

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

**FLAMINGO LAS VEGAS
OPERATING COMPANY, LLC**

and

**Cases 28-CA-077145
28-CA-079092**

**INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS
OF AMERICA (SPFPA)**

and

CHRIS RUDY, an Individual

Case 28-CA-078866

**ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE
DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsel for the Acting General Counsel (General Counsel), files the following Exceptions to the Decision of Administrative Law Judge Gerald A. Wacknov, [JD(SF)-56-12] (ALJD), issued on December 18, 2012, in this matter:

1. The Administrative Law Judge's (ALJ) failure to make any finding as to whether Flamingo Las Vegas Operating Company, LLC (Respondent) violated Section 8(a)(1) of the National Labor Relations Act (Act) by promulgating and enforcing an overly-broad and discriminatory work rule prohibiting its employees from engaging in Union and concerted activities. (ALJD at 4:37-47, 5:1-21)
2. The ALJ's dismissal of the allegation that Respondent disciplined its employee Francis Bizzarro because he formed, joined, or assisted the Union and engaged in concerted activities, or because he violated an overly-broad and discriminatory work rule in violation of Section 8(a)(3) of the Act. (ALJD at 5:14-21)

3. The ALJ's dismissal of the allegation that Respondent suspended and subsequently discharged its employee Thomas Willequer because he formed, joined or assisted the Union in violation of Section 8(a)(3) of the Act. (ALJD at 10:11)

4. The ALJ's failure to find that Respondent violated Section 8(a)(3) and (4) of the Act by disciplining its employee Chris Rudy because he gave testimony to the Board in the form of an affidavit and testified at a Board hearing in Cases 28-CA-069588 and 28-CA-073617. (ALJD at 7:16-29)

Dated at Las Vegas, Nevada, this 15th day of January 2013.

/s/ Larry A. Smith

Larry A. Smith

Counsel for the Acting General Counsel
National Labor Relations Board, Region 28
600 Las Vegas Boulevard South, Suite 400
Las Vegas, NV 89101

Telephone: (702) 388-6012

Facsimile: (702) 388-6248

E-mail: Larry.Smith@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in FLAMINGO LAS VEGAS OPERATING COMPANY, LLC, Cases 28-CA-077145, 28-CA-079092, 28-CA-078866, was served by E-Gov, E-Filing, and E-Mail, on this 15th day of January 2013, on the following:

Via E-Gov, E-Filing:

Lester A. Heltzer, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street NW – Room 11602
Washington, DC 20570

Via E-Mail:

John D. McLachlan, Attorney
Fisher & Phillips LLP
NRC Environmental Services
One Embarcadero Center - Ste 2050
San Francisco, CA 94111-3712
E-Mail: jmclachlan@laborlawyers.com

Scott A. Brooks, Attorney At Law
Gregory, Moore, Jeakle & Brooks, PC
The Cadillac Tower
65 Cadillac Sq - Ste 3727
Detroit, MI 48226-2844
E-Mail: scott@unionlaw.net

Chris Rudy
9501 W Sahara Ave
Apt 2236
Las Vegas, NV 89117-5334
E-Mail: chargers555@hotmail.com

/s/ Dawn M. Moore

Dawn M. Moore, Election Assistant
National Labor Relations Board
Region 28 - Las Vegas Resident Office
600 Las Vegas Boulevard South, Suite 400
Las Vegas, Nevada 89101-6637
Telephone: (702) 388-6417
E-Mail: dawn.moore@nlrb.gov