

IN RE:

DANNY BRUNO

01 - Elec. App. – 044(KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 174, issued February 20, 2001. The hearing was requested by Danny J. Bruno, the protestor, delegate candidate on the “Dan Bruno 396 Unity Slate” and Secretary-Treasurer of Teamsters Local Union 396 in Rancho Cucamonga, California, on February 22, 2001 (the “Appeal Request Letter”).

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. Bruno; Mr. Ernesto Perez, a member of Local Union 396, with his translator; and Barbara Harvey, Esq., counsel for Mr. Perez. No additional submissions were received by this office.

In his protest, Mr. Bruno alleged that the “396 Rank and File Power Slate (the “396 Slate”) violated the Rules by: (1) improperly obtaining the Local Union 396 membership list from the Tom Leedham campaign; (2) not using the mailing house designated by Local Union 396 for the mailing of campaign literature; and (3) accepting stamps used for this mailing by the Tom Leedham campaign. During the appeal hearing, Mr. Bruno conceded that he was not attacking the behavior of the 396 Slate, but the deficiency of Article VII, Section 3(a) of the Rules which allows local delegate candidates to obtain a membership list through an International candidate. It is Mr. Bruno’s concern that “Membership lists transmitted to delegates [from International candidates] lack the internal controls necessary to ensure that the

list is not copied, redistributed, and used as a tool to disrupt, or misinform the membership...”
(See, page 1, the Appeal Request Letter).

During the argument, both Mr. Ellison and Ms. Harvey offered an historical perspective and explanation behind the protections provided by Article VII, Section 3(a)¹. Originally drafted to parallel the LMRDA, this section was later revised to provide safeguards against potential misuse, such as requiring affidavits declaring that the membership lists will not be permitted to be copied by third parties. The penalty for abuse of the membership list under case law interpreting the Rules is strict liability on the International candidate (See, page 10, Cipriani, P420 (March 1, 1996, aff'd 96 Elec. App 123 (March 13, 1996)).

As to the issue regarding the mailing house, the EA found nothing in the Rules that prevents delegate candidates from mailing their literature directly to the membership. As Mr. Ellison argued, if the Rules contemplated that the only way to provide for proper safeguards for the membership list was to limit mailing by a designated mailing house only, then the Rules would have provided such a restriction. With regard to the purchase of stamps, the EA found there would be no Rules violation regardless of whether the stamps were paid for by union member contribution or provided by the Leedham campaign.

The factual findings of the EA are to be given substantial deference. Accordingly, I affirm the decision of the EA in this matter.

_____/s/Kenneth Conboy
Kenneth Conboy
Election Appeals Master

Dated: March 15, 2001

¹ For a complete history of this rule, see Cipriani, P420 (March 1, 1996), aff'd 96, Elec. App. 123 (March 13, 1996).