see instructions.)			Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns d and e.	
a	b	c	d	e
Social security number	Last name, first name, middle initial	Total UI remuneration paid this quarter	Gross federal wages or distribution (see instructions)	Total NYS, NYC, and Yonkers tax withheld
			Case No. 02-CA-13340	Official Exhibit No. OC 10
			Disposition: Identified <input checked="" type="checkbox"/>	Rejected <input type="checkbox"/> Received <input checked="" type="checkbox"/>
			IN THE MATTER OF: NY Party Shuttle	
			Date: 8/1/12 Witness: [Signature]	Reporter: [Signature]
			No. Pages: 2	
Totals (column c must equal remuneration on line 1; see instructions for exceptions)				

Sign your return: I certify that the information on this return and any attachments is to the best of my knowledge and belief true, correct, and complete.

Taxpayer's signature: _____ Signer's name (please print): _____ Title: _____

Date: _____ Telephone number: _____

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

GCW

Withholding identification number

710977879



41125328

Part D - Form NYS-1 corrections/additions

Use Part D **only** for corrections/additions for the quarter being reported in Part B of this return. To correct original withholding information reported on Form(s) NYS-1, complete columns a, b, c, and d. To report additional withholding information not previously submitted on Form(s) NYS-1, complete **only** columns c and d. Lines 12 through 15 on the front of this return **must** reflect these corrections/additions.

a Original last payroll date reported on Form NYS-1, line A (MMDD)	b Original total withheld reported on Form NYS-1, line 4	c Correct last payroll date (MMDD)	d Correct total withheld
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Part E - Change of business information

22. This line is not in use for this quarter.

23. If you **permanently ceased paying wages**, enter the date (MMDDYY) of the final payroll (*see Note below*).....

24. If you **sold or transferred all or part of your business**:

- Mark an **X** to indicate whether in **whole** or in **part**
- Enter the date of transfer (MMDDYY)
- Complete the information below about the acquiring entity

Legal name	EIN
Address	

Note: For questions about other changes to your withholding tax account, call the Tax Department at (518) 485-6654; for your unemployment insurance account, call the Department of Labor at (518) 485-8589 or 1 888 899-8810. If you are using a paid preparer or a payroll service, the section below must be completed.

Paid preparer's use	Preparer's signature	Date	Preparer's NYTPRIN	Preparer's SSN or PTIN	Mark an X if self-employed <input type="checkbox"/>
	Preparer's firm name (or yours, if self-employed) ADP, Inc.	Address	Firm's EIN	Telephone number ()	
Payroll service's name			Payroll service's EIN	22-3006057	

Checklist for mailing:

- File original return and keep a copy for your records.
- Complete lines 9 and 19 to ensure proper credit of payment.
- Enter your withholding ID number on your remittance.
- Make remittance payable to **NYS Employment Taxes**.
- Enter your telephone number in boxes below your signature.
- See *Need help?* on Form NYS-45-I if you need forms or assistance.

Mail to:

NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

NYS-45-ATT (8/11)

Quarterly Combined Withholding, Wage Reporting, And Unemployment Insurance Return-Attachment



61125315

Withholding identification number:

710977879

Mark an X in the applicable box(es):

A. Original or Amended return
Jan 1 - Mar 31, Apr 1 - Jun 30, July 1 - Sep 30, Oct 1 - Dec 31, Tax year 11

Employer legal name: NEW YORK PARTY SHUTTLE LLC

B. Other wages only reported on this page

C. Seasonal employer

Table with columns: a Social security number, b Last name, first name, middle initial, c Total UT remuneration paid this quarter, d Gross federal wages or distribution, e Total NYS, NYC, and Yonkers tax withheld. Includes a 'CLIENT COPY DO NOT FILE' watermark.

Page No. 1 of 5 Total this page only
If first page, enter grand totals of all pages

Contact information (see instructions), Name, Daytime telephone number

For office use only Postmark, Received date

Mail to: NYS EMPLOYMENT TAXES PO BOX 4119 BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

NYS-45-ATT (8/11)

Quarterly Combined Withholding, Wage Reporting, And Unemployment Insurance Return-Attachment



61125315

Withholding identification number:

710977879

Mark an X in the applicable box(es):

A. Original [] or Amended return []
Jan 1 - Mar 31 [1] Apr 1 - Jun 30 [2] July 1 - Sep 30 [3] Oct 1 - Dec 31 [X] Tax year 11 Y Y

Employer legal name: NEW YORK PARTY SHUTTLE LLC

B. Other wages only reported on this page []

C. Seasonal employer []

Table with columns: a Social security number, b Last name, first name, middle initial, c Total US remuneration paid this quarter, d Gross federal wages or distribution, e Total NYS, NYC, and Yonkers tax withheld. Includes grand totals at the bottom.

CLIENT COPY DO NOT FILE

Contact information (see instructions) Name Daytime telephone number

For office use only Postmark Received date

Mail to: NYS EMPLOYMENT TAXES PO BOX 4119 BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

NYS-45-ATT
(8/11)

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return-Attachment**



61125315

Withholding identification number:

710977879

Employer legal name: NEW YORK PARTY SHUTTLE LLC

Mark an X in the applicable box(es):

A. Original or Amended return

Jan 1 - Mar 31 1 Apr 1 - Jun 30 2 July 1 - Sep 30 3 Oct 1 - Dec 31 4 Tax year 11 Y Y

B. Other wages only reported on this page

C. Seasonal employer

Quarterly employee/payee wage reporting information (Do not enter negative numbers in columns c, d, and e; see instructions)				Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns d and e.			
a	b	c		d		e	
Social security number	Last name, first name, middle initial	Total UI remuneration paid this quarter		Gross federal wages or distribution (see instr.)		Total NYS, NYC, and Yonkers tax withheld	
095701890	VARGAS, JESSENIA	7478	25	11339	25	469	21
096525753	CHEN, RICHARD, C.	3498	63	16880	52	780	53
097744817	FLORES, HENREY, D.	8449	00	29416	69	1374	13
099780292	WOOD, GARY			9652	50	444	88
101627096	CRUZ, JOSEPH	9453	50	14920	50	558	79
102525118	TURER, JOHNATHAN			4477	50	133	78
102587793	GARCIA, NORBERTO	9220	25	28128	50	1667	11
106520972	REICH, LYNN, E.	12967	22	42167	74	2836	75
106525505	CAPLAN, DAVID, R.			12531	50	230	53
108560918	BERRIOS, CYNTHIA	8737	50	24262	50	1147	60
109481329	ALFARO, ONEL	8880	75	18108	00	771	58
115641060	FLORES, BERENISE, E.	4051	75	4051	75	161	31
116709332	BRANCH, ROY	5892	25	17030	00	659	09
117665093	MARTINEZ, GEORGE	3016	00	7520	50	483	71
118826972	AVILA, ELVIS	11913	25	31060	75	2312	91
121429198	VOGLER, FAITH	8563	50	22978	00	1026	77
Page No. <u>3</u> of <u>5</u> Total this page only		102121	85	294526	20	15058	68
If first page, enter grand totals of all pages							

CLIENT COPY
DO NOT FILE

Contact information (see instructions)	Name	Daytime telephone number ()
--	------	------------------------------

For office use only
Postmark

Received date

Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

NYS-45-ATT
(8/11)

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return-Attachment**



Withholding identification number:

710977879

Mark an X in the applicable box(es):

A. Original or Amended return
 Jan 1 - Mar 31 1 Apr 1 - Jun 30 2 July 1 - Sep 30 3 Oct 1 - Dec 31 4 Tax year 11 Y Y

Employer legal name: NEW YORK PARTY SHUTTLE LLC

B. Other wages only reported on this page

C. Seasonal employer

Quarterly employee/payee wage reporting information (Do not enter negative numbers in columns c, d, and e; see instructions)				Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns d and e.			
a	b	c		d		e	
Social security number	Last name, first name, middle initial	Total UI remuneration paid this quarter		Gross federal wages or distribution (see instr.)		Total NYS, NYC, and Yonkers tax withheld	
123581241	ACCETTA, JAMES, J.	10332	00	23031	00	1431	38
128760944	DUBINSKY, YURI			4131	00	117	57
129365965	POWERS, RANDOLPH, E.	4846	50	13515	00	539	26
129524630	DENNIS, GARY	3087	00	7038	00	257	04
130381731	ROFFE, DAVID	11242	50	31727	00	1494	47
134709776	REYES, MELINDA, L.	3646	50	3646	50	151	40
153722959	FORD, VINCENT, E.	18844	00	69992	00		
157641668	MOSKOWITZ, FRED, R.	28392	91	60459	61	5752	67
199400037	JASCZ, MICHAEL	270	00	270	00		75
209465409	KRAVITZ, STANFORD			30171	35	2171	90
214554305	HANNAH, JOE	11156	00	29146	00		
219156446	WARREN, KRISTA, D.	12681	70	44761	12	2975	08
239219879	VASSOR-WHITE, WANDA	2880	00	10710	00	42	58
243335447	WINSTON, CHELSEA			8047	00	348	73
277447556	ICKERT, TOM	10181	50	41783	73	3188	31
297507004	KIERNAN, MATTHEW	9116	25	34831	50	2445	66
Page No. <u>4</u> of <u>5</u> Total this page only		126676	86	413260	81	20916	80
If first page, enter grand totals of all pages							

CLIENT COPY
DO NOT FILE

Contact information (see instructions)	Name	Daytime telephone number ()
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For office use only
Postmark

Received date

Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

NYS-45-ATT (8/11)

Quarterly Combined Withholding, Wage Reporting, And Unemployment Insurance Return-Attachment



Withholding identification number:

Mark an X in the applicable box(es):

A. Original [] or Amended return []

Jan 1 - Mar 31 [] Apr 1 - Jun 30 [] July 1 - Sep 30 [] Oct 1 - Dec 31 [X] Tax year 11 Y Y

Employer legal name: NEW YORK PARTY SHUTTLE LLC

B. Other wages only reported on this page []

C. Seasonal employer []

Table with 5 main columns: a Social security number, b Last name, first name, middle initial, c Total UI remuneration paid this quarter, d Gross federal wages or distribution, e Total NYS, NYC, and Yonkers tax withheld. Includes a 'CLIENT COPY DO NOT FILE' watermark and a summary row at the bottom.

