

IN RE:

JIMI RICHARDS

01 - Elec. App. – 063 (KC)

This matter is an appeal from the Election Administrator’s decision 2001 EAD 328, issued April 26, 2001. The appeal hearing was requested by James L. Hicks, Esq., on behalf of the Local 728 Unity Slate in Teamster Local Union 728 in Atlanta, Georgia.

A hearing was held before me on May 2, 2001. The following persons were heard by way of teleconference: Jeffery J. Ellison, Esq., for the Election Administrator’s Office; Mr. Hicks, on behalf of Local 728 Unity Slate; Betty Grdina, Esq. on behalf of the Tom Leedham Campaign; Bradley T. Raymond, Esq., on behalf of the International Brotherhood of Teamsters (“IBT”); J. Douglas Korney, Esq., on behalf of the Hoffa 2001 Campaign; Don Scott, a member of Local 728; Waymon Stroud, John Gabriel, Jimmy Walker, Jimmy Payne and Paul Parker, on behalf of the Local 728 Unity Slate; and Greg Charron, a member of Local Union 728. Pre-hearing submissions were received from Ms. Hicks, Ms. Grdina, Mr. Raymond and Jimi Richards, the protestor.

This case implicates extraordinarily serious questions under the Consent Decree, federal labor law and the Election Rules. It requires an extended analysis of the investigative record, case precedent and the democratic values, both explicit and implicit, in a decade of federal electoral oversight. Because of immediate time pressures that impact upon the rights of the parties, the following summary order resolving the appeal is being issued today. A detailed opinion will, in due course, be forthcoming.

A. The EA's finding of a violation of the Rules in connection with the misappropriation of blank campaign buttons owned by Local Union 728 is affirmed.

B. The EA's finding that there is a reasonable probability that the election outcome may have been affected by the violation is reversed.

C. The EA's order requiring a rerun election is accordingly vacated.

D. The EA's finding that Jimmy Payne is disqualified from standing for re-election in a rerun election is reversed in light of C, above.

E. Delegate-elect Jimmy Payne is disqualified from taking his seat as a Convention delegate based upon the EA's findings of electoral misconduct, which findings are affirmed.

F. The ranking alternate delegate, certified by the EA, shall take Mr. Payne's seat at the Convention.

G. Accordingly, Sections 1, 2, 3, 4 and 6 of the EA's formal remedy (See, Page 5-6, 2001 EAD 328 (April 26, 2001)) are vacated; Sections 5 and 7 are affirmed and will be complied with immediately.

\_\_\_\_s/Kenneth Conboy\_\_\_\_

Kenneth Conboy  
Election Appeals Master

Dated: May 3, 2001