

IN RE:

JIMI RICHARDS

00 - Elec. App. – 008 (KC)

This matter is an appeal from the Election Administrator’s decision, dated September 27, 2000, Office of the Election Administrator Case No. PR071101AT Protest Decision 2000 EAD 27. The request for a hearing was filed by Earl L. Parker a member of Local 728.

A hearing was held before me on October 11, 2000. The following persons were heard by way of teleconference: Jeffrey Ellison, Esq. for the Election Administrator’s Office; Dolores Hall, Election Administrator representative; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; Paul Alan Levy, Esq. of Public Citizen Litigation Group on behalf of Jimi Richards and Earl Parker, a member of Local 728.

As noted in the Election Administrator’s decision, this matter was remanded for further factual inquiry by the Election Administrator, specifically directed to reviewing and resolving the credibility conflict between Earl Parker and Eric Robertson. The decisive question is whether Mr. Parker described himself as a “watchdog” at a TDU meeting, since if he in fact did so, an allowable inference can be drawn that he was at the meeting to engage in surveillance as a union official in violation of the Election Rules.

The Election Administrator has broadened his inquiry, and has developed an adequate basis to resolve the issue against Mr. Parker.

Substantial deference must be given to factual determinations of the Election Administrator.

Accordingly, his decision is affirmed.

---

Kenneth Conboy  
Election Appeals Master

Dated: October 23, 2000