

State of Maryland
State Labor Relations Board

In the matter of:)	
Maria Cerrato)	
)	
Petitioner,)	
)	SLRB Case No. 2018-U-01
v.)	
)	
The Best in Painting, L.L.C.)	
)	
Respondent.)	

Board Dismissal for Failure to State a Claim under Board Law or Regulations,
& Lack of Jurisdiction

On July 10, 2017, Petitioner Maria Cerrato (“Cerrato”) filed an unfair labor practice complaint before the State Labor Relations Board (“Board”), pursuant to COMAR 14.32.05. In her complaint, Cerrato alleges that Respondent, The Best in Painting, L.L.C., did not have any formal licensure information available through Maryland State offices or through the Better Business Bureau. Further, Cerrato alleges that the Respondent pays employees in cash to avoid workman’s compensation premiums and IRS withholding. Finally, Cerrato alleges that the Respondent operates under a fictitious name.

Cerrato’s complaint is deficient in that she failed to file a certificate of service, attesting that the complaint had been served upon the Respondent, pursuant to COMAR 14.32.02.12. Further, her complaint also fails to demonstrate that Cerrato is an employee of any of the units of State government described in State Personnel & Pension Article §3-102(a). Finally, Cerrato fails to allege any violation as defined in State Personnel & Pensions Article, §3-306.

Accordingly, this complaint is dismissed due to deficient service, failure to state a claim upon which relief can be granted, and a lack of Board jurisdiction to consider the complaint.

Issue Date: August 11, 2017

For The State Labor Relations Board:



Edward J. Gutman, Chair



Sherry L. Mason, Member



Doris S. Mason, Member



LeRoy A. Wilkison, Member

Appeal Rights

Any party aggrieved by this action of the Board may seek judicial review in accordance with Title 10 of the State Government Article, Annotated Code of Maryland, Section 10-222, and Maryland Rule 7-201, *et. seq.*