

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.

1. File Number: c- 039 342894

Person Filing

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

Name Clifton E Smith
Title Consultant - Attorney
Organization CE Smith & Associates
P.O. Box, Bldg., Room No., if any _____
Street 3713 Hillview Way
City Oceanside
State California ZIP Code + 4 92056

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 / 8

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 Jose Barajas
Organization Regional Transport Express
Trade Name, if any _____
P.O. Box, Bldg., Room No., if any _____
Street 12223 Highland Avenue, Suite 470
City Rancho Cucamonga
State California ZIP Code + 4 91739

7. Date entered into:

12 / 31 / 2007

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

Name Jose Barajas
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 contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VII on penalties in the instructions.)

13. Signed [Signature]
Title Sole Proprietor

President
(If other title, see
instructions)

14. Signed _____
Title Treasurer

Treasurer
(If other title, see
instructions)

On 2/15/2008 (760) 724-7256
Date Telephone Number

On _____
Date Telephone Number

Filer: Clifton Smith CE Smith & Associates

File Number C-

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 "Memorandum of Agreement," dated January 22, 2008, attached hereto and incorporated herein as though fully set forth. The terms and conditions are fully set forth in this Agreement.

Specific Activities to be Performed

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

a. Nature of activity:

See "Memorandum of Agreement," dated January 22, 2008, attached hereto and incorporated herein as though fully set forth. The Specific Activities to be Performed are fully set forth in the Agreement.

11.b. Period during which performed:

1/28/08 to 2/29/08

11.c. Extent performed:

Weekly

11.d. Name and address through whom performed:

Name Clifton E Smith

Organization CE Smith & Associates

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

Street 3713 Hillview Way

City Oceanside

State California

ZIP Code + 4 92056

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:

All full-time and part-time drivers, (dockworkers subject to challenge) on the Employer's payroll as of January 18, 2008, who may vote in the election to be held on March 3, 2008, in NRLB Case: 31-RC-8677

12.b. Identify subject labor organizations:

Teamsters, Warehousemen, Local 381

January 22, 2008

Regional Transport Express (RTE)
Case: 31-RC-8677

RE: Memorandum of Agreement

Dear Jose:

Per our discussion, this is to confirm that we have agreed to the following:

1. Hourly Rate & Expenses: \$250.00 per hour for all persuader activities in the above-referenced case and for reimbursement of reasonable and necessary expenses incurred in the course of my persuader activities, including but not limited to round-trip mileage at the current, IRS reimbursement rate, hotel, meal, and related expenses, all costs associated with obtaining union records from the US Department of Labor or from other sources of such information, costs associated with the preparation and duplication of persuader materials. My invoices for services rendered are payable on receipt.

RTE 2. Purpose of my Activities: The purpose of my activities is to assist your Company in the exercise of its rights to free speech under the National Labor Relations Act, as well as the under the 1st Amendment to the United States Constitution, by helping ~~RTE~~ lawfully explain to its employees why ~~RTE~~ believes that it is not in its employees' best interest to unionize. By sharing information with your employees, as well as answering questions your employees may have about the process, we hope your employees will be able to make a well-informed choice that they freely determine is consistent with their best interests.

3. Scope of my Activities: My persuader activities will include the collection and review of union source material and related materials; preparation and presentation of remarks and counter-union campaign materials to employees during employee persuader meetings; conducting employee persuader meetings; monitoring and, if it is necessary, correcting remarks made by corporate agents during the course of these meetings; lawful worksite contacts and exchanges of information that may occur with employees apart from persuader meetings.

Date: January 22, 2008

CE Smith & Associates

By: 
Clifton Smith, Esq., SPHR

Date: January 22, 2008

Regional Transport Express

By: 
Jose Barajas, President

PROOF OF SERVICE

CASE NAME: Regional Transport Express & Teamsters Local 381

CASE NO.: NLRB, Region 31-RC-8677

I am employed in the County of San Diego, California. I am not a party to the above-entitled action. My business address is 3713 Hillview Way, Oceanside, CA. 92056.

On February 15, 2008, I served the following document(s) described as **FORM LM-20 AGREEMENT AND ACTIVITIES REPORT; MEMORANDUM OF AGREEMENT**, on the interested parties by placing a true and correct copies thereof, in sealed envelopes, with postage thereon full prepaid, and depositing said envelope(s) in the United States Mail in Oceanside, California, addressed as follows:

U.S. Department of Labor
Employment Standards Administration
Office of Labor-Management Standards
200 Constitution Avenue, NW, Room N-5616
Washington, DC 20210

☒ (BY U.S. MAIL) I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in the affidavit.

☐ (BY FACSIMILE) I transmitted the foregoing document described above, by facsimile, to all interested parties, using the facsimile numbers listed on this Proof of Service. No errors in transmission were reported.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 15, 2008, at Oceanside, California.

