

IN RE:

JIMI RICHARDS

00 - Elec. App. - 001 (KC)

DECISION OF THE
ELECTION APPEALS
MASTER

This matter is an appeal from the Election Administrator's decision, issued August 1, 2000, in Office of the Election Administrator Case No. PR-061501-AT. The appeal hearing was requested by Waymon Stroud by letter dated August 3, 2000.

A hearing was held before me on August 10, 2000. The following persons were heard by way of teleconference: Jeffrey Ellison, Esq. for the Election Administrator's Office; Robert Baptiste, Esq. for appellant Mr. Stroud; Bradley Raymond, Esq. for the International Brotherhood of Teamsters ("IBT"); and Mr. Jimi Richards, the protestor and a member of Teamster Local Union 728 ("Local 728").

Mr. Richards asserted that Mr. Stroud, president of Local 728, violated Article XI, Section 1(b)(3)(G) of the 2000-2001 IBT International Union Delegate and Officer Election ("Rules") by raising money for delegate elections through a payroll deduction mechanism partially effected through the use of Union personnel, paper and computers.

The Election Administrator granted the protest, and on appeal, Mr. Stroud's counsel conceded that his client did violate the Rules. Local 728 voluntarily stopped the program when it learned that the matter was under investigation by the Election Administrator.

This appeal challenged that portion of the remedy that requires the posting of a notice of the violation and its remedy at all work sites in the local. This is said to be “inappropriate in light of the remedial action already taken by Local 728 and [Mr. Stroud]”. Letter of Waymon Stroud to the Election Appeals Master dated August 3, 2000. Mr. Stroud asserts that the remedy “would be purely punitive in nature”. Id.

During the appeal argument, Mr. Baptiste, counsel for Mr. Stroud, described the remedy of posting the notice at the work sites as “overkill,” and asked that it be limited to those Union facilities at Atlanta and Savannah. Mr. Raymond, representing the IBT, argued that the complained of remedy should be dispensed with because the IBT took a proactive role in intervening and persuading Local 728 to cease and comply with the Rules. Mr. Richards, the protestor, pointed out that the Local 728-supported contributions memorandum went out to thirteen business agents or assistant business agents who, in turn, represent 6500 Union members throughout the state of Georgia.

I should note at the outset that embedded in the hundreds of appeal case precedents on which the Rules are premised is the principle that deference should be accorded to the remedy imposed by the Election Administrator. Furthermore, it is, as a formal matter, inaccurate to characterize remedies imposed under the Rules as “punitive” in design or purpose. They are, in most cases, imposed: (a) to achieve political balance and fairness in the wake of an advantage accruing to one side as a result of a violation; (b) to broadly inform the rank and file of the meaning, interpretation and application of the Rules; (c) to strengthen the protest procedure, its credibility, and the institutions of electoral democracy throughout the IBT; and (d) to deter intentional or inadvertent violations of the Rules, thus promoting broad respect for the IBT,

raising the consciousness and pride of the rank and file, and reducing future protest cases throughout the election cycle.

The remedial power of broad notice of granted protests and corrective measures is a cornerstone of the Rules. Accordingly, the notice requirements in this case will not be disturbed, and the Election Administrator's decision is affirmed.

Kenneth Conboy
Election Appeals Master

Dated: August 14, 2000