Contact information (see instructions) Name Daytime telephone number ()

For office use only Postmark Received date

Mail to: NYS EMPLOYMENT TAXES PO BOX 4119 BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

Withholding identification number

710977879



41225325

Part D - Form NYS-1 corrections/additions

Use Part D **only** for corrections/additions for the quarter being reported in Part B of **this** return. To correct original withholding information reported on Form(s) NYS-1, complete columns a, b, c, and d. To report additional withholding information not previously submitted on Form(s) NYS-1, complete **only** columns c and d. Lines 12 through 15 on the front of this return **must** reflect these corrections/additions.

a Original last payroll date reported on Form NYS-1, line A (MMDD)	b Original total withheld reported on Form NYS-1, line 4	c Correct last payroll date (MMDD)	d Correct total withheld
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Part E - Change of business information

22. This line is not in use for this quarter.

23. If you **permanently ceased paying wages**, enter the date (MMDDYY) of the final payroll (see Note below).....

24. If you **sold or transferred all or part of your business**:

- Mark an **X** to indicate whether in **whole** or in **part**
- Enter the date of transfer (MMDDYY)
- Complete the information below about the acquiring entity

Legal name	EIN
Address	

DUPLICATE COPY
DO NOT FILE

Note: For questions about other changes to your withholding tax account, call the Tax Department at (518) 485-6654; for your unemployment insurance account, call the Department of Labor at (518) 485-8589 or 1 888 899-8810. If you are using a paid preparer or a payroll service, the section below must be completed.

Paid preparer's use	Preparer's signature	Date	Preparer's NYTPRN	Preparer's SSN or PTIN	Mark an X if <input type="checkbox"/> self-employed
	Preparer's firm name (or yours, if self-employed) ADP, Inc.	Address		Firm's EIN	Telephone number ()
Payroll service's name				Payroll service's EIN	22-3006057

Checklist for mailing:

- File original return and keep a copy for your records.
- Complete lines 9 and 19 to ensure proper credit of payment.
- Enter your withholding ID number on your remittance.
- Make remittance payable to *NYS Employment Taxes*.
- Enter your telephone number in boxes below your signature.
- See *Need help?* on Form NYS-45-I if you need forms or assistance.

Mail to:

NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

Batch# 000262

NYS-45-ATT (8/11)

Quarterly Combined Withholding, Wage Reporting, And Unemployment Insurance Return-Attachment

12/NOH



61225312

Withholding identification number:

710977879

Employer legal name: NEW YORK PARTY SHUTTLE LLC

Mark an X in the applicable box(es):

A. Original [] or Amended return []
Jan 1 - Mar 31 [X] 1 Apr 1 - Jun 30 [] 2 July 1 - Sep 30 [] 3 Oct 1 - Dec 31 [] 4 Tax year 12 Y Y

B. Other wages only reported on this page []

C. Seasonal employer []

Quarterly employee/payee wage reporting information (Do not enter negative numbers in columns c, d, and e; see instructions)

Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns d and e.

Table with 5 main columns: a Social security number, b Last name, first name, middle initial, c Total UI remuneration paid this quarter, d Gross federal wages or distribution, e Total NYS, NYC, and Yonkers tax withheld. Includes a large 'CLIENT COPY DO NOT FILE' watermark.

Page No. 1 of 4 Total this page only If first page, enter grand totals of all pages

Contact information (see instructions) Name Daytime telephone number

For office use only Postmark Received date

Mail to: NYS EMPLOYMENT TAXES PO BOX 4119 BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

NYS-45-ATT
(8/11)

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return-Attachment**



61225312

Withholding identification number:

710977879

Employer legal name: NEW YORK PARTY SHUTTLE LLC

Mark an X in the applicable box(es):

A. Original or Amended return
 Jan 1 - Mar 31 1 Apr 1 - Jun 30 2 July 1 - Sep 30 3 Oct 1 - Dec 31 4 Tax year 12 Y Y

B. Other wages only reported on this page

C. Seasonal employer

Quarterly employee/payee wage reporting information <i>(Do not enter negative numbers in columns c, d, and e; see instructions)</i>			Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns d and e.		
a Social security number	b Last name, first name, middle initial	c Total UI remuneration paid this quarter	d Gross federal wages or distribution (see instr.)	e Total NYS, NYC, and Yonkers tax withheld	
083584893	GRANT, TAJUANA	3243 50			
084321220	JORGE, EDWIN, S.	4928 00			
085506798	BREWSTER, MELVIN	4046 00			
086606276	CRUZ, ROBERT, E.	4128 50			
088603319	GREAVES, BERTRAM	4556 50			
088660229	SHORE, GARRETT	2088 50			
092386101	BERNSTEIN, JOEL	1814 75			
095701890	VARGAS, JESSENIA	3237 00			
097744817	FLORES, HENREY, D.	5498 50			
101627096	CRUZ, JOSEPH	5824 00			
102587793	GARCIA, NORBERTO	4199 00			
106520972	REICH, LYNN, E.	8854 39			
108560918	BERRIOS, CYNTHIA	3442 50			
109481329	ALFARO, ONEL	891 00			
115641060	FLORES, BERENISE, E.	1451 13			
116709332	BRANCH, ROY	2616 25			
Page No. <u>2</u> of <u>4</u> Total this page only		60814 52			
If first page, enter grand totals of all pages					

CLIENT COPY
DO NOT FILE

Contact information (see instructions)	Name	Daytime telephone number ()
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For office use only
 Postmark Received date

Mail to: NYS EMPLOYMENT TAXES
 PO BOX 4119
 BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

Batch# 000262

NYS-45-ATT (8/11)

Quarterly Combined Withholding, Wage Reporting, And Unemployment Insurance Return-Attachment

12/N0H



61225312

Withholding identification number:

710977879

Employer legal name: NEW YORK PARTY SHUTTLE LLC

Mark an X in the applicable box(es):

A. Original or Amended return

Jan 1 - Mar 31 1 Apr 1 - Jun 30 2 July 1 - Sep 30 3 Oct 1 - Dec 31 4 Tax year 12 Y Y

B. Other wages only reported on this page

C. Seasonal employer

Quarterly employee/payee wage reporting information (Do not enter negative numbers in columns c, d, and e; see instructions)

Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns d and e.

a Social security number	b Last name, first name, middle initial	c Total UI remuneration paid this quarter		d Gross federal wages or distribution (see Instr.)		e Total NYS, NYC, and Yonkers tax withheld	
118826972	AVILA, ELVIS	3837	50				
121429198	VOGELER, FAITH	4995	86				
123581241	ACCETTA, JAMES, J.	5620	50				
129365965	POWERS, RANDOLPH, E.	1366	20				
129524630	DENNIS, GARY	301	50				
130381731	ROFFE, DAVID	3780	00				
152681164	SYDOR, ANDREW	292	50				
153722959	FORD, VINCENT, E.	14580	00				
157641668	MOSKOWITZ, FRED, R.	5628	51				
199400037	JASCZ, MICHAEL	963	00				
214554305	HANNAH, JOE	3164	00				
219156446	WARREN, KRISTA, D.	7768	75				
239219879	VASSOR-WHITE, WANDA	2130	00				
277447556	ICKERT, TOM	6763	50				
297507004	KIERNAN, MATTHEW	6759	50				
356489882	MOSEIJ, JAMES, E.	2488	50				
		70439	82				

CLIENT COPY DO NOT FILE

Page No. 3 of 4 Total this page only
If first page, enter grand totals of all pages

Contact information (see instructions) Name

Daytime telephone number ()

For office use only Postmark

Received date

Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

All tax data shown are approximate and are subject to final adjustments. If you are an ADP tax client, the actual amount due will be submitted on your behalf by ADP.

