

ELECTION APPEALS MASTER

IN RE:

LOCAL 20 BUSINESS AGENT FUND

01 Elec. App. 105 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 549 issued November 8, 2001. The appeal hearing was requested by John M. Roca, Esq. of Gallon & Takacs Co., L.P.A. and James L. Hicks, Jr., Esq.

A hearing was held before me on November 19, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; Barbara Harvey, Esq. on behalf of the Teamsters for a Democratic Union; James L. Hicks, Jr., Esq. on behalf of the Hoffa Campaign; Tom Jaffe of LSR&D, an accountant; John M. Roca, Esq. of Gallon & Takacs Co., L.P.A. on behalf of the Hoffa-Singer 2001 Campaign, Lester Singer, William Lichtenwald, Cheryl Johnson, Nancy Norman, Daniel Farbrother, Mark Sobczak, Terry Barror, Ron Weckerlin, Richard Collinson, Ernest Boose, Beth Lee, James Carpenter and Scott Klingler.

This protest involves fourteen individual \$1,000 campaign contributions that were voluntarily made to further the International Election campaign efforts of a Local 20 candidate. The monies were first distributed to the individual donors from an aggregate Business Agent Fund maintained in Local 20, and represented fully owned interests of each donor.

On the basis of the Rockstroh decision, P764 (July 11, 1996), the Election Administrator ("EA") ruled that these contributions violated Article XII, Section 1(b) of the

Rules and ordered them returned to the donors. The factual findings demonstrate that union resources were in fact implicated in the making of the contributions in issue. The fact that each donor had the right not to make the contribution is irrelevant, since they all chose to do so in accordance with a unanimous decision to make the contributions through the financial mechanisms of the local union.

Accordingly, the decision in all respects affirmed.

\_\_\_\_s/Kenneth Conboy\_\_\_\_\_  
Kenneth Conboy  
Election Appeals Master

Dated: November 28, 2001