

STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

TERESA DANIEL, IDA SIERRA,  
MARQUIS LEWIS, AARON LEE,  
ANDREW D. GASCA, KEVIN  
CERVANTES, LUTHER J. SOTO,  
BEVERLY ABRAM, LATRICE BANKS,  
DENISE MAYFIELD, LINDA  
KORSCHINOWSKI, CHARLEEN DAVIS-  
SHAW, DAVID M. SHAW, ARGRETTA O.  
HUTSON, ET AL.

Complainant,

vs.

EDUCATION SUPPORT EMPLOYEES  
ASSOCIATION,

Respondents,

CASE NO. A1-046028

ITEM: 767

**ORDER**

For Complainant: Teresa Daniel, Ida Sierra, Marquis Lewis, Aaron Lee, Andrew D. Gasca, Kevin Cervantes, Luther J. Soto, Beverly Abram, Latrice Banks, Denise Mayfield, Linda Korschinowski, Charleen Davis-Shaw, David M. Shaw, Argretta O. Hutson, et al., In Proper Person

For Respondent: Education Support Employees Association and their attorney James W. Penrose, Esq.

On the 12th day of October, 2011, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board"), for consideration and decision pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

Complainants in this matter are a collection of local government employees employed by the Clark County School District. The complaint in this matter alleges that Respondent Education Support Employees Association ("ESEA") has denied Complainants' request to withdraw from union membership. ESEA now requests that this matter be dismissed pursuant to NAC 288.375(1) due to a lack of probable cause. As is discussed herein, the Board grants ESEA's motion to dismiss.



2. The complaint in this matter does not state the time and place of any prohibited labor practice, nor does the complaint identify the names of the particular persons involved.
3. On or about July 11, 2011 Complainants submitted a request to withdraw their membership in ESEA to ESEA.
4. As established by the affidavit of Brian Christensen, ESEA has allowed Complainants' resignations under the terms of the ESEA membership agreement.
5. Complainants have not disputed the facts contained in the affidavit of Brian Christensen.
6. If any of the foregoing findings is more appropriately construed a conclusion of law, it may be so construed.

#### CONCLUSIONS OF LAW

1. NAC 288.200(1) states that a complaint must contain facts sufficient to state a justiciable controversy under NRS Chapter 288.
2. The complaint filed in this matter does not comply with the requirements of NAC 288.200(1).
3. As the complaint does not comply with NAC 288.200(1) dismissal without prejudice is proper pursuant to NAC 288.375(1).
4. Additionally, the complaint is not supported by probable cause pursuant to NAC 288.375(1) because substantial evidence indicates that ESEA complied with Complainants' request and allowed Complainants to withdraw membership in ESEA.
5. As this matter will be dismissed, all other notices and pleadings are rendered moot.
6. If any of the foregoing conclusions is more appropriately construed a finding of fact, it may be so construed.

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**ORDER**

IT IS HEREBY ORDERED that this action is dismissed in its entirety without prejudice.

DATED this 31st day of October, 2011.

LOCAL GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY:   
SEATON J. CURRAN, ESQ., Chairman

BY:   
PHILIP E. LARSON, Vice-Chairman

BY:   
SANDRA MASTERS, Board Member

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HUTSON, ET AL.

Complainant,

vs.

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Respondents,

CASE NO. A1-046028

**NOTICE OF ENTRY OF ORDER**

To: Teresa Daniel, Ida Sierra, Marquis Lewis, Aaron Lee, Andrew D. Gasca, Kevin Cervantes, Luther J. Soto, Beverly Abram, Latrice Banks, Denise Mayfield, Linda Korschinowski, Charleen Davis-Shaw, David M. Shaw, Argretta O. Hutson, et al., In Proper Person

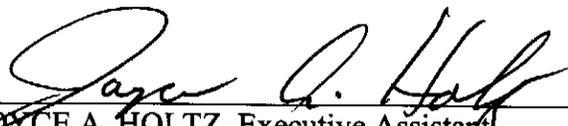
To: Education Support Employees Association and their attorney James W. Penrose, Esq.

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on October 31, 2011.

A copy of said order is attached hereto.

DATED this 31st day of October, 2011.

LOCAL GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

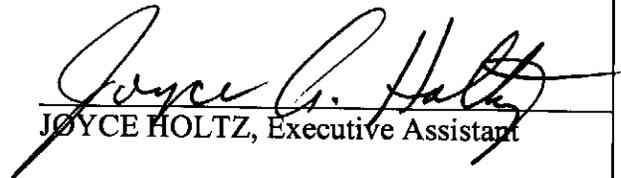
BY   
JOYCE A. HOLTZ, Executive Assistant

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management  
3 Relations Board, and that on the 31st day of October, 2011, I served a copy of the foregoing  
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Teresa Daniel and Members etal.  
6 PO Box 531634  
7 Henderson, NV 89053

8 James W. Penrose, Esq.  
9 Dyer, Lawrence, Penrose, Flaherty, Donaldson, & Prunty  
10 2805 Mountain Street  
11 Carson City, NV 89703

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13 JOYCE HOLTZ, Executive Assistant

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