gca

Employee Information	Earnings	Hours	YTD	Taxes	Overrides	YTD	Deductions	Per Pay Amount	YTD	Direct Deposit
MASON, DEBORAH V #0069 1061 70TH STREET BROOKLYN, NY 11228 Hire: 10/27/2011 Birth: 01/12/1959 Gender: F Rate: 18.0000/Hr Ins Elig: N SS#: XXX-XX-1365	Gross REGULAR O/TIME BONUS1 CELRMB	307.25 8.50	5,875.00 5,530.50 229.50 100.00 15.00	SS/Med Fed Wt NY State NY DIS NY UNEMP. FAM LV Credit Weeks: 19	Single/01	331.09 547.19 180.88 7.80	CS0029		3,566.59	
MCCONEGHEY, DAVID B #0029 165 BENNETT AVE #6J NEW YORK, NY 10040 Hire: 09/12/2010 Birth: 04/26/1957 Gender: M Rate: 18.0000/Hr Ins Elig: N SS#: XXX-XX-4778	Gross REGULAR O/TIME BONUS1 CELRMB	459.00 6.00	8,598.50 8,262.00 162.00 75.00 37.50	SS/Med Fed Wt NY State NY DIS NY UNEMP. FAM LV NewYrkCy 3301 Credit Weeks: 22	Single/01	480.19 739.45 237.80 19.00			154.84	
MOSEIJ, JAMES E #0039 70 REMSEN ST #50 NEW YORK, NY 11201 Hire: 09/15/2010 Birth: 12/14/1952 Gender: F Rate: 18.0000/Hr Ins Elig: N SS#: XXX-XX-9882	Gross REGULAR O/TIME BONUS1	341.50 10.00	6,442.00 6,147.00 270.00 25.00	SS/Med Fed Wt NY State NY DIS NY UNEMP. FAM LV NewYrkCy 3301 Credit Weeks: 20	Single/00 \$ 40 Addl	963.97 1,069.78			161.79 12.26	
PFLANTZER, FRED I #0060 909 WEST 49RD ST #1-D NEW YORK, NY 10036 Hire: 10/02/2011 Birth: 09/21/1950 Gender: M Rate: 20.0000/Hr Ins Elig: N SS#: XXX-XX-4463	Gross REGULAR O/TIME	30.25 9.25	882.50 605.00 277.50	SS/Med Fed Wt NY State NY DIS NY UNEMP. FAM LV NewYrkCy 3301 Credit Weeks: 2	Single/01	49.88 77.08 29.84 1.30			106.83	
POWERS, RANDOLPH E #0026 125 WESTMINSTCA RD BROOKLYN, NY 11218 Hire: 07/17/2009 Birth: 04/17/1948 Gender: M Rate: 18.0000/Hr SS#: XXX-XX-5985	Gross REGULAR O/TIME BONUS1 CELRMB	191.90	3,454.20 3,454.20	SS/Med Fed Wt NY State NY DIS NY UNEMP. FAM LV NewYrkCy 3301 Credit Weeks: 20	Single/00	195.18 264.39 35.12 11.81			15.52	
ROFFE, DAVID #0068 825 EAST 18TH ST BROOKLYN, NY 11230 Hire: 10/09/2009 Birth: 02/13/1952 Gender: M Rate: 18.0000/Hr SS#: XXX-XX-1731	Gross REGULAR O/TIME BONUS1 CELRMB	542.25 6.75	10,395.75 9,760.50 182.25 978.00 75.00	SS/Med Fed Wt NY State NY DIS NY UNEMP. FAM LV NewYrkCy 3301 Married/07 Credit Weeks: 22	Married/07	593.12 17.02 200.45 13.00			130.59	

Case No. *COA-2334* Official Exhibit No. *809*

Disposition: Identified
 Rejected
 IN THE MATTER OF: *NY Party Shuttle*

Date: *8/7/12* Witness: *[Signature]* Reporter: *[Signature]*

No. Pages: *1*

Client: **NOH**
 NEW YORK PARTY SHUTTLE LLC
 Branch: 12

Master List

Period Covered: 05/10/2012 - 05/25/2012
 Check Date: 05/01/2012

Run: 10
 Week: 22
 Ctr: 2
 Page: 14



LETTER TO TOS
1/21/12

Original Message

From: Fred Pfantzer <efpe@nyc.rr.com>
To: 'Berenise Flores' <berenisef@aol.com>; 'Joey' <joeyhannah@yahoo.com>; 'James' <thegolfnut@earthlink.net>; 'John Gallagher' <seeyourlove@hotmail.com>; 'McConeghey' <dbmbrooklyn@gmail.com>; 'Norberto Garcia' <garcia312nyc@yahoo.com>; 'Stephan Stanley' <sstanley845@gmail.com>; 'Jason Schuman' <jason.s@romancingmanhattantours.com>; 'Roffe' <ILB31592@aol.com>; 'Roy Branch' <rob_brac@hotmail.com>; 'Elvis Avila' <elvisavila@ymail.com>; 'Lois Marks' <ocmarks6@yahoo.com>; 'T' <tickert@onboardtours.com>; 'Omar Morgan' <omar@onboardtours.com>; 'Robert' <robert@onboardtours.com>; 'Matt' <matt@onboardtours.com>; 'Mike Grant' <mike@mikegrantgraphics.com>; 'Karen King' <karen_king_f@yahoo.com>; 'Anthony Falwell' <tonefall1@aol.com>; 'Jessenia Vargas' <jesseniaavargas85@gmail.com>; 'Jim' <jimacetta@yahoo.com>; 'Joel' <joel@onboardtours.com>; 'Cynthia Berrios' <cynthia@onboardtours.com>; 'Melvin Brewster' <melvin@onboardtours.com>; 'Garrett Shore' <garrettshore@gmail.com>; 'Garry Dennis' <galidennis@aol.com>; 'Dennis Glisson' <dennis_glisson@yahoo.com>; 'Bertram Greaves' <bertramgreaves@yahoo.com>; 'Edwin' <edwin@onboardtours.com>; 'Anna Martin' <annafmartin909@gmail.com>; 'Nadine Miller' <nmiller30@verizon.net>; 'Randy' <kpowers195@aol.com>; tanenhaus <tanenhaus@gmail.com>; Zizes' <gz100@webtv.net>
Sent: Sat, Jan 21, 2012 7:47 pm
Subject: Fellow tourguides, your Jobs are in jeopardy.

Case No. Official Exhibit No
CD-PA-73310 PCS
Disposition: Identified
Rejected Received
IN THE MATTER OF:
NY Party Shuttle
Date: 8/7/12 Witness: Reporter: not on
No. Pages? 2

Dear Friends, Colleagues, Tourguides, Drivers.

Your jobs are in jeopardy.

Paychecks have bounced this week?

What is OnBoard doing about it other than instituting a different pay schedule without notice?

I have been a tour guide with OnBoard since October, previously I worked for CitySights. At the end of December I stopped receiving the weekly schedule, Ron has not responded to my calls or text messages, and so I have effectively been fired without actually being let go. I believe it is because of my organizing activities.

Instead of firing me outright, which is against the law and would bring the NLRB down on their heads, their plan obviously is not to call me anymore for work. This is the way they deal with any tour guide, driver, dispatcher, or office staff that raises their voice in disagreement with company policy.

Needless to say, I will be going to the NLRB.

Tom Schmidt, the owner of the company stated in his conference call that the company is a ten million dollar entity, if this is the case where is the money going. Why doesn't the company have a line of credit available at the bank to assure that your checks won't bounce?

We have all heard the rumors about where the money is going, I don't know if they're true.

As you all probably know the buses are unsafe, some are not even DOT inspected, Tom stated that the bank will not give him financing for new vehicles. I don't believe anyone has demanded new vehicles, just that the ones on the street be maintained in a safe manner.

There are other issues:

- The company owes substantial amounts of money to vendors (One company is owed over 50,000 dollars).
- Some companies will only deal with OnBoard on a COD basis
- There are no PA's on the buses so we are basically required to yell to be heard

PCS

- Often we have to stand; if the bus were to stop short we could be seriously hurt
- Your paychecks are not necessarily good
- We have no input on the tour routes

A union can provide us with:

- Protection if the company is sold. (This seems more possible every day)
- Provide us with health insurance
- Paid Sick Days
- Paid Holidays
- A managed seniority list rather than work doled out to favorites.
- Allow us to voice our opinions without fear of reprisals
- And perhaps better wages

It is time to raise your voice now. I look forward to hearing from you. Some of you have my phone, please feel free to call.

Yours,

Fred Pflantzer

Employee Reference Copy
W-2 Wage and Tax Statement 2011

Copy C for employee's records
d Control number Dept. Corp. Employer use only
000060 12/NOH 56

c Employer's name, address, and ZIP code
NEW YORK PARTY SHUTTLE LLC
3701 KIRBY DR STE 845
HOUSTON, TX 77098

Batch #00170

e/f Employee's name, address, and ZIP code
FRED I PFLANTZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

b Employer's FED ID number 71-0977879	a Employee's SSA number 067-40-4463
1 Wages, tips, other comp. 4930.00	2 Federal income tax withheld 444.64
3 Social security wages 4930.00	4 Social security tax withheld 207.06
5 Medicare wages and tips 4930.00	6 Medicare tax withheld 71.49
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other 7.20 NYDD	12b 12c 12d
15 State Employer's state ID no. NY 71-0977879	16 State wages, tips, etc. 4930.00
17 State income tax 139.84	18 Local wages, tips, etc. 4930.00
19 Local income tax 90.95	20 Locality name NEWYRKCY

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2011 pay stub plus any adjustments submitted by your employer.

