

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: REGINALD FORD,)	Protest Decision 2006 ESD 209
)	Issued: April 25, 2006
Protestor.)	OES Case No. P-06-257-040706-MW
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Reginald Ford, a member of Local Union 743 and delegate candidate on the 743 Unity for Change slate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election ("Rules"). The protest alleged on April 6, 2006, the day after ballots were mailed in the Local Union 743 delegate and alternate delegate election, the rival 743 New Leadership slate and an outside supporter attempted to collect ballots from members of the local union at Rush University Hospital.

Election Supervisor representative Joe Childers investigated this protest.

Findings of Fact

The protestor was not present at the Rush University Hospital on the evening of April 6 and did not observe any of the activity that he alleged violates the *Rules*. He said that Donnell Hogan, a candidate on his slate and an employee of Rush University Hospital, called him that night to report that Reggie Thomas, a candidate for delegate on the 743 New Leadership slate was at the hospital speaking with supporters of his slate, Beverly Sisson, Wanda Moore, and Donnie Von Moore. Ford told Hogan to follow them to see what they did.

Hogan told our investigator that, while he was on break at approximately 8:00 p.m. that night, he saw Donnie Von Moore, Debra Simmons, Beverly Sisson, Wanda Moore, and Reggie Thomas together. He first observed Von Moore, who is not an employee of the hospital, and Debra Simmons, who is an employee, sitting in the canteen area having lunch. Hogan believed they were discussing the campaign for delegates and alternate delegates. Seeing this, Hogan called Ford to report that supporters of the rival 743 New Leadership slate were at the hospital. Ford directed Hogan to alert security if Von Moore left the canteen area and went elsewhere in the hospital.

When Hogan saw Von Moore leave the canteen and move through the hospital, he notified security. Hogan then proceeded to the basement where employee lockers are located. On his way, Hogan saw Von Moore leave the hospital. In the basement, Hogan saw Thomas, Sisson, and Simmons together talking. He looked at them but said nothing. Significantly, Hogan did not see any ballots or hear any talk of ballot collection. When pressed by our investigator, Hogan said he just assumed that Thomas, Sisson and Simmons were present to collect ballots because they worked different shifts and should not have been at the hospital at the same time. Hogan said that Ford told him they were "probably" there to collect ballots. Ford told our investigator that he filed the protest because he and other members of his slate had been told that the candidates on the 743 New Leadership slate had collected ballots in a previous election.

The supporters of the 743 New Leadership slate deny collecting ballots. They further deny being present at Rush University Hospital at the time reported by Hogan. Reggie Thomas, delegate candidate, stated that she was at church at the time Hogan reported seeing her at the hospital. She reported feeling intimidated by the protest being filed alleging that she was involved in collecting

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ballots.

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Analysis

Article IV, Section 12 of the *Rules* states the following, in relevant part:

No person or entity shall limit or interfere with the right of any IBT member to vote, including, but not necessarily limited to, the right independently to determine how to cast his/her vote, the right to mark his/her vote in secret and the right to mail the ballot himself/herself. No person or entity may encourage or require an IBT member to mark his/her ballot in the presence of another person or to give his/her ballot to any person or entity for marking or mailing.

Any violation of this rule may result in disqualification of a candidate who benefits from the violation, referral of the matter to the Government for appropriate action under law (including the Consent Order), or such other remedy as the Election Supervisor deems appropriate.

The protest was filed based on no evidence whatsoever. The protestor did not witness the activity he alleged. The person on whom he relied neither observed nor reported prohibited activity to him. Instead, the two assumed that supporters of the rival slate were collecting ballots, an activity prohibited by the *Rules*, because they were seen associating at work during a break.

Accordingly, we DENY the protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, New York 10022
Fax:(212)751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Office of the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, Suite 1400, N.W., Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
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DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
braymond@teamster.org

Sarah Riger, Staff Attorney
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
sriger@teamster.org

David J. Hoffa, Esq.
Hoffa 2006
30300 Northwestern Highway, Suite 324
Farmington Hills, MI 48834
David@hoffapllc.com

Barbara Harvey
645 Griswold Street
Suite 3060
Detroit, MI 48226
blmharvey@sbcglobal.net

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210
ken@tdu.org

Daniel E. Clifton
Lewis, Clifton & Nikolaidis, P.C.
275 Seventh Avenue, Suite 2300
New York, NY 10001
dclifton@lcnlaw.com

Stephen Ostrach
1863 Pioneer Parkway East, #217
Springfield, OR 97477-3907
saostrach@gmail.com

Reginald Ford
20841 Corinth
Olympia Field, IL 60461

Richard Berg
1336 West Argyle
Chicago, IL 60640

Robert Watson, President
IBT Local Union 743
4620 South Tripp
Chicago, IL 60632

William Broberg
1108 Fincastle Road
Lexington, KY 40502
wcbroberg@aol.com

Joe F. Childers
201 West Short Street, Suite 310
Lexington, KY 40507
childerslaw@yahoo.com

Jeffrey Ellison
510 Highland Avenue, #325
Milford, MI 48381
EllisonEsq@aol.com