

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: HOFFA UNITY SLATE,)	Protest Decision 2001 EAD 511
)	Issued: October 16, 2001
)	OEA Case No. PR100611NA and
Protestor.)	PR101113NA
)	

The Hoffa Unity slate ("Hoffa slate") filed pre-election protests pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election ("*Rules*") against the Tom Leedham Rank & File Power slate ("Leedham slate") and Teamsters for a Democratic Union ("TDU"). The protests allege that Leedham slate campaign coordinator Matt Ginsburg is paid less than market value for his services, that he receives compensation from TDU, and that TDU has improperly contributed leaflet design to the Leedham slate.

Election Administrator representatives Lisa Sonia Taylor and Jeffrey Ellison investigated the protests.

Findings of Fact and Analysis

The protestor alleges that Ginsburg's compensation of \$2,600 monthly is "below market value and constitute[s] an improper campaign contribution. In the alternative, Mr. Ginsburg might very well be the 'front' for improper campaign contributions from TDU or others."

Investigation shows that Ginsburg's compensation by the Leedham slate (\$2,600 per month; \$31,200 per year) was intended to approximate the \$32,000 annual salary he earned when employed as a union organizer. His duties, consisting of parts administrative, creative, and organizing, transfer skills used in that previous employment, but he has no previous work history as paid staff for an electoral campaign. The salary he earned as an organizer was bargained for collectively. Ginsburg states he has no other actual or expected income source, and there is no contrary evidence.

The *Rules* prohibit campaign contributions by employers, unions and non-members of "anything of value." Here, we find the compensation he receives is in line with his salary history and appropriate under the circumstances. Accordingly, we DENY this protest.

The protestor's second contention is that the Leedham slate failed to report expenditures for several campaign leaflets that appear on its website. Investigation shows that some Leedham leaflets were created by Ginsburg, whose compensation is reported on the applicable Leedham slate CCERs. Other leaflets were created by David Levin, a paid staff employee of TDU. In accordance with the Huttleston accounting system, Levin

October 16, 2001

maintained contemporaneous time records for this election-related work, and his compensation for it was derived from TDU's electoral campaign account, which is funded by permissible campaign contributions. Article XI, Section 1(b)(9)(A) permits an independent committee to provide such support, provided it is funded only from permissible sources. Levin's campaign work was properly funded and properly reported on the applicable TDU CCERs. Accordingly, we DENY this protest allegation as well.

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 Administrator 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
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (facsimile: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
2001 EAD 511

DISTRIBUTION LIST VIA UPS NEXT DAY AIR:

Patrick Szymanski
IBT General Counsel
25 Louisiana Ave. NW
Washington, DC 20001

James L. Hicks, Jr., P.C.
Suite 1100
2777 N. Stemmons Freeway
Dallas, TX 75207

Bradley T. Raymond
Finkel, Whitefield, Selik,
Raymond, Ferrara & Feldman
32300 Northwestern Highway
Suite 200
Farmington Hills, MI 48334

Teamsters for a Democratic Union
7437 Michigan Avenue
Detroit, MI 48210

J. Douglas Korney
Korney & Heldt
30700 Telegraph Road
Suite 1551
Bingham Farms, MI 48025

Lisa Sonia Taylor
727 15th Street, NW
10th floor
Washington, D.C. 20005

Jeffrey Ellison
65 Cadillac Square
Suite 3727
Detroit, MI 48226

Barbara Harvey
Penobscot Building
Suite 1800
645 Griswold
Detroit, MI 48226

Betty Grdina
Yablonski, Both & Edelman
Suite 800
1140 Connecticut Ave. NW
Washington, D.C. 20036

Tom Leedham c/o Stefan Ostrach
110 Mayfair
Eugene, OR 97404

Todd Thompson
209 Pennsylvania Ave., SE
Washington, DC 20003

Matt Ginsburg
30 Third Avenue
Brooklyn, NY 11271