

ELECTION APPEALS MASTER

IN RE:

JOE SEXAUER,

Protestor.

06 Elec. App. 052 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2006 ESD 303 issued June 19, 2006.

A hearing was held before me on June 22, 2006. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Steven Newmark on behalf of the Election Supervisor, Noah Warman, Esq. on behalf of Local 743, David Hoffa on behalf of the Hoffa 2006 Campaign, Barbara Harvey, Esq. on behalf of Joe Sexauer and Richard Berg.

The facts in this case are not in dispute. The executive board of Local 743 approved an increase in the convention per diem from \$75 to \$125 after the election had been concluded. The increase was well within the guidelines that had been promulgated in an Advisory by the Election Supervisor. The protestor claims that the raising of the per diem rate was "a political decision made by the incumbents" and then asks the rhetorical question "if it was not a politically biased decision, why didn't the executive board raise the per diem before the election?"

Political decisions by incumbents per se do not violate the Election Rules. Nor is the Election Supervisor empowered to commit costly investigative resources to answer rhetorical questions uttered by losing candidates with grudges against the winners.

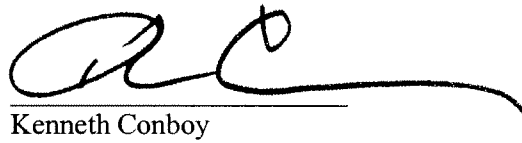
Regular counsel for insurgent opponents arrayed against the incumbent leadership of Local 743 has sent in a letter seeking to make a silk purse out of this sow's ear of a case. It is argued that this is a discrimination case analogous to those brought under federal Title Seven. The simple answer, putting aside the absence of any right accruing to the protestor under Article VII, §12(b) or any other

provision of the Rules, is that for purposes of this case the protester is not a member of any federally protected class.

It would be prudent for all concerned for the integrity of the electoral process of the International Brotherhood of Teamsters, to refrain from transparent attempts to hijack the Office of the Election Supervisor to wage purely partisan political warfare against one's union opponents.

The decision of the Election Supervisor is affirmed.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'KC', with a long horizontal flourish extending to the right.

Kenneth Conboy
Election Appeals Master

Dated: June 22, 2006