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include, but are not limited to, any political action organization that employs any staff; any nonprofit organization, such as a church or civic group that employs any staff; and any law firm or professional organization that employs any staff. These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer stationery, equipment, facilities and personnel.

Article XI, Section 1(b)(2).

The *Rules* define “campaign contribution” as “any direct or indirect contribution of money or other thing of value where the purpose, object or foreseeable effect of that contribution is to influence, positively or negatively, the election of a candidate for Convention delegate or alternate delegate or International Officer position.” Definition 5. The definition expressly includes “[a]n endorsement or counter-endorsement by an individual, group of individuals, or entity.” *Id.*, subparagraph (f). Further, the definition includes “the making available for use of space, equipment, supplies or advertisements.” *Id.*, subparagraph (h).

The *Rules* hold candidates “strictly liable to insure that each contribution received is permitted under these *Rules*. Prohibited contributions must be returned promptly. Within three days of the return of any contribution, the candidate or candidate’s campaign returning the contribution shall provide to the Election Supervisor an affidavit identifying the original source and the date of the contribution being returned, the amount of the returned contribution, the person to whom or entity to which the contribution was returned and the date on which the contribution was returned.” Article XI, Section 1(b)(13).

The strict liability the *Rules* place on candidates is emphasized by Article XI, Section 1(b)(14), *viz.*

Ignorance by a candidate, by a union and/or by an employer that union or employer funds or other resources were used to promote a candidacy shall not constitute a defense to an allegation of a violation of these *Rules*.

We hold that the display of a Hoffa 2006 bumper sticker in the front window of Mike’s Hockey Burger constituted a prohibited employer contribution to the Hoffa campaign because such display had the purpose, object or foreseeable effect of influencing the election for General President of the IBT. Patrons of the establishment and passersby may have reasonably concluded that the restaurant supported the Hoffa candidacy, even though the restaurant’s owner indicated that he allowed the posting merely to please a customer. Because the *Rules* prohibit even the non-monetary contributions by employers, in the form of endorsements and the use of employer facilities, the employer here violated the *Rules* by permitting the sticker to be affixed and to remain in the front window of the establishment.

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Moreover, the Hoffa 2006 campaign, the beneficiary of the display, violated the *Rules* by accepting the impermissible contribution. While the campaign may have been unaware that the sticker had been posted on the employer's premises prior to the date this protest was filed, the campaign was provided a copy of the protest and did not thereafter comply with the *Rules* by requesting that the employer remove the sticker and filing an affidavit attesting to the return of the improper contribution.

Because Mike's Hockey Burger, the employer, removed the campaign sticker from its premises, we deem the protest RESOLVED as to the employer. However, we GRANT the protest as it relates to Hoffa 2006 because the campaign did not fulfill its obligation to return this impermissible contribution.

### **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.

We order the Hoffa 2006 campaign, within three days of receipt of this decision, to return the impermissible employer contribution of Mike's Hockey Burger by advising that employer that the display of Hoffa 2006 campaign material in its establishment is a violation of the *Rules* and to cease and desist from displaying any other campaign material for the balance of the 2005-2006 campaign. We further order the Hoffa 2006 campaign to comply with Article XI, Section 1(b)(13), within the time permitted by that provision, by filing the required affidavit documenting this returned contribution.

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

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.,

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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  
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**DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):**

Patrick J. Szymanski  
General Counsel  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
[pszymanski@teamster.org](mailto:pszymanski@teamster.org)

Bradley T. Raymond  
Finkel, Whitefield, Selik, Raymond,  
Ferrara & Feldman  
32300 Northwestern Highway  
Suite 200  
Farmington Hills, MI 48334  
[braymond@fwslaw.com](mailto:braymond@fwslaw.com)

David J. Hoffa, Esq.  
Hoffa 2006  
30300 Northwestern Highway, Suite 324  
Farmington Hills, MI 48834  
[David@hoffapllc.com](mailto:David@hoffapllc.com)

Barbara Harvey  
645 Griswold Street  
Suite 3060  
Detroit, MI 48226  
[barbaraharvey@comcast.net](mailto:barbaraharvey@comcast.net)

Ken Paff  
Teamsters for a Democratic Union  
P.O. Box 10128  
Detroit, MI 48210  
[ken@tdu.org](mailto:ken@tdu.org)

Stephen Ostrach  
1863 Pioneer Parkway East, #217  
Springfield, OR 97477-3907  
[saostrach@gmail.com](mailto:saostrach@gmail.com)

Judith Brown Chomsky  
P.O. Box 29726  
Elkins Park, PA 19027  
[jchomsky@igc.org](mailto:jchomsky@igc.org)

Frank Halstead  
260 LaFollette Drive  
Los Angeles, CA 90042-3512  
[fwhalstead@hotmail.com](mailto:fwhalstead@hotmail.com)

Mike's Hockey Burger  
1717 S. Soto Street  
Los Angeles, CA 90023-2637

Rick Middleton, Secretary-Treasurer  
Local Union 572  
450 Carson Plaza Drive  
Carson, CA 90746

Michael Four  
Schwartz, Steinsapir, Dohrmann &  
Sommers, LLP