

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

<b>IN RE: FRED GEGARE,</b>	)	Protest Decision 2010 ESD 19
<b>BRAD SLAWSON &amp;</b>	)	Issued: August 12, 2010
<b>FRED ZUCKERMAN,</b>	)	OES Case Nos. P-024-081010-NA
	)	
<b>Protestors.</b>	)	
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Fred Gegare, Brad Slawson 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 James Hoffa and Rome Aloise violated the *Rules* by using a local union hall for a campaign event.

Election Supervisor representative Christine Mrak investigated this protest.

**Findings of Fact**

Hoffa and Aloise are candidates for International office. Their campaigns have scheduled a poker party fundraiser to take place on August 14, 2010 at Local Union 70’s hall. The protest challenges use of the hall as a violation of the *Rules*.

Investigation showed that Ron Horner, Aloise’s campaign manager, first inquired into use of the hall in February 2010. He spoke with Marty Frates, principal officer of Local Union 70, who said that the hall could be used for a campaign event. Horner told our investigator that he told Frates at the time that if the hall were made available to the Aloise campaign, it would also have to be available for other candidates’ use, although no other candidates were known at the time. Horner said that Frates agreed.

Frates told our investigator that the local union has only recently permitted renting of its hall. Thus, it rented the space to Barbara Lee, candidate for U.S. Representative, on July 24, 2010. Frates charged that campaign \$200 for use of the 200 person facility because he thought it was a fair price. Not long after the Lee event, Frates said that Aloise asked if the hall could be used for a campaign fundraiser. Frates checked with his lawyer, Duane Beeson, who advised him that the local union had to charge a rental fee. Frates then told Aloise that the charge would be \$200, the same as was charged the congressional candidate.

Following the filing of this protest on August 9, Frates wrote protestor Gegare on August 10, advising the following:

Local 70 has authorized the use of its facility for a Hoffa-Aloise Fundraiser on August 14, 2010. Please be advised that you or any other candidate will be offered the same opportunity to have a fundraiser at Local 70, per the rules.

If you are interested, please feel free to call me at [number redacted].

The protestors do not allege that Local Union 70 has denied them use of the hall for any campaign purpose.

**Analysis**

Article VII, Section 12 (c) of the *Rules* states that union facilities “may not be used to assist in campaigning unless the Union is reimbursed at fair market value for such assistance, and unless all candidates are provided equal access to such assistance and are notified in advance, in writing, of the availability of such assistance.”

Here, Local Union 70 has met this requirement. It has charged the same fee to Aloise that it charged to its only other renter. As no market analysis has been conducted to assess the fair market value of the hall rental, we accept this sum as reasonable and therefore in compliance with the rule. Further, the local union has given advance written notice to the protestors of the availability of its hall for campaign rental.

This decision comes early in the International officer election process and should not be construed to give permission to local unions to wait until 4 days before a scheduled event to give notice to other candidates of the availability of their facilities for campaign purposes. Were circumstances such that a candidate could not make effective use of a facility because notice of availability was given too late, or if evidence of discriminatory offering of the facility were present, we would find a violation.

Accordingly, we DENY the protest.<sup>1</sup>

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 18

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<sup>1</sup> The Aloise campaign raised a timeliness defense to this protest. It asserted that the protest was untimely because it was filed *before* the campaign event took place. As Article XIII, Section 2(b) requires that protests be filed within 2 days of the date the protestor became aware of it, the time for filing is measured from the protestor’s knowledge of the alleged violation, not the date the alleged violation occurred. *Gegare*, 10 EAM 3 (July 8, 2010).

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