



Media Advisory
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Gerawan Farming Asks Court to Order Disclosure of Information Related to ALRB “Whistleblower” Allegations

A 30-year ALRB Employee Alleges Corruption Inside ALRB

Feb. 27, 2017 (Fresno, CA) - Gerawan Farming, Inc. last week asked the Sacramento Superior Court to order the Agricultural Labor Relations Board to disclose documents relating to “whistleblower” allegations that the ALRB’s former lead prosecutor, Sylvia Torres-Guillén, systematically suppressed dissent and punished career ALRB staff members for protesting the agency’s “biased, pro-union,” prosecution of Gerawan and its employees. Gerawan made this request following the public revelation of these charges in a retaliation lawsuit filed against the Board by a senior ALRB field investigator.

The case, *Pauline Alvarez v. Agricultural Labor Relations Board* (attached), is pending in Sacramento Superior Court. The *Alvarez* complaint specifically mentions the whistleblower’s involvement in matters related to Gerawan, including her charge that the ALRB filed a “false declaration in order to obtain a temporary restraining order against Gerawan Farming in a dispute with that grower.”

Ms. Alvarez, a 30-year ALRB employee, alleges that she and other field examiners were directed by Ms. Torres-Guillén “to dredge up witnesses that would assist the UFW’s position” after Ms. Alvarez “recommended dismissal of cases in which the UFW failed to cooperate and provide witnesses and evidence to support its allegations.” Ms. Alvarez alleges that she protested the “settlement of cases by farm

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workers against the UFW where there was sufficient evidence to establish that the UFW violated the law,” the ALRB’s refusal “to notify workers of their rights to file charges against the UFW when the UFW violated the workers’ rights,” and the “ghostwriting” of the UFW legal brief by the ALRB staff.

As explained in today’s filing, “[t]hese allegations paint a portrait of an agency hijacked by an ideological agenda set by Ms. Torres-Guillén and implemented by her hand-picked loyalists.” “The question now before the Superior Court,” according to David A. Schwarz, counsel for Gerawan, “is why the Board concealed Ms. Alvarez’s lawsuit and claimed that her identity was a secret long after Ms. Alvarez sued the ALRB for suppressing insider complaints alleging prosecutorial abuse by this agency?”

Gerawan seeks an independent investigation as to whether the ALRB misled the Superior Court in response to Gerawan’s Public Record Act request for these whistleblower documents. In its motion, Gerawan argues that “[t]he ALRB did not withhold the complaint to protect Ms. Alvarez. It appears that the ALRB withheld it to conceal allegations of misconduct directed at its most senior enforcement officers, and to avoid public scrutiny of the agency’s failure to stop this misconduct.”

“Ms. Alvarez’s charges are a symptom of a deeper problem at the ALRB,” said Dan Gerawan, co-owner of Gerawan Farming, Inc. Gerawan continued, “we hope that a full and fair inquiry will make sure that what happened to us and our employees never happens to others in this State.”

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A copy of Gerawan’s filing can be [downloaded here](#).

See attached list of some of ALRB Investigator Pauline Alvarez’s allegations.

Ms. Alvarez’s whistleblower retaliation complaint against the ALRB can be [downloaded here](#).

ALRB Field Investigator Pauline Alvarez alleges that she:

- Recommended dismissal of cases in which the UFW failed to cooperate and provide witnesses and evidence to support its allegations. ALRB General Counsel Torres-Guillén consistently defended the UFW and assigned Plaintiff and other field examiners the task of trying to dredge up witnesses that would assist the UFW's position.
- Protested the settlement of cases by farm workers against the UFW where there was sufficient evidence to establish that the UFW violated the law.
- Protested ALRB's refusal to allow Alvarez to notify workers of their rights to file charges against the UFW when the UFW violated the workers' rights.
- Protested the ALRB's refusal to bring charges against the UFW for engaging in improper negotiations.
- Notified the State Auditor Committee that the ALRB appeared to be biased towards the UFW with respect to various cases, including the Gerawan Farms case.
- Protested the ALRB's unethical and biased conduct in giving a draft of a legal brief to the UFW, which the UFW then copied and submitted to the Board as the UFW's own brief, with minor modifications to try to disguise the plagiarism.

Ms. Alvarez's whistleblower retaliation complaint against the ALRB can be [downloaded here](#).