

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



AMERICAN INDIAN MODEL SCHOOLS,

Employer,

and

GROUP OF EMPLOYEES,

Petitioner,

and

TEACHERS OF AMERICAN INDIAN MODEL
SCHOOLS, CTA/NEA,

Exclusive Representative.

Case No. SF-DP-330-E

Administrative Appeal

PERB Order No. Ad-468

October 19, 2018

Appearances: Eric Dizon for Group of Employees; Josh Peralta for Teachers of American Indian Model Schools, CTA/NEA; Fagen Friedman & Fulfroast, by James Ayden, Attorney, for American Indian Model Schools.

Before Banks, Winslow, and Shiners, Members.

DECISION

BANKS, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal of an administrative determination to dismiss a decertification petition filed by a group of teachers (Petitioners) at American Indian Model Schools. The Office of the General Counsel (OGC) dismissed the petition after determining that it was not accompanied by sufficient proof of support, i.e., 30 percent of the employees in the unit, as required under PERB Regulation 32770, subdivision (b)(1). Petitioners appealed this determination on June 15, 2018, contending that they were prepared to cure the defects in the proof of support and requesting that we order an election.

In the meantime, Petitioners filed a new decertification petition, Case No. SF-DP-331-E, and the OGC has ordered an election in that matter.¹ Since an election is now scheduled, Petitioners have already received the very relief they were seeking through this appeal: an election. In view of these facts, we dismiss the appeal as moot. (See *Fontana Unified School District* (1988) PERB Order No. Ad-169 [appeal dismissed as moot where intervening petition seeking election was granted].)

ORDER

The decertification petition in Case No. SF-DP-330-E is hereby DISMISSED.

¹ PERB may take administrative notice of matters included in its own files, including materials from other cases. (*County of Santa Clara* (2015) PERB Decision No. 2431-M, p. 5, fn. 5.)