

ELECTION APPEALS MASTER

IN RE:

RICHARD REILLY,

Protestor

11 Elec. App. 62 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2011 ESD 361 issued on December 16, 2011. A hearing was requested by Pat Griffus, member of Local Union 690.

A hearing was held before me on December 22, 2011. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Supervisor's Office; Christine Mrak, Election Supervisor representative; Val Holstrom, Secretary-Treasurer and principal officer of Local Union 690 and Pat Griffus, protester.

This case turns upon a motion passed at a Local 690 membership meeting which required Convention delegates to repay all per diem and travel expense money paid by the Local for those dates and times where delegates admitted that they did not attend Convention sessions. These elected delegates supported candidates opposed by the Local 690 incumbent leadership.

The Election Supervisor investigated the matter following the filing of a protest by one of the delegates, and concluded that the motion and attempts to recoup the delegates' expense and travel money violated the Election Rules. More importantly, the Election Supervisor concluded that "the resolution for recoupment was motivated by retaliatory animus." Statement on Appeal of Jeffrey J. Ellison, at 2.

The Election Supervisor imposed a remedy requiring the Local to rescind the resolution it passed and to post a notice advising its membership that the Local had violated the Rules.

Factual errors in the Election Supervisor's decision are claimed by one of the

appellants here. However, Mr. Ellison demonstrated during the hearing that the purported errors did not occur and that in any case they are immaterial to the investigative outcome. The second appellant claims errors as well, but he is as well not supported by the record.

As we have said many times over several election cycles, the factual findings of the Election Supervisor, and the remedies he imposes, are entitled to due deference absent an abuse of discretion. There being none, his decision herein is in all respects affirmed.

SO ORDERED:

s/Kenneth Conboy  
Kenneth Conboy  
Election Appeals Master

Dated: December 22, 2011