



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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October 23, 1991

VIA UPS OVERNIGHT

Dan S. Gage
11817 82nd Ave., So.
Seattle, WA 98178

J. Michael Cserepes
Secretary-Treasurer
IBT Local Union 313
220 S. 27th St.
Tacoma, WA 98402

Augie Rohr
Bill Lueke
c/o IBT Local Union 313
220 S. 27th St.
Tacoma, WA 98402

Re: Election Office Case No. P-964-LU313-PNW

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Dan Gage, a member of Local 313. Mr. Gage contends that he was improperly ejected from a regular Union meeting by business agents of the Local Union.

This protest was investigated by Regional Coordinator Christine Mrak. Mr. Gage attended the regular monthly membership meeting of Local 313 held on the evening of October 8, 1991. He entered the auditorium where the meeting was being held at approximately 8:15 p.m. and signed in. Hanging from his belt was a video and audio recording device with a microphone which was hooked to his shirt pocket. Mr. Gage states that he felt that it was necessary to electronically document the meeting due to alleged mistreatment and intimidation of him by business agents August Rohr and Bill Lueke. See Election Office Case No. P-797-LU741-PNW, compliance decision of October 18, 1991. Mr. Gage reports that after signing in, he moved into the hall to find a chair. He was then approached by Mr. Lueke, who advised him that he would have to leave his "stuff" outside. Mr. Rohr then came up to Mr. Lueke but did not speak. Mr. Gage then said to Mr. Lueke that he was sure he was wrong, at which time Mr. Lueke repeated himself. Mr. Gage left the meeting.

Ms. Mrak's investigation included interviews of Hugh Hafer, attorney for Local 313; Mike Cserepes, Secretary-Treasurer of Local 313; August Rohr, business agent for Local 313; and Dennis Moller, Vice President of Local 313. With the exception of Mr. Hafer, all of these members were present at the October Local Union meeting. Each of them stated that Mr. Gage came into the Union meeting with a camera and microphone. Business agents Lueke and Rohr advised him that he could not come into the meeting with the recording equipment. Mr. Gage then left the meeting. All witnesses agreed that no one touched Mr. Gage and that the conversation was brief and civil.

Local 313 has never permitted members attending Local Union meetings to record by audio or video meetings. One official audio record is made by the Local Union.¹ Occasionally photographs may be taken at the meeting for use in Union publications. The meetings have never been videotaped.

Neither the IBT Constitution nor the Local's by-laws address the issue of the right of Local Union members to record Local Union membership meetings either by video or voice tape or both. The Local states that its policy does not permit such recording; no evidence was uncovered during the investigation to suggest that the Local treated Mr. Gage in a disparate manner or differently than it has or would treat other members.² Mr. Gage contends that the Local Union by-laws prevent his being ejected from the meeting for any reason other than drunkenness. However, Mr. Gage was not ejected from the meeting; he was advised that he could not attend the meeting with his recording equipment. Mr. Gage then chose voluntarily not to attend the meeting.

Accordingly, the Election Officer does not find that the *Rules*, have been violated. The Election Officer would note that normally conduct at a Local Union meeting, to the extent that it does not concern or implicate the International Union officer election process, would not be within the jurisdiction of the Election Officer. Given the prior cease and desist order entered by the Election Officer with respect to Mr. Rohr and Mr. Gage's prior complaints that the order was violated during a Local Union meeting, see Election Office Case No. P-797-LU174-PNW, the Election Officer has considered this protest on its merits. For the reasons set forth above, the protest is DENIED.

¹ The Local Union has provided such tape to the Election Officer, upon request, for his use in connection with protest investigations.

²Mr. Gage contended that a Union meeting was videotaped previously when Arnie Weinmeister was present. The Local denies any knowledge of a videotape but agrees that photos were taken at that meeting for publication in the newsletter.

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If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland", with a long horizontal flourish extending to the right.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator
Christine M. Mrak, Regional Coordinator