

IN RE:

IN RE: RENE VASQUEZ

01 - Elec. App. – 041 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 181, issued February 21, 2001. The hearing was requested by Rene Vasquez, the protestor and a member of Teamsters Local Union 705 in Chicago, Illinois.

A hearing was held before me on February 28, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; Mr. Vasquez; and Mark Postilion, Trustee of Local Union 705. This office received no additional submissions.

Mr. Vasquez alleged that Gerald Zero, Local Union 705’s Secretary-Treasurer, violated the Rules by distributing a letter on Local Union 705 stationary to its members recommending the services of a local law firm. When Mr. Vasquez failed to provide to the EA any evidence beyond a copy of the letter, the protest was dismissed.¹

During the appeal hearing, Mr. Ellison maintained that without further contextual information, the letter on its face did not establish a violation of the Rules. Although it was sent to the membership under the signature of Mr. Zero as Secretary-Treasurer, it simply enclosed a Workers’ Compensation guide and advised the membership of the available services of a law firm. As noted, Mr. Vasquez provided no evidence to establish that the letter was campaign

¹ Mr. Vasquez made no attempts to contact the EA’s office with any further information as is required by the Protest Acknowledgment letter. When finally contacted by Nancy Golen of the EA’s office during the

material or misused union funds or contained any specific election related element. Mr. Vasquez argued that since the letter was sent out ten days before the ballots for delegates were mailed, it was ipso facto campaign related.

Upon examination of the letter in question, and applying the criteria as outlined in In Re: John Hull, 01 Elec. App. 37 (February 21, 2001), I find no reference to or praise of Mr. Zero or the Local Union leadership in the body of the letter, nor any mention of the Local Union 705 delegate campaign. Accordingly, I concur with the EA's assessment of the letter and affirm the EA's decision to deny the protest.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: March 9, 2001

investigation, Mr. Vasquez provided no other information, stating that his protest letter contained "enough evidence" to prove his allegations of Mr. Zero's Rules violation.