

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**MANDALAY CORP., d/b/a
MANDALAY BAY RESORT & CASINO**

Employer

and

Case 28-RC-6596

**INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS
OF AMERICA (SPFPA)**

Petitioner

ORDER TO SHOW CAUSE

Pursuant to a petition filed in the above-captioned matter on April 17, 2008, the undersigned caused a preliminary administrative investigation to be conducted of the circumstances bearing upon the petition. The preliminary investigation disclosed that at the election conducted on June 13, 2008, during the second voting session, the Board agent assigned to conduct the election left the polling area unaccompanied by the parties' observers to go to the bathroom. The Board agent took the unsealed ballot box and the unmarked ballots with him when he left the polling area. There was no evidence that the Board agent tampered with either the ballot box or the ballots. However, the Board goes to great lengths to assure the parties of the integrity of the election process so that the manner in which its elections are conducted raise no reasonable doubt as to their fairness and validity. See e.g., *Peoples Drug Stores*, 202 NLRB 1145 (1973), and *Polymers, Inc.*, 174 NLRB 282 (1969). Accordingly,

IT IS HEREBY ORDERED that the parties respond to this Order to Show Cause by presenting evidence supported by case authority, and arguments within seven (7) days of this Order why, based on the conduct described above, the election in this matter should not be set aside and a re-run election conducted.

Dated at Phoenix, Arizona, on this 8th day of July 2008.



Comele A. Overstreet, Regional Director