Gross Pay	4930.00	Social Security Tax Withheld Box 4 of W-2	207.06	NY, State Income Tax Box 17 of W-2	139.84
Fed. Income Tax Withheld Box 2 of W-2	444.64	Medicare Tax Withheld Box 6 of W-2	71.49	Local Income Tax Box 19 of W-2	90.95
				SUI/SDI Box 14 of W-2	7.20

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

Gross Pay	4,930.00	NY, State Wages, Tips, Etc. Box 16 of W-2	4,930.00	NEWYRKCY Local Wages, Tips, Etc. Box 18 of W-2	4,930.00	Social Security Wages Box 3 of W-2	4,930.00	Medicare Wages Box 5 of W-2	4,930.00
Reported W-2 Wages	4,930.00		4,930.00		4,930.00		4,930.00	4,930.00	

Case No. **02-CA-13346** Official Exhibit No. **607**
Disposition: Identified
Rejected Received
IN THE MATTER OF:
NY Party Shuttle

3. Employee W-4 Profile. To change your Employee W-4 information, file a new W-4 with your payroll clerk.

FRED I PFLANTZER 309 WEST 43RD ST #1-D NEW YORK, NY 10036	8/12 - <u>Intan</u> No. Pages: <u>1</u>	Social Security Number: 067-40-4463 Taxable Marital Status: SINGLE Exemptions/Allowances: FEDERAL: 1 STATE: 1 LOCAL: 1
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© 2011 ADP, INC

— Fold and Detach Here —

1 Wages, tips, other comp. 4930.00	2 Federal income tax withheld 444.64
3 Social security wages 4930.00	4 Social security tax withheld 207.06
5 Medicare wages and tips 4930.00	6 Medicare tax withheld 71.49
d Control number Dept. Corp. Employer use only 000060 12/NOH 56	
c Employer's name, address, and ZIP code NEW YORK PARTY SHUTTLE LLC 3701 KIRBY DR STE 845 HOUSTON, TX 77098	
b Employer's FED ID number 71-0977879	a Employee's SSA number 067-40-4463
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other 7.20 NYDD	12b 12c 12d
15 State Employer's state ID no. NY 71-0977879	16 State wages, tips, etc. 4930.00
17 State income tax 139.84	18 Local wages, tips, etc. 4930.00
19 Local income tax 90.95	20 Locality name NEWYRKCY

Federal Filing Copy
W-2 Wage and Tax Statement 2011

1 Wages, tips, other comp. 4930.00	2 Federal income tax withheld 444.64
3 Social security wages 4930.00	4 Social security tax withheld 207.06
5 Medicare wages and tips 4930.00	6 Medicare tax withheld 71.49
d Control number Dept. Corp. Employer use only 000060 12/NOH 56	
c Employer's name, address, and ZIP code NEW YORK PARTY SHUTTLE LLC 3701 KIRBY DR STE 845 HOUSTON, TX 77098	
b Employer's FED ID number 71-0977879	a Employee's SSA number 067-40-4463
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other 7.20 NYDD	12b 12c 12d
15 State Employer's state ID no. NY 71-0977879	16 State wages, tips, etc. 4930.00
17 State income tax 139.84	18 Local wages, tips, etc. 4930.00
19 Local income tax 90.95	20 Locality name NEWYRKCY

NY, State Filing Copy
W-2 Wage and Tax Statement 2011

1 Wages, tips, other comp. 4930.00	2 Federal income tax withheld 444.64
3 Social security wages 4930.00	4 Social security tax withheld 207.06
5 Medicare wages and tips 4930.00	6 Medicare tax withheld 71.49
d Control number Dept. Corp. Employer use only 000060 12/NOH 56	
c Employer's name, address, and ZIP code NEW YORK PARTY SHUTTLE LLC 3701 KIRBY DR STE 845 HOUSTON, TX 77098	
b Employer's FED ID number 71-0977879	a Employee's SSA number 067-40-4463
7 Social security tips	8 Allocated tips
9	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other 7.20 NYDD	12b 12c 12d
15 State Employer's state ID no. NY 71-0977879	16 State wages, tips, etc. 4930.00
17 State income tax 139.84	18 Local wages, tips, etc. 4930.00
19 Local income tax 90.95	20 Locality name NEWYRKCY

City or Local Filing Copy
W-2 Wage and Tax Statement 2011

607

FOLD AND DETACH HERE

FOLD AND DETACH HERE

NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 10/02/2011 to 10/15/2011
Pay Date: 10/21/2011
Check #: 13555
Business Phone: (713) 568-4899

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions			
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date
REGULAR	23.50	20,0000	470.00	470.00	FICA	26.56	26.56
					FED WT	24.69	24.69
					NY ST	6.53	6.53
					NY DIS	1.20	1.20
					NewYrk	4.55	4.55

Gross Pay Year To Date	\$470.00	Gross Pay This Period	\$470.00	Total Deductions This Period	\$63.53	Net Pay This Period	\$406.47
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Case No. 02-11-78340 Official Exhibit No. EC 6

Disposition: Identified Received ✓

Reflected IN THE MATTER OF:

NY Party Shuttle

Date: 8/7/12 Witness: [Signature] Reporter: [Signature]

No. Pages: 1

NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 10/16/2011 to 10/29/2011
Pay Date: 11/04/2011
Check #: 13620
Business Phone: (713) 568-4899

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions				
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date	
REGLAR	36.75	20.0000	735.00	1205.00	FICA	41.52	68.08	
					FED WT	60.44	85.13	
					NY ST	17.77	24.30	
					NY DIS	1.20	2.40	
					NEWYRK	11.82	16.37	
Gross Pay Year To Date				\$1,205.00	Total Deductions This Period			\$132.75
Gross Pay This Period				\$735.00	Net Pay This Period			\$602.25

NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 10/30/2011 to 11/12/2011
Pay Date: 11/18/2011
Check #: 13684
Business Phone: (713) 568-4899

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions			
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date
REGLAR	47.00	20.0000	940.00	2145.00	FICA	53.11	121.19
					FED WT	91.19	176.32
					NY ST	29.40	53.70
					NY DIS	1.20	3.60
					NewYrk	18.97	35.34

Gross Pay Year To Date	Gross Pay This Period	Total Deductions This Period	Net Pay This Period
\$2,145.00	\$940.00	\$193.87	\$746.13



NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 11/13/2011 to 11/26/2011
Pay Date: 12/02/2011
Check #: 13745
Business Phone: (713) 568-4899

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANTZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions			
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date
REGLAR	41.00	20.0000	820.00	2965.00	FICA	51.42	172.61
O/TIME	3.00	30.0000	90.00	90.00	FED WT	86.69	263.01
					NY ST	27.63	81.33
					NY DIS	1.20	4.80
					NewYrk	17.86	53.20

Gross Pay Year To Date	\$3,055.00	Gross Pay This Period	\$910.00	Total Deductions This Period	\$184.80	Net Pay This Period	\$725.20
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NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 11/27/2011 to 12/10/2011
Pay Date: 12/17/2011
Check #: 13910
Business Phone: (713) 568-4899

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANTZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions			
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date
REGULAR	45.25	20.0000	905.00	3870.00	FICA	56.22	228.83
O/TIME	3.00	30.0000	90.00	180.00	FED WT	99.44	362.45
					NY ST	32.65	113.98
					NY DIS	1.20	6.00
					NewYrk	21.00	74.20

Gross Pay Year To Date	\$4,050.00	Gross Pay This Period	\$995.00	Total Deductions This Period	\$210.51	Net Pay This Period	\$784.49
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NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 12/11/2011 to 12/24/2011
Pay Date: 12/30/2011
Check #: 13871
Business Phone: (713) 568-4899

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANTZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions			
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date
REGLAR	44.00	20.0000	880.00	4750.00	FICA	49.72	278.55
O/TIME				180.00	FED WT	82.19	444.64
					NY ST	25.86	139.84
					NY DIS	1.20	7.20
					NewYrk	16.75	90.95

Gross Pay Year To Date	\$4,930.00	Gross Pay This Period	\$880.00	Total Deductions This Period	\$175.72	Net Pay This Period	\$704.28
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NOH

05 0060
NEW YORK PARTY SHUTTLE, LLC
3730 KIRBY DR
SUITE 1200
HOUSTON, TX 77098

Earnings Statement



Pay Period: 12/25/2011 to 1/09/2012
Pay Date: 1/15/2012
Check #: 13933
Business Phone: (713) 568-4999

Employee Number: 0060
Department Number: 05
Social Security Number: XXX-XX-XXXX
Marital Status: SINGLE
Number Of Allowances: 01

FRED I PFLANTZER
309 WEST 43RD ST
#1-D
NEW YORK, NY 10036

Hours and Earnings				Taxes and Deductions			
Description	Hours	Rate	This Period	Year-To-Date	Description	This Period	Year-To-Date
REGLAR	30.25	20.00000	605.00	605.00	FICA	49.86	49.86
O/TIME	9.25	30.00000	277.50	277.50	FED WT	77.06	77.06
					NY ST	23.84	23.84
					NY DTS	1.30	1.30
					NewYrk	15.52	15.52

Gross Pay Year To Date	\$882.50	Gross Pay This Period	\$882.50	Total Deductions This Period	\$167.58	Net Pay This Period	\$714.92
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IN RE:
 Case No. CA-73340 Official Exhibit No. 215
 NEW YORK PARTY SHUTTLE, LLC
 Disposition: Identified
 Rejected Received
 IN THE MATTER OF:

§
 §
 §
 §
 §
 §

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

Ny Party Shuttle
 Date: 7/12 Witness: - Reporter: mkm

RESPONSE TO CHARGE OF FRED PFLANTZER¹

No. Pages: 2 New York Party Shuttle, LLC, files this Response to the Charge of Fred Pflantzer,

and would show as follows:

1. New York Party Shuttle, LLC, admits that it engaged the services of Fred Pflantzer from time to time as a contract tour guide during 2011. However, Mr. Pflantzer was not an employee scheduled to work regular shifts for the Company.

2. New York Party Shuttle, LLC, admits that Mr. Pflantzer did not receive many, if any, shifts after January 1, 2012, but denies that Mr. Pflantzer's hours were reduced "because he engaged in union activities in support of Teamsters, Local 814 and other protected activity," as alleged in his Charge.

