

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: STEFAN OSTRACH, Protestor. <hr/>))))))	Protest Decision 2005 ESD 29 Issued: December 5, 2005 OES Case No. P-05-039-113005-HQ
--	----------------------------	---

Stefan Ostrach, member of Local Union 206 and treasurer of Tom Leedham Strong Contracts, Good Pensions 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*”). He alleged that Albert J. Huntoon, treasurer of the Hoffa-Keegel Slate, is not a member of the IBT.

Election Supervisor representative Steven R. Newmark investigated this protest.

Findings of Fact

The protest alleged that the Hoffa-Keegel slate violated the *Rules* by naming a non-IBT member as treasurer for the campaign. Albert J. Huntoon signed the slate declaration form as treasurer for the Hoffa-Keegel slate.

Neither the Hoffa-Keegel slate nor Huntoon disputes these facts.

Huntoon is an independent contractor of the accounting firm retained by the Hoffa-Keegel slate.

Hoffa-Keegel 2006, through its attorney David Hoffa, has agreed to file an amended slate declaration form with an IBT member as the treasurer.

Analysis

Article VIII, Section 1(c) of the *Rules* states:

In the case of delegate and alternate delegate nominations and elections, such slate declaration shall be filed at the earliest possible date but in no event later than three (3) days after the Local Union’s final delegate nominations meeting. In the case of International Officer nominations and elections, such slate declarations shall be filed at the earliest possible date but in no event later than August 31, 2006. In the case of International Officer candidates, the slate declaration shall include the designation of a treasurer for the slate. The slate treasurer *must be a member of the Union*, but need not be a candidate. (emphasis added)

We find that the Hoffa-Keegel Slate violated Article VIII, Section 1(c) of the *Rules* by naming Albert J. Huntoon, who is not a member of the IBT, as treasurer.

Accordingly, we GRANT the protest.

Ostrach
2005 ESD 29
December 5, 2005

Remedy

When the Election Supervisor determines that the *Rules* have been violated, he “may take whatever remedial action is deemed appropriate.” Article XIII, Section 4. In fashioning the appropriate remedy, the Election Supervisor views the nature and seriousness of the violation as well as its potential for interfering with the election process.

As remedy, the protestor requests that we 1) invalidate all accreditation petitions the Hoffa-Keegel slate has collected, 2) rescind the accreditation we previously issued to that slate, and 3) revoke the privileges (such as access to the IBT membership list and “battle pages” in *Teamster* magazine) that accreditation permits. The protestor urges that, because the Hoffa-Keegel slate named an ineligible person as its treasurer, the slate formation itself is void *ab initio* and cannot be rendered legitimate retroactively.

We decline to adopt the remedy the protestor requests. The principal policy underlying the requirement that slate treasurers be members of the IBT is to extend to all candidates, whether individuals or members of slates, the *Rules*’ requirements that Campaign Contribution and Expenditure Reports be filed and verified and that required records be maintained by a “Union member.” Article XI, Section 2(b). The violation we find here runs solely to the technical requirements of slate formation. On the present record, we find no prejudice to the Leedham slate or to any other candidate flowing from this violation.

Accordingly, we order the Hoffa-Keegel slate to file an amended slate declaration form naming a member as treasurer no later than five (5) working days after issuance of this decision. We further order the Hoffa-Keegel slate, within the same time limit, to file amended CCERs for all reporting periods to date, as verified by the member-treasurer.

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
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: (212) 751-4864

Ostrach
2005 ESD 29
December 5, 2005

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, 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
2005 ESD 29

Ostrach
2005 ESD 29
December 5, 2005

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Patrick J. Szymanski, Esq.
General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
Email: pszymanski@teamster.org

Bradley T. Raymond, Esq.
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334-1567
Email: braymond@fwslaw.com

Barbara Harvey, Esq.
Penobscot Building, Suite 3060
645 Griswold
Detroit, MI 48226
Email: barbaraharvey@comcast.net

David Hoffa
c/o Hoffa 2006
30300 Northwestern Highway, Suite 324
Farmington Hills, MI 48334
Email: david@hoffaplhc.com

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

Judith Brown Chomsky
P.O. Box 29726
Elkins Park, PA 19027
Email: jchomsky@igc.org

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

Albert J. Huntoon, Treasurer
Hoffa 2006
Suite 250
28580 Orchard Lake Road
Farmington Hills, MI 48334
Email: huntoon@kcktcpa.com

Steven R. Newmark
1725 K Street, NW Suite 1400
Washington, DC 20005
Ph: (202) 429-8683
Fax: (202) 429-0030
Email: snewmark@ibtvote.org

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