

IN RE:

STEFAN OSTRACH and
JACK MANDARO

00 - Elec. App. – 007 (KC)

This matter is an appeal from the Election Administrator’s decision, dated October 2, 2000, Office of the Election Administrator Case Nos. PR081603NA, PR082301AT, PR082501AT and PR03102WE, Protest Decision 2000 EAD 29. The request for a hearing was filed by Bradley T. Raymond, Esq., on behalf of the International Brotherhood of Teamsters, J. Douglas Korney, Esq. on behalf of the Hoffa 2001 Campaign and Mr. Stefan Alan Ostrach, Treasurer of the Tom Leedham Rank & File Power Slate on October 2, October 3 and October 4, 2000 respectively.

A hearing was held before me on October 5, 2000. The following persons were heard by way of teleconference: Jeffrey Ellison, Esq. for the Election Administrator’s Office; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; J. Douglas Korney, Esq. of Korney & Heldt, on behalf of the Hoffa 2001 Campaign; Stefan Ostrach, Treasurer, of the Tom Leedham Rank & File Power Slate, and Daniel B. Edelman, Esq. of Yablonski, Both & Edelman on behalf of the Tom Leedham Rank and File Power Campaign.

The Election Administrator fully investigated these protests, which asserted that the Hoffa campaign violated Article VII, Section 11 (c) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“Rules”) when it distributed by facsimile to local unions throughout the United States and Canada certain Unity Slate Hoffagrams designed to facilitate the collection and filing of signatures on accreditation petitions. The faxing of these

Hoffagrams, according to the protesters, constituted an impermissible use of union resources under the Rules.

Our previous decision in In Re Mike Schaffer, 00-Elec. App.-002 (KC), dated and issued on August 17, 2000 affirmed the Election Administrator's finding of a violation of the Rules by the Hoffa campaign when it faxed to local unions copies of its slate accreditation petitions. Our decision in that matter made it clear that the use of union fax facilities to further distribution of campaign material outside a local union hall is completely banned under the Rules, and has been since the Buck decision, P919 (November 5, 1996), aff'd 96 EAM 274. This is so irrespective of whether such materials contain admonitory language against copying at union expense or handling in a partisan manner.

An examination of the text of the Hoffagrams at issue makes it absolutely clear that they are, as noted at the Hearing, marching orders to Slate loyalists, in whose hands the Slate's accreditation petitions already reside, to track down potential signatories at home or in the field, secure the signatures, and file the completed petitions in compliance with the deadlines set out in the Rules. Indeed, it is telling that the Election Administrator's investigation established that these campaign materials were not sent to locals that support the Leedham Slate, but only to locals that support the Hoffa Slate. Furthermore, they were addressed to officers of these locals, and not to rank and file members. The Election Administrator also established that the Hoffa campaign did not request internal local distribution procedures (campaign tables and bulletin boards) for the material in question, confirming the distribution goals as being external rather than internal. Accordingly, Buck and Schaffer indisputably control the outcome here.

Slate or campaign organizations have no right under the Rules to reside, directly or by proxy, in local union halls. Such campaign organizations must maintain their headquarters, copying and fax machines, telephones and campaign mechanisms and structures in places that in no way are connected to or benefit from the resources of local unions and their membership. The violations found by the Election Administrator are therefore affirmed. The remedy chosen by the Election Administrator is appropriate to the violation.

Accordingly, the Election Administrator's decision is in all respects affirmed.

Kenneth Conboy
Election Appeals Master

Dated: October , 2000