3. The sightseeing tour business in New York City is very seasonal. The high season for tours runs from the end of May through the end of September each year. There is an additional increase in tours during the holiday season between Thanksgiving and New Year's Day in New York City. The months of January through May and October and November are very slow months. In the case of Respondent, its tour schedule is slashed from January through May each year, and numerous tour guides and drivers cease being scheduled for tours, because there are significantly fewer tours being operated during that period.

¹ The charge refers to the employee as "Fred Pflantzer." The Company assumes that it was intended to be spelled "Pflantzer."

GC5

4. New York Party Shuttle, LLC, operates tours that are the most expensive in the New York City marketplace. Thus, the seasonal nature of the business is particularly significant for the Company. Additionally, New York Party Shuttle, LLC, must focus at all times on maintaining the highest quality tour guides on its staff. By necessity, during busy seasons when tour guides are more in demand, the Company has to reach out to additional tour guides to meet demand. The Company maintains relationships with a core group of guides that it uses year round, and then engages additional guides on an as-needed basis. Mr. Pflantzer was new to the Company in 2011, and began working for the Company during the busy season. Because of an increase in tourism after the opening of the 9/11 Memorial on September 11, 2011, the Company assigned Mr. Pflantzer to quite a few tours during the fall season. However, once the holiday season ended in early January, Mr. Pflantzer's services were no longer needed by the Company. Each year numerous tour guides who worked for the Company in the prior year face the same result. 2012 was no different.

5. Mr. Pflantzer had to be redirected in 2011 on a number of occasions for insubordination, unprofessional behavior, and for other minor infractions. On a number of occasions, he was unable to maintain a professional demeanor with the Company's drivers, which is critical for a tour to be successful. No disciplinary actions were taken in regard to these issues because they had not risen to that level. As of February 10, 2012, despite the above issues Mr. Pflantzer was eligible to be scheduled shifts when the high season returned. However, on February 11, 2012, Mr. Pflantzer sent a very unprofessional written communication to a number of parties containing false and defamatory statements about the Company in an apparent effort to harm the Company. As a result, he is no longer eligible to work for the Company. However, this decision was based on his prior record with the Company and on the unprofessional behavior

he exhibited in sending negative communications to third-parties who do not work for the Company on February 11, 2012. It was in no way related to any protected activity.

6. In conclusion, Mr. Pflantzer's Charge is without merit and should be dismissed.

Respectfully submitted,

NEW YORK PARTY SHUTTLE, LLC



C. Thomas Schmidt
CEO & General Counsel
3801 Kirby Drive, Suite 845
Houston, Texas 77098
Telephone: (713) 568-4898
Facsimile: (815) 301-9000



NYC Tour Guides

138 Members

Guides

Audio 20+
P...

Secret Group

Write Post Add Photo / Video Ask Question



Fred Pflantzer

Forgive this long post, but there is something I want to make you aware of and need to get off my chest.

I was recently placed on the Do Not Call List at OnBoard Tours. Prior to that I worked at CitySights, we have all heard the horror stories about CS and for the most part they are true.

But believe it or not, CitySights is a worker's paradise compared to OnBoard! At OnBoard you will receive no health insurance, sick days, vacation days or one single benefit. You will ride around on unsafe buses, without the benefit of a PA system, or sometimes even a seat.

There is no union to protect you, you are subject to arbitrary disciplinary actions and out-right dismissal without recourse. If the company were to be sold, which is what I believe will happen there is no successor clause to protect your jobs.

And perhaps most egregious of all of the flaws PAYCHECKS BOUNCE, yes that's right, they bounce.

Needless to say, I started to agitate for a union. Guess what happened, I stopped being called for work. I disappeared off the work sheet, not fired outright, but in effect kicked to the curb.

As you all well know, we have a right to organize in this country, a right protected by the US Government.

I am currently at the NLRB bringing charges against this dysfunctional company.

Do not under any circumstances seek employment at this company, they should be boycotted by all.

Like · Comment · Unfollow Post · February 11 at 4:31pm

Hans Von Ritttern and Tom Orzo like this.



Tom Orzo "dysfunctional" sounds like the nicest thing you could say about a company like this!

February 11 at 4:41pm · Like · 1



Ibrahima Diello Some things are sad others are just horrible!

February 11 at 5:58pm · Like · 2



Ron Tarabious It's the worst of all tour company's I already went to court with that arrogant bastard and won. No one should be working for them!

February 11 at 6:12pm · Like



Fred Pflantzer Wow, can you give me some details? I'm at efpe@ny.c.r.com. I'm going to force them to defend themselves in front of the NLRB.

February 11 at 6:17pm · Like



Ron Tarabious Well yes like 2 years ago they booked me for a German tour

February 11 at 6:28pm · Like

- Andrew Sydor
- Asja Jung
- Dave Gardner
- DeeAnne Gorman
- Fred Pflantzer
- Hal Weiner
- Ibrahima Diallo
- Jaredthetourguide G...
- John Joseph Gallagher
- Jonathan Turer
- Linda Petrucci
- Ln Conway
- Matthew Cummings
- Melissa Siegel
- Mickey Goodman-
- Nicole Thibodeau
- Olive Harrinanen
- Russell Annamuntho...
- Ryan Ventura
- Susan Katz
- Tim Ries
- Walkingnewyork Tours
- Caitly Goodman

Group Info



5 new

Tour Guides the world I raised tours provided the down to the with a detail expected of work is not Ho...See More

Who else

Sponsored

L'A bsinth



Like

Animal H



Like

Search

adopt? Make a donation and SAVE A LIFE!

Outdoor Cat Homes



Join Fab.com and save up to 70% off fun design objects like this outdoor-friendly cat home

Don't Live With Back Pain

rjsinstitute.com



Constant back pain but are afraid of surgery? Our new procedure will make you pain free, and have you walking out the next day

Case No. Official Exhibit No.

0A-23340 4

Disposition: Identified / Rejected / Received

THE MATTER OF:

NY Party Shuttle

Witness: Reporter:

Pages: 1

Handwritten signature/initials.

00-04-7330 GC 3

From: Fred Pfantzer
 To: Ortiz, Alejandro
 Subject: Beware OnBoard Tours Bouncing Paychecks, no union, no chance
 Date: Friday, August 03, 2012 1:18:18 PM

Disposition: Identified
 Rejected Received

IN THE MATTER OF:

NY Party Shuttle
 Date: *8/7/12* Witness: *-* Reporter: *mbin*

From: efpe@nyc.rr.com
 To: shadowgraph@hotmail.com; adiakite@citysightsny.com; adrienmatt@comcast.net;
 afridi_nyc@yahoo.com; alfacinha1980@yahoo.com; amazingdeal@amazingmaildeals.com;
 dbarbarito001@nyc.rr.com; tonycaroppoli@gmail.com; rchierico@gmail.com; caseychris@optonline.net;
 mrs_pumpkinhead@hotmail.com; doncook1@verizon.net; jnc3@nyc.rr.com; richardcostella@aol.com;
 oliveharrin45@hotmail.com; guidediallo@gmail.com; sbdomnitz@aol.com; eva_dorrepaal@hotmail.com;
 lelizd33@yahoo.com; lduff45@gmail.com; dse229@gmail.com; ZANNEFOSTER@aol.com;
 D1FRAK@aol.com; carey927@yahoo.com; jgladish@nyc.rr.com; drew4988@aol.com;
 mike@mikegrantgraphics.com; glgrail@yahoo.com; mike@mikegrantgraphics.com;
 joeyhannah@yahoo.com; clarisaxycool@hotmail.com; key2nyc@gmail.com;
 marybethhennesy@gmail.com; hidethebody@gmail.com; michael_t_hoy@yahoo.com;
 itsidave@hotmail.com; juanjit154@gmail.com; jfletch1159@yahoo.com; jgladish@nyc.rr.com;
 asjajung@gmail.com; karenfleming225@gmail.com; lancek1112@yahoo.com; phil.kennedy@yahoo.com;
 tomkinghome@aol.com; majak@verizon.net; dkops1@nyc.rr.com; gablev@gmail.com;
 bbg@earthlink.net; flambert3000@gmail.com; c7c7c7r@aol.com;
 hoist05@yahoo.com; amancini108@yahoo.com; K2mackie@aol.com; samir86matar@yahoo.com;
 dpmnav@gmail.com; cmcgraw52@yahoo.com; Gandolfgreat@aol.com; jebeenie@hotmail.com;
 gerald.murphy6@hotmail.com; magique40@gmail.com; xspecs@aol.com; walking_brooklyn@yahoo.com;
 blpaholak@hotmail.com; peter.galman@gmail.com; peterlinari@earthlink.net; efpe@verizon.net;
 chefman822@nyc.rr.com; bpoli@mac.com; marvelmike@live.com; soldier@igc.org;
 rtrahan@citysightsny.com; nina@jerrywillis.net; shabangu.s202@gmail.com; sherwoodt57@aol.com;
 garrettshore@gmail.com; west83jazz@aol.com; schnook99@hotmail.com; hope_spero@yahoo.com;
 staa1211@hotmail.com; carla.stockton@gmail.com; craigstokle@gmail.com; joe45@email.com;
 twobittuna@nyc.rr.com; twu4you@aol.com; manuelroman30@yahoo.com; watkjim@gmail.com;
 keelino319@gmail.com; cmtours1@aol.com; ecuadominican@hotmail.com; zboyle@nwecorp.com
 Subject: Beware OnBoard Tours Bouncing Paychecks, no Union, no chance
 Date: Sat, 11 Feb 2012 16:15:09 -0500

Dear Colleagues and friends,

As you probably know, I am no longer at CitySights, I resigned, said goodbye and went over to OnBoard Tours in October, thinking the grass and tips would be greener. Well as is often the case, I found it to be untrue.

