

# FORM LM-20

## AGREEMENT AND ACTIVITIES REPORT



This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440. Required of persons, including Labor Relations Consultants and Other Individuals and Organizations, Under Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended. (LMRDA)

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

678939

1. File Number: C- 00525

### Person Filing

2. Name and mailing address (include ZIP Code):

Name Phillip B Wilson

Title

Organization LRI Consulting Services, Inc.

P.O. Box, Bldg., Room No., if any

Street 7850 South Elm Place, Suite E

City Broken Arrow

State Oklahoma ZIP Code + 4 74011

3. Any other address where records necessary to verify this report are kept:

Name

Title

Organization

P.O. Box, Bldg., Room No., if any

Street

City

State ZIP Code + 4

4. Date fiscal year ends:

Dec / 31

5. Type of person:

a. ☐ Individual b. ☐ Partnership c. ☒ Corporation d. ☐ Other (Specify):

### Nature of Agreement or Arrangement

6. Full name and address of employer with whom made (include ZIP Code):

Name

Organization Ferrara Candy Company

Trade Name, if any

P.O. Box, Bldg., Room No., if any

Street One Tower Lane, Suite 2700

City Oakbrook Terrace

State IL ZIP Code + 4 60181

7. Date entered into:

2 / 28 / 2018

8. Name of person(s) through whom made:

Name Kim Nero

Name

Name

Name

Name

### Signatures

Each of the undersigned declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information true, correct, and complete) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete in the instructions.)

13. Signed

President  
(If other title, see instructions)

Title CEO

14. Signed

Treasurer  
(If other title, see instructions)

Title President

On 6/4/2018 918-455-9995

Date Telephone Number

On 6/4/2018 918-455-9995

Date Telephone Number

9. Check the appropriate box to indicate whether an object of the activities undertaken, is directly or indirectly:

- a. ☒ To persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing.
- b. ☐ To supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.

10. Terms and conditions (Explain in detail; see instructions. Written agreements must be attached.):

See Attached

#### Specific Activities to be Performed

11. For each activity, separately list in detail the information required (See instructions):

a. Nature of activity:

Engaged to communicate to employees regarding exercising their rights to organize and bargain collectively.

11.b. Period during which performed:

various days beginning 3/19/18

11.c. Extent performed:

Fully Performed

11.d. Name and address through whom performed:

Name Carlos Flores

Organization Flores Labor Relations Inc

P.O. Box, Bldg., Room No., if any

Street 30000 Avenida Cima Del Sol

City Temecula

State CA ZIP Code + 4 92591

Additional Name and address through whom performed, if any:

Name William Herrera

Organization People Solutions Consulting Group

P.O. Box, Bldg., Room No., if any

Street 9427 Reston Grove Lane

City Houston

State TX ZIP Code + 4 77095

12.a. Identify subject groups of employees:

various employees

12.b. Identify subject labor organizations:

pre-petition

<b>Specific Activities to be Performed (Continuation Page)</b>	
11. For each activity, separately list in detail the information required (See instructions): a. Nature of activity: Engaged to communicate to employees regarding exercising their rights to organize and bargain collectively.	
11.b. Period during which performed:	11.c. Extent performed:
11.d. Name and address through whom performed: Name      Johan                      Pena Organization    Johan Pena P.O. Box, Bldg., Room No., if any Street    14173 SW 158th Court City      Miami State    Florida                              ZIP Code + 4    33196	Additional Name and address through whom performed, if any: Name Organization P.O. Box, Bldg., Room No., if any Street City State    ZIP Code + 4
Additional Name and address through whom performed, if any: Name Organization P.O. Box, Bldg., Room No., if any Street City State    ZIP Code + 4	Additional Name and address through whom performed, if any: Name Organization P.O. Box, Bldg., Room No., if any Street City State    ZIP Code + 4
12.a. Identify subject groups of employees: various employees	12.b. Identify subject labor organizations: pre-petition



## Proposal

February 28, 2018

Kim Nero  
Vice President, Human Resources  
Ferrara Candy Company  
One Tower Lane, Suite 2700  
Oakbrook Terrace, IL 60181

(630) 581-3168  
kimberley.nero@ferrarausa.com

## RE: ACT Training

### Situation Assessment

You have requested a proposal to provide a subject matter expert to educate and prepare your employees for union organizing activity. You want employees to understand that union cards are legal documents, that they need to protect their personal information and some of the common misunderstandings employees have about unions.

### Proposed Intervention(s)

ACT Training: For this option we will provide a senior LRI consultant to communicate your message directly to employees, to answer their questions accurately and assess your vulnerability during small group meetings.

### Objectives

- Train employees on the facts about union cards, common tactics used to get employees to sign cards and the facts to consider before signing a union card.
- Provide a credible subject matter expert who immediately increases your capacity to legally and persuasively respond to potential union organizing activity.
- Assess the organizing union's progress and your vulnerability to determine the level of risk to your direct relationship with employees.
- Prevent NLRB petitions.

### Value to Organization

- You substantially reduce your company's vulnerability to union organizing and become a "hard target" by making it difficult for an organizer to get cards signed using typical tactics.
- You will better understand your level of risk and make better decisions about responding to union organizing.
- You will better understand your employees' issues and your opportunities to improve employee relations and retain the direct relationship privilege.

### Terms and Conditions

The fee for consulting services is \$3,000 per day per consultant (plus travel expenses).

### Payment Terms

All fees are due upon the delivery of the consulting services and are nonrefundable. Consulting fees and expenses incurred by consultant will be billed to you and you agree to pay those invoices upon receipt and to settle those statements within 14 days. You agree and acknowledge that failure to pay fees or

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featured in



Forbes



Labor Relations Institute, Inc.

7850 S. Elm Place - Suite E  
Broken Arrow, OK 74011



expenses associated with this project under these terms will result in reassignment of consultant(s), a penalty of the maximum allowable interest rate per month plus any costs we incur to collect an outstanding balance, until all outstanding invoices are paid in full.

It is further understood that all materials included in or with the above referenced items or programs are fully covered and protected by federal copyright laws. Federal law provides civil and criminal penalties for the unauthorized reproduction, distribution or exhibition of protected products.

You further acknowledge that no representation by LRI or its representatives were relied on by you or any member of your company in entering this agreement, and that this document represents the full understanding of the parties. You also acknowledge and agree that we have informed you of the obligation to report any direct persuader activity performed on your behalf to the United States Department of Labor by both our firm and your firm and that failure to timely file these reports can subject your company to criminal penalties. Further, you agree to make LRI aware of and share copies of any unfair labor practice charges and or objections and challenges to the conduct of an election alleging anything regarding speech or behavior, in any form, on the part of any LRI consultant.

Your payment, in the absence of your signature below, indicates your acceptance of this project and the terms and conditions as stated herein. The terms and conditions on this proposal are good for 90 days from the date on this proposal unless specified otherwise. The parties agree that Oklahoma law governs any dispute between them and to resolve any disputes by arbitration in Tulsa, Oklahoma under the American Arbitration Association rules.

#### Acceptance

We accept the Proposal above and the intervention selected:

ACT Training

For LRI Consulting Services, Inc.

Phillip B. Wilson, President/General Counsel

Date: February 28, 2018

For Ferrara Candy Company

Kim Nero, Vice President, Human Resources

Date: 03/13/18