

IN RE:  
WAYMON STROUD

01 - Elec. App. – 051(KC)

CORRECTED COPY

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 217, issued March 6, 2001. The hearing was requested by Waymon Stroud, Sr., the protestor and vice president of Teamsters Local Union 728 in Atlanta, GA.

A hearing was held before me on March 21, 2001<sup>1</sup>. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office and Mr. Stroud. No additional submissions were received by this office.

Mr. Stroud alleged that Willie Hardy, a candidate for southern regional Vice President, violated local union rules by campaigning inside the Local Union 728 hall. When Mr. Stroud heard Mr. Hardy asking for votes outside the men’s room at the union hall, Mr. Stroud asked him to stop, and Mr. Hardy agreed to cease campaigning. Based on the fact that Mr. Hardy stopped when told of the local union’s prohibition against campaigning, the EA found the protest to be resolved, citing Stephenson, 2001 EAD 139 (February 6, 2001). In Stephenson, which was also treated as resolved, a delegate candidate distributing tee shirts at the union hall agreed to stop campaigning when informed he was violating Local Union 728’s rule prohibiting campaigning in the building.

At the hearing, Mr. Stroud, argued that that Stephenson can be distinguished from the instant case in that, in Stephenson, where the delegate candidate gave campaign-related tee shirts to two individuals, the dispute was resolved between the two parties and the charged party

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<sup>1</sup> This matter was originally scheduled on March 12, 2001.

agreed not to hand out any more tee shirts. Here, Mr. Stroud argues, if he had not told Mr. Hardy to cease campaigning, Mr. Hardy would have continued his improper campaigning. Mr. Stroud claims that to let this violation go without some consequence would not set a good precedent for the local union members.

I am satisfied with the EA's analysis of the factual findings, and concur with his result that this matter should be treated as resolved without a remedy. Accordingly, I affirm the EA's decision in this matter.

s/Kenneth Conboy  
Kenneth Conboy  
Election Appeals Master

Dated: March 26, 2001