Believe it or not, CitySights is a worker's paradise compared to OnBoard! At OnBoard you will receive no health insurance, sick days, vacation days or one single benefit. You will ride around on unsafe buses, without the benefit of a PA system, or sometimes even a seat.

There is no union to protect you, you are subject to arbitrary disciplinary actions and out-right dismissal without recourse. If the company were to be sold, which is what I believe will happen there is no successor clause to protect your jobs.

And perhaps most egregious of all of the flaws PAYCHECKS BOUNCE, yes that's right, they bounce.

Needless to say, I started to agitate for a union. Guess what happened, I stopped being called for work. I disappeared off the work sheet, not fired outright, but in effect kicked to the curb.

My hat is off to USWU 1212 for the excellent work they have done preserving your

GC 3

jobs.

As you all well know, we have a right to organize in this country, a right protected by the US Government.

I am currently at the NLRB bringing charges against this dysfunctional company.

So before you jump ship, talk to me, I'll be glad to fill you in on all the gory details.

Forgive me if you receive this twice, my mailing list contains duplicates.

Yours,

Fred Pflantzer

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Custodian of the Records

New York Party Shuttle, LLC 1650 Broadway, Suite 1107 New York, NY 10019-6833

As requested by Alejandro Ortiz, Counsel for Acting General Counsel

whose address is 26 Federal Plaza, Room 3614 New York, NY 10278-0179
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE an Administrative Law Judge

_____ of the National Labor Relations Board

at a hearing room at 26 Federal Plaza, Room 3614

in the City of New York, New York 10278-0179

on the 7th day of August 20 12 at 9 : 30 (a.m.) (p.m.) or any adjourned

or rescheduled date to testify in New York Party Shuttle, LLC

Case No. 02-CA-073340

(Case Name and Number)

Case No. _____ Official Exhibit No. _____

02-CA-073340 GC 2A

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

See Attached

Disposition: Identified Not Identified Not Reviewed
Rejected _____ Received

IN THE MATTER OF:

New York Party Shuttle

Date: 8/7/12 Witness: _____ Reporter: MGM

No. Pages: 200 (see attachment)

In accordance with the Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and 29 C.F.R. Section 102.66(c) (representation proceedings), objections to the subpoena must be made by a petition to revoke and must be filed as set forth therein. Petitions to revoke must be received within five days of your having received the subpoena. 29 C.F.R. Section 102.111(b) (3). Failure to follow these regulations may result in the loss of any ability to raise such objections in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

B - 625539

Issued at New York, NY

this 19th day of July 20 12



Lesfer A. Neltzer

GC 2A

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

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 representation and/or unfair labor practice proceedings 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 mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

ATTACHMENT

INSTRUCTIONS

This subpoena contemplates the production of responsive documents in their entirety, without abbreviation, expurgation, redaction, or editing.

All documents produced pursuant to this subpoena should be organized by what subpoena paragraph each document or set of documents is responsive to, and labels referring to that subpoena paragraph should be affixed to each document or set of documents.

If any document responsive to any request herein was withheld from production on the asserted ground that it is privileged, identify and describe:

- (a) The author;
- (b) The recipient;
- (c) The date of the original document;
- (d) The subject matter of the document;
- (e) The particular privilege asserted, e.g., work product, attorney-client, etc.;
- (f) The basis for the assertion that the privilege applies to the document described and withheld.

In addition, please provide sufficient detail to explain the claim of privilege and to allow a United States District Court Judge to adjudicate the propriety of the claim. If you contend that a claimed privilege or work product protection applies only to a particular phrase, sentence, paragraph or section of a responsive document, produce the entire document with the portion to which you claim a privilege or protection redacted, and specify the claimed privilege or protection which you contend is applicable to the redacted portion.

Whenever used in this subpoena, the singular shall be deemed to include the plural, and vice versa; the present tense shall be deemed to include the past tense and vice versa; references to parties shall be deemed to include any and all of their officers, agents and representatives; the masculine shall be deemed to include the feminine and vice versa; the disjunctive "or" shall be deemed to include the conjunctive "and" and vice versa; and each of the words "each" "any," "every," and "all" shall be deemed to include each of the other words.

If responsive information appears on one or more pages of a multi-page document, you are directed to produce the entire document.

For any document covered by this subpoena, if the document uses a code, then all documents explaining the codes used in the document must also be produced.

This subpoena applies to documents in your possession, custody, or control.

This subpoena request is continuing in character and if additional responsive documents come to you attention after the date of production, such documents must be promptly produced.

Unless otherwise stated, this subpoena does not supercede, revoke or cancel any other subpoena(s) previously issued in this proceeding.

DEFINITIONS

1. The word "Document" or "Documents" means any existing printed, typewritten, handwritten or otherwise recorded material of whatever character, including, but not limited to, letters, correspondence, memoranda, telegrams, mailgrams, minutes, notes, statements, affidavits, agreements, summaries, records of telephone conversations, telephone bills, written notations of personal conversations, interviews or meetings, transcripts, diaries, reports, charts, contracts, calendars, interoffice communications, books, records, tax records, bookkeeping and/or accounting work papers, invoices, bills of lading, billing slips, delivery records, receiving records, photographs, microfilm, audio or video tapes, computer tapes or disks and electronic mail, text messages and all data contained thereon that may be retrieved, including material stored on hard disks, and any carbon, photographic or other duplicate copy of such materials in the possession of, control of, or available to the subpoenaed party or any attorney, agent, representative or other person acting in cooperation with, in concert with, or on behalf of the subpoenaed party.

2. The term "Respondent" as used herein means New York Party Shuttle, LLC, and all officers, agents, or representatives of New York Party Shuttle, LLC, and each and every wholly or partially owned and/or operated subsidiary entity, affiliated entity and division.

ITEMS TO BE PRODUCED

1. All documents which will show the job duties and responsibilities of C. Thomas Schmidt during the period October 12, 2011 to the present.
2. All documents which will show the job duties and responsibilities of Ronald White and Vincent Ford during the period October 12, 2011 to the present.
3. Copies of all documents that evidence or refer to participation of C. Thomas Schmidt in the following actions concerning employees of Respondent, including but not limited to recommendations, for the period of October 12, 2011 to the present:
 - transferring
 - suspending or disciplining
 - laying off
 - recalling
 - promoting
 - discharging
 - assigning work
 - rewarding
 - scheduling or granting time off
 - assigning overtime
 - adjusting grievances

- directing work
 - evaluating
4. All documents that have been signed, initialed, and/or approved by C. Thomas Schmidt relating to any aspect of the Respondent's business from October 12, 2011 through the present including, but not limited to, internal memoranda, disciplinary warnings, evaluations, offers of hire, notices of termination, work assignments, daily report sheets or task sheets, adjustment of grievances, requests for time off, and grant of wage increases.
 5. The entire personnel file and all other documents pertaining to the employment of C. Thomas Schmidt.
 6. All personnel records including disciplinary records of all employees employed by Respondent from July 1, 2010 to present whose employment was terminated for any reason.
 7. All documents that refer to, reflect, show, or otherwise evidence the monthly revenues, receipts, income, accounts receivable or payable relating to the Respondent during the period from July 1, 2009 to present.
 8. All documents that refer to, show, or otherwise evidence the number of tours undertaken by Respondent during the period from January 1, 2011 to present.
 9. All documents that refer to, show, or otherwise evidence Respondent's payroll obligations to employees being satisfied during the period July 1, 2011 to present, including, but not limited to, notes documenting employee complaints about paychecks bouncing and notices from financial institutions showing insufficient funds to cover the amount of the paycheck and any fees imposed as a result of checks being drawn upon accounts with insufficient funds to satisfy payment of the check.
 10. A copy of the personnel file, and the complete contents thereof, including the folders, files or other dividers or containers which contain such personnel file, for Fred Pflantzer.
 11. All documents that reflect, refer to, or describe Respondent's decision to terminate or lay-off or to otherwise decide to not assign work to, or schedule work for, Fred Pflantzer from January 1, 2012 to present.
 12. Documents, books, policies, rules and/or other records, including, but not limited to, employee manuals, progressive discipline policies, and internal memoranda setting forth Respondent's policies, procedures, and standards for evaluating, counseling, disciplining and terminating employees that have been effective during the period July 1, 2009 to present.
 13. Documents, books, policies, rules and/or other records, including, but not limited to, employee manuals, progressive discipline policies, and internal memoranda setting forth Respondent's policies, procedures, and standards for deciding how drivers and tour guides employed by Respondent are selected for lay off or discharge or otherwise selected to not work during the slow season or when demand for tours decreases.

14. Documents, books, policies, rules and/or other records setting forth Respondent's policies, procedures and standards regarding employees' use of social media or electronic mail.
15. All documents that refer to or describe the job descriptions and duties for tour guides employed by Respondent.
16. Any internal correspondence, notes, agendas, or other documents including electronic postings maintained by Respondent that mention or refer to any union or labor organization or unionizing during the period October 12, 2011 to the present.
17. Any internal correspondence, notes, agendas, or other documents including electronic postings maintained by Respondent that mention or refer to Fred Pflantzer during the period October 12, 2011 to the present.
18. All documents that refer to, reflect, show, or otherwise evidence Respondent's compliance with rules and regulations of the Departments of Transportation of the United States, New York, and New York City from December 1, 2009 to the present including, but not limited to, inspection requirements.
19. All document that describe the employment benefits tour guides employed by Respondent received during the period October 12, 2011 to present including, but not limited to, health insurance, sick leave, and vacation leave.

