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February 13, 2024

VIA ELECTRONIC FILING

Andrea J. Wilkes, Regional Director
National Labor Relations Board
Region 14
1222 Spruce Street
Room 8.302
St. Louis, MO 63103

Re: BeLeaf Medical, LLC
Case No. 14-RC-325871

Dear Ms. Wilkes:

This letter is sent in response to the letter dated February 7, 2024, seeking the position of BeLeaf Medical, LLC ("BeLeaf") with respect to the challenged ballots cast in the election conducted in the above-referenced matter.

First, each of the challenged voters are agricultural workers over whom the NLRB lacks jurisdiction. Although we understand and respect the Board's recent decision on this issue, we are preserving this issue for presentation to the United States Court of Appeals for the 8th Circuit. In further support, please refer to the Post-Hearing Brief filed on October 27, 2023.

Second, the vote of Todd Ricks was also challenged on the basis that he was not employed by BeLeaf on the date of the election. Specifically, Mr. Ricks was terminated on February 2, 2024, after learning that on Friday January 26, 2024, near the end of his shift, Mr. Ricks surreptitiously turned off a dehumidifier that is critical to the cure process. Had his action not been discovered, this act of sabotage could have cost the Company hundreds of thousands of dollars. On further investigation, the Company learned that he had engaged in the same nefarious action on at least one prior occasion, on Friday, January 19, 2024.

By way of background, the cure room must be kept within a narrow band of humidity — if the cure room is too humid, the cannabis product may develop mold or bacteria and if it is too dry, the product may lose its aroma, flavor, quality, and potency. To keep humidity within an acceptable range, BeLeaf uses an industrial dehumidifier which, by design, makes whatever adjustments are needed to maintain proper humidity in the cure room. The dehumidifier has an on/off toggle switch on the back, and an internal fan to keep it from overheating.

With a single exception, the dehumidifier is always turned on (except when it is being serviced); similar to an air conditioner set at a desired temperature, adjustments are made by the dehumidifier without the need

to turn the machine on or off. The dehumidifier is turned off **only** when product is being weighed in the cure room (the scale is next to the dehumidifier), so that the fans do not blow product from the scales into the room.

After discovering that the dehumidifier had been turned off on January 26, 2024, video from security cameras revealed that Mr. Ricks turned it off at 2:58 p.m. on January 26, 2024. After reviewing video from before and after 2:58 p.m., it was confirmed that: (a) the dehumidifier was on at 2:30 p.m.; (b) no one else was in a position to turn the dehumidifier off until Mr. Ricks reached behind the dehumidifier at 2:58 p.m. and appeared to turn it off; and (c) no one else was in a position to turn the dehumidifier off until it was discovered to be off at approximately 5:15 p.m. A copy of the video showing Mr. Ricks reaching behind the dehumidifier at 2:58 p.m. is attached as Exhibit A. Had the dehumidifier not been checked, nearly \$600,000 in product could have been ruined.

During a meeting held on February 2 to discuss Mr. Ricks' actions with him, Mr. Ricks explained that the only instance in which he would turn the dehumidifier off would be when he was weighing cannabis on the scale next to the dehumidifier, and that he would always turn it back on within a few minutes thereafter. He did not weigh product in the cure room on January 26 and denied turning the dehumidifier off at any time on that day. Mr. Ricks conceded that his job duties did not include checking or adjusting the dehumidifier and acknowledged that unless proper humidity was maintained in the curer room BeLeaf's products would be damaged.

Based on the video evidence, BeLeaf concluded that Mr. Ricks had not been truthful when he denied turning the dehumidifier off. Accordingly, shortly after the meeting concluded, Mr. Ricks' employment was terminated.

Third, with respect to the vote of Kailey Darden, Ms. Darden was promoted to Supervisor on January 19, 2024. A copy of a letter to Ms. Darden confirming her promotion is attached as Exhibit B. In this position, Ms. Darden has the authority to hire, transfer, suspend, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or effectively to recommend such action. Accordingly, Ms. Darden was not eligible to vote in the election

Please feel free to contact me if you have questions or would like additional information.

Very truly yours,



Martha J. Zackin

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Enclosures