

**OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: FRED GEGARE,)	Protest Decision 2010 ESD 10
BRAD SLAWSON, SR., &)	Issued: July 27, 2010
FRED ZUCKERMAN,)	OES Case Nos. P-012-071610-NA
)	
Protestors.)	
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Fred Gegare, Brad Slawson, Sr., and Fred Zuckerman, candidates for International office, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that the Hoffa campaign violated the *Rules* following the withdrawal from candidacy of Thomas Keegel by continuing to circulate accreditation petitions and other campaign material bearing Keegel’s name and otherwise falsely indicating his ongoing support for and participation in the Hoffa campaign. The protest seeks an appropriate remedy, “including the invalidation of all Petitions containing Mr. Keegel’s name.”

Election Supervisor representative Jeffrey Ellison investigated this protest.

Findings of Fact

This case centers on the withdrawal of Thomas Keegel from candidacy for election to International office and the actions of the Hoffa campaign upon learning of the withdrawal.

On March 31, 2010, Keegel declared his candidacy for election to International office by signing a slate declaration with James P. Hoffa and Robert Bouvier pledging to seek such office as part of a slate with those candidates.

On July 15, 2010, Keegel mailed a letter to the members of the IBT General Executive Board stating that he will retire at the end of his current term as General Secretary-Treasurer and “will not be a candidate for office in 2011 on the Hoffa Slate or any other slate running for IBT office.”

On July 16, 2010, a memo initialed on Keegel’s behalf was delivered to our office advising that “I am withdrawing as a candidate for General Secretary-Treasurer, effective immediately.” Keegel has since certified to our office, in a letter he signed personally, that he will not accept nomination at the 2011 IBT International Convention for any International office.

The protestors presented no evidence – and our investigation found none – that the Hoffa campaign, after learning of Keegel’s withdrawal from candidacy, circulated accreditation petitions or other campaign material bearing his name or otherwise used his name to suggest he was continuing to seek election to International office as part of a Hoffa Slate or otherwise. Protests without evidence will be denied. *Joseph, 2006 ESD 132* (March 31, 2006).

July 27, 2010

In May and June 2010, the Hoffa campaign circulated accreditation petitions in the United States bearing the names of Hoffa and Keegel and petitions in Canada bearing the names of Hoffa, Keegel and Bouvier. These were submitted to our office on July 16.

On July 26, 2010, the Hoffa campaign withdrew the accreditation petitions. We therefore have no petitions from the Hoffa campaign to consider for purposes of accreditation under Article X of the *Rules*.

Accordingly, we DENY this protest for lack of evidence on the allegation that the Hoffa campaign used Keegel's name following his withdrawal and as moot on the protestors' request for invalidation of accreditation petitions that bear Keegel's name. In the event the Hoffa campaign should resubmit the petitions it has withdrawn, we will advise the protestors and ascertain whether they wish to proceed to a protest decision on the merits of their claim that accreditation petitions bearing the name of a withdrawn candidate are invalid.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2010 ESD 10

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DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001
braymond@teamster.org

Jeffrey J. Ellison
214 S. Main Street, Ste. 210
Ann Arbor, MI 48104
EllisonEsq@aol.com

David J. Hoffa
Hoffa Keegel 2011
1100 Connecticut Avenue, N.W., Ste. 730
Washington, D.C. 20036
hoffadav@hotmail.com

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210-0128
ken@tdu.org

Barbara Harvey
1394 E. Jefferson Avenue
Detroit, MI 48207
blmharvey@sbcglobal.net

Fred Gegare
P.O. Box 9663
Green Bay, WI 54308-9663
kirchmanb@yahoo.com

Scott D. Soldon
Previant Goldberg
1555 North RiverCenter Drive, Ste. 202
P.O. Box 12993
Milwaukee, WI 53212
sds@previant.com

Fred Zuckerman, President
Teamsters Local Union 89
3813 Taylor Blvd.
Louisville, KY 40215
fredzuckerman@aol.com

Robert M. Colone, Esq.
P.O. Box 272
Sellersburg, IN 47172-0272
rmcolone@hotmail.com