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7-20-12
Postmark Here
Ortiz
2-CA-073340

Sent To
Thomas Schmidt, LLC
New York Party Shuttle LLC
Street, Apt. No., or PO Box No. 1150 Broadway Ste 1107
City, State, ZIP+4 NY NY 10019
PS Form 3800, August 2005 See Reverse for Instructions

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Street, Apt. No., or PO Box No. 1150 Broadway Ste 1107
City, State, ZIP+4 NY NY 10019
PS Form 3800, August 2005 See Reverse for Instructions

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Total Postage & Fees	\$

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2-CA-073340
Ortiz

Sent To
Custodian of the Recd.
NY Party Shuttle, LLC
Street, Apt. No., or PO Box No. 1150 Broadway Ste 1107
City, State, ZIP+4 NY NY 10019

Case No. 2-CA-073340
Official Exhibit No. 018
Disposition: Rejected Identified
Witness: _____ Reporter: *[Signature]*
Date: 8/7/12
No. Pages: 2



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70062760000217354929		Delivered	July 24, 2012, 12:47 pm	NEW YORK, NY 10019	Certified Mail™
		Notice Left	July 23, 2012, 3:53 pm	NEW YORK, NY 10019	
		Notice Left (Business Closed)	July 21, 2012, 11:47 am	NEW YORK, NY 10019	
		Arrival at Unit	July 21, 2012, 6:20 am	NEW YORK, NY 10019	

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

FRED PFLANTZER,

Complainant,

v.

NEW YORK PARTY SHUTTLE, LLC,

Respondent.

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Case No. 2-CA-073340 Official Exhibit No. GCJC ✓
Disposition: Identified ✓
Rejected Received
IN THE MATTER OF:
CASE 02-CA-073340 New Party Shuttle
Date: 8/7/12 Witness: - Reporter: mtm
No. Pages: (3)

OBJECTIONS TO SUBPOENA DUCES TECUM

On or about the 19th Day of July, Counsel for the Acting General Counsel of the National Labor Relations Board issued a Subpoena Duces Tecum to the Custodian of Records of New York Party Shuttle, LLC, requesting certain records.

New York Party Shuttle, LLC ("NYPS"), hereby asserts the following objections to the Requests.

Request No. 3 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. Respondent will stipulate that Mr. Schmidt is typically involved in hiring, disciplinary, and firing decisions at NYPS as its CEO.

Request No. 4 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. Respondent will stipulate that Mr. Schmidt is typically involved in hiring, disciplinary, and firing decisions at NYPS as its CEO.

Request No. 6 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. It also violates the privacy rights of individuals who are not relevant to this proceeding.

Request No. 7 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. It also violates the privacy rights of the owners and employees of NYPS, and requests that NYPS disclose trade secret and confidential information about the operation of its business.

Request No. 8 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. It also violates the privacy rights of the owners and employees of NYPS, and requests that NYPS disclose trade secret and confidential information about the operation of its business. Respondent will produce certain documents showing tours operated during the relevant time period surrounding Mr. Pflantzer's employment.

Request No. 9 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. It also violates the privacy rights of the owners and employees of NYPS.

Request No. 12 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. It is particularly overbroad as to time. Respondent will produce the policy and procedure manual in effect after September of 2011.

Request No. 17 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding. Respondent does not have the ability to identify every document that mentions Mr. Pflantzer. Subject to this objection, Respondent will produce documents, known to Respondent, that mention Mr. Pflantzer.

Request No. 18 is overbroad, unduly burdensome, and it is not related to the issues in this proceeding.

Respectfully submitted,

SCHMIDT LAW FIRM, PLLC

By: _____

C. Thomas Schmidt
3701 Kirby Drive, Ste 845
Houston, Texas 77098
Tel: 713-568-4898
Fax: 815-301-9000

ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to opposing counsel, in the manner indicated below on the 6th day of August 2012:

Alejandro Ortiz
Field Attorney
National Labor Relations Board
26 Federal Plaza – Room 3614
New York, NY 10278-0104

By Facsimile to 212-264-2450

C. Thomas Schmidt

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

NEW YORK PARTY SHUTTLE, LLC

and

FRED PFLANTZER, AN INDIVIDUAL

GENERAL COUNSEL'S EXHIBIT NO. 1

CASE NO.
2-CA-073340

Case No. Official Exhibit No.
2-CA-073340 Board 1

Disposition: Identified
Rejected Received

IN THE MATTER OF:
NY Party Shuttle

Date: 8/7/12 Witness: - Reporter: mtz

No. Pages: twof

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

NEW YORK PARTY SHUTTLE, LLC

and

FRED PFLANTZER, AN INDIVIDUAL

**CASE NO.
2-CA-073340**

- a) Charge in Case No. 2-CA-073340 dated January 27, 2012
- b) Affidavit of Service of (a) above dated February 1, 2012
- c) Amended Charge in Case No. 2-CA-073340 dated March 16, 2012
- d) Affidavit of Service of (c) above dated March 21, 2012
- e) Complaint & Notice of Hearing in Case No. 2-CA-073340 dated
May 30, 2012
- f) Affidavit of Service of (e) above dated May 30, 2012
- g) Respondent's answer in Case 2-CA-073340 dated June 13, 2012
- h) Index to General Counsel's Exhibit No. 1.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

NEW YORK PARTY SHUTTLE,
LLC

Employer,

and

FRED PFLANTZER,

An Individual.

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Case No. 02-CA-073340

RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE BOARD:

Respondent New York Party Shuttle, LLC ("NYPS") files and serves this Original Answer to the Complaint filed by the Acting General Counsel on the Charge of Fred Pflantzer.

A. General Denial

1. NYPS generally denies each and every factual allegation contained in the General Counsel's Complaint and demands strict proof thereof. Any matter not hereinafter admitted, qualified, or explained is hereby denied. NYPS further denies that it has been engaging in unfair labor practices under the National Labor Relations Act.

B. Specific Responses

2. NYPS admits the allegations of Paragraphs 1 through 3.
3. As to Paragraph 4, NYPS admits that, at all material times, Tom Schmidt has held the position of Chief Executive Officer and that Schmidt has acted as an agent for NYPS. NYPS denies that Schmidt has been a "supervisor" of NYPS within the meaning of Section 2(11) of the Act.

4. NYPS denies the allegations of Paragraphs 5 through 9.

C. Prayer

WHEREFORE, Respondent New York Party Shuttle, LLC respectfully prays that upon the hearing hereof, it be granted judgment in accordance with the law and facts, that declaration issue that NYPS has not engaged in unfair labor practices under the Act, that Pflantzer take nothing by this action, and that NYPS be granted such other and further relief, both general and special, at law and in equity, to which it may be justly entitled.

June 13, 2012

Respectfully submitted,

SCHMIDT LAW FIRM, PLLC

By: 

C. Thomas Schmidt

Texas Bar: 00797386

Troy Tindal

Texas Bar: 24066198

Email: firm@schmidtfirm.com

3701 Kirby Drive, Suite 845

Houston, Texas 77098

Tel: 713-568-4898

Fax: 815-301-9000

ATTORNEYS FOR EMPLOYER

CERTIFICATE OF SERVICE

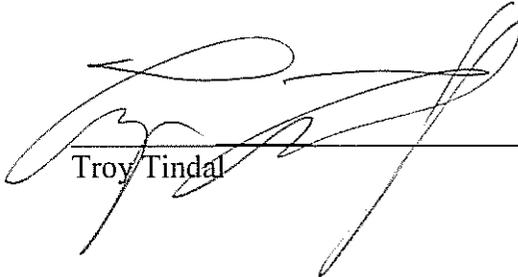
I certify that a true and correct copy of the foregoing document was served on the National Labor Relations Board through its Regional Director on the 13th day of June 2012 in the manner indicated below.

Karen P. Fernbach, Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3
New York, NY 10278-0104

By First Class Mail, RRR

Fred Pflantzer
309 West 43rd Street
New York, New York 10036

By First Class Mail, RRR


Troy Tindal

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

NEW YORK PARTY SHUTTLE, LLC - SCHMIDT
LAW FIRM

and

Case 02-CA-073340

FRED PFLANZER, an Individual

and

TEAMSTERS LOCAL 814

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing, dated May 30, 2012.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **May 30, 2012**, 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:

TOM SCHMIDT , OWNER/CEO
NEW YORK PARTY SHUTTLE, LLC –
SCHMIDT LAW FIRM
3701 KIRBY DR; STE 845
HOUSTON, TX 77098-3918

CERTIFIED MAIL

FRED PFLANZER
309 WEST 43RD SPREET, APT. 5-D
NEW YORK, NY 10036

CERTIFIED MAIL

JASON IDE , Union President
44-61 11TH ST; 2ND FLOOR
LONG ISLAND CITY, NY 11101-5117

CERTIFIED MAIL

TOM SCHMIDT, OWNER/CEO
NEW YORK PARTY SHUTTLE, LLC –
SCHMIDT LAW FIRM
1650 BROADWAY; STE 1107
NEW YORK, NY 10019-68338

REGULAR MAIL

May 30, 2012

Date

Lisa Coleman, Designated Agent of NLRB

Name


Signature

NOTICE

The Complaint attached hereto alleges that the Respondent has violated certain sections of the National labor Relations Act and a formal hearing has been scheduled with respect thereto. By this notice I wish to call the attention of all parties to the policy of this Agency favoring a settlement of cases notwithstanding that a Complaint has issued. It is the position of the Agency that an early settlement will be an advantage to all parties because it eliminates, among other things, the time and expense involved in formal litigation of a matter. In furtherance of this policy the Board agent with whom you have dealt or the attorney to whom the matter has been assigned for trial, will contact the representatives of the Respondent and the Charging Party within a matter of days for the purpose of engaging in intensive discussions to determine whether or not a settlement can be achieved. All of the facilities of this office are available to the parties in furthering the achievement of a satisfactory disposition of the matter which will be consistent with the purposes and policies of the National Labor Relations Act.

Karen P. Fernbach

Regional Director
National labor Relations Board
Region 2

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**NEW YORK PARTY SHUTTLE,
LLC,**

Employer

and

Case No. 02-CA-073340

FRED PFLANTZER,

An Individual

COMPLAINT AND NOTICE OF HEARING

Fred Pflantzer, an individual, has charged that New York Party Shuttle, LLC, 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., herein called the Act.

The Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case No. 2-CA-073340 was filed by individual Fred Pflantzer on or about January 27, 2012, and a copy was served by regular mail on Respondent on or about February 1, 2012.

(b) The amended charge in Case No. 02-CA-073340 was filed by individual Fred Pflantzer on or about March 16, 2012, and a copy was served by regular mail on Respondent on or about March 21, 2012.

2. (a) At all material times, Respondent, a domestic corporation with a place of business located in New York, NY and various field operations in locations

throughout the United States has been, among other things, engaged in the operation of creating, selling and providing organized site-seeing tours to the general public, in and around New York City.

(b) Annually, in the operation of the business operations described above in subparagraph (a), Respondent derives revenues from sales and provision of services valued in excess of \$500,000.

(c) Annually, in the operation of the business operations described above in subparagraph (a), Respondent sells and provides services valued in excess of \$5,000 directly to customers located outside the State of New York.

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

4. At all material times Tom Schmidt held the position of Chief Executive Officer of Respondent and has been a supervisor of Respondent within the meaning of §2(11) of the Act and an agent of Respondent, acting on its behalf.

5. On or about February 11, 2012, Pflantzer engaged in the following activity:

(a) Communicated, by electronic mail, with employees of other employers in the tourism and sight-seeing industry in or about New York City, about terms and conditions of employment affecting Respondent's employees and the employees of other employers in that industry;

(b) Communicated, by social media, with employees of Respondent and other employers in the tourism and sight-seeing industry in or about New York City,

about terms and conditions of employment affecting Respondent's employees and the employees of other employers in that industry.

6. (a) On or about February 11, 2012, the Respondent discharged employee Fred Pflantzer.

(b) Since February 11, 2012, Respondent has failed and refused to reinstate or to offer to reinstate Fred Pflantzer to his former position of employment.

(c) Respondent engaged in the conduct described above in subparagraphs (a) and (b) because Pflantzer engaged in the activities set forth above in paragraph (5).

(d) Respondent engaged in the conduct described above in subparagraphs (a) and (b) because in the communications described above in paragraph (5), Pflantzer expressed support for union representation and collective-bargaining for Respondent's employees and other employers in the tourism and sight-seeing industry in and around New York City and to discourage employees from engaging in union and other protected concerted activities.

7. By the conduct described above in paragraph 6, Respondent has interfered with, restrained and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

8. By the conduct described above in paragraph 6, Respondent has been discriminating in regard to the hire or tenure or conditions of employment of its employees, thereby discouraging membership in a labor organization, in violation of Section 8(a)(1) and (3) of the Act.

9. 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 further seeks, as part of the remedy for the allegations in paragraph 5, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when back pay is paid, it will be allocated to the appropriate periods.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks, in addition to a complete and standard back pay remedy for all violations of the Act and all other relief as may be just and proper to remedy the unfair labor practices alleged, an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

ANSWER REQUIREMENT

Respondents are notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, they must file an answer to the consolidated complaint. The answer must be **received by this office on or before June 13, 2012 or postmarked on or before June 12, 2012.** Respondents 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 by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of

the answer rests exclusively upon the sender. 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. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three 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, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on August 7, 2012, at 9:30 a.m.,(EDT), at the Mary Walker Taylor Hearing Room on the 36th Floor of 26 Federal Plaza, New York, New York, 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, Respondents and any other party to this proceeding have the right to appear and present testimony regarding the allegations in

this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of

the hearing is described in the attached Form NLRB-4338.

Dated at New York, New York
May 30, 2012

A handwritten signature in cursive script that reads "Karen P. Fernbach". The signature is written in black ink and is positioned above a horizontal line.

Karen P. Fernbach, Regional Director
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3
New York, New York 10278-0104

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case: 02-CA-073340

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.

TOM SCHMIDT, ESQ.
SCHMIDT LAW FIRM
3701 KIRBY DR
STE 845
HOUSTON, TX 77098-3918

NEW YORK PARTY SHUTTLE, LLC
ATTN: THOMAS SCHIMDT
1650 BROADWAY
STE 1107
NEW YORK, NY 10019-6833

FRED PFLANZER
309 WEST 43RD SPREET, APT. 5-D
NEW YORK, NY 10036

LOCAL 814 INTERNATIONAL BROTHERHOOD
OF TEAMSTERS
ATTN: JASON IDE, UNION PRESIDENT
2142 44TH DR; FL 3
LONG ISLAND CITY, NY 11101-4710

**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.

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.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW YORK PARTY SHUTTLE, LLC

Charged Party

and

FRED PFLANZER

Charging Party

Case 02-CA-073340

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 March 21, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

TOM SCHMIDT, OWNER
NEW YORK PARTY SHUTTLE, LLC
1650 BROADWAY
STE 1107
NEW YORK, NY 10019-6833

March 21, 2012

Date

Lisa Coleman s/s, Designated Agent of
NLRB

Name



Signature

NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
SECOND AMENDED

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-073340	3/16/12

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 New York Party Shuttle	b. Number of workers employed 30-40 (Approximately)	
c. Address (street, city, state, ZIP code) 1650 Broadway, Suite 1107 New York, NY 10019	d. Employer Representative Tom Schmidt, Owner	e. Telephone No. & Fax No. 718-926-6363
f. Type of Establishment (factory, mine, wholesaler, etc.) Tour Company	g. Identify principal product or service Tourism	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of sections 8(a)(1) & (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the 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 January 1, 2012, the above-named Employer, by its agents, officers, and representatives, discharged Fred Pflantzer because he engaged in union activities in support of Teamsters, Local 814 and other protected concerted activity. Work Location: 1635 Broadway, New York, NY		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Fred Pflantzer		
4a. Address (street and number, city, state and ZIP code) 309 W. 43rd St., Apt. 5-D New York, NY 10036	4b. Telephone No. & Fax No. Tel: (212) 957-5009	
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>Fred Pflantzer</u> Title: An Individual Signature of representative of person making charge /s/ Fred Pflantzer		
Address 309 W. 43rd St., Apt. 5-D, New York, NY 10036	Telephone No. & E-mail (212) 957-5009	Date May 15, 2012

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

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW YORK PARTY SHUTTLE, LLC

Charged Party

and

FRED PFLANZER

Charging Party

Case 02-CA-073340

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 1, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

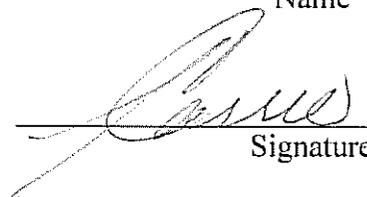
NEW YORK PARTY SHUTTLE, LLC
ATTN: MR. TOM SCHMIDT, OWNER
1650 BROADWAY, STE 1107
NEW YORK, NY 10019-6833

February 1, 2012

Date

Luis Carrero, Designated Agent of NLRB

Name



Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case	Date Filed
02-CA-073340	01/27/12

INSTRUCTIONS

File an original and 4 copies of this charge 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 New York Party Shuttle, LLC	b. Number of workers employed 30-40 (approximately)
c. Address (street, city, state, ZIP code) 1650 Broadway, Suite 1107 New York, NY 10019	d. Employer Representative Tom Schmidt, Owner
f. Type of Establishment (factory, mine, wholesaler, etc.) Tour company	e. Telephone No. & Fax No. 718-926-6363
g. Identify principal product or service Tourism	

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 (3) of the National Labor Relations Act and within the meaning of 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 January 1, 2012, the above-named Employer by its agents, officers and representatives, reduced the hours of Fred Pflanze because he engaged in union activities in support of Teamsters, Local 814 and other protected activity.

Work location: 1635 Broadway
New York, New York

RECEIVED
NLRB
JAN 27 2012
NEW YORK, NY
PM 3:22

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

Fred Pflanze

4a. Address (street and number, city, state and ZIP code)

309 West 43rd Street, Apt. 5-D
New York, NY 10036

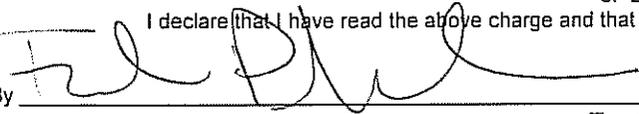
4b. Telephone No. & Fax No.

212-957-5009

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

Fred Pflanze

Title: An Individual

Address

Same as above

Telephone No.

212-957-5009

Date

January 27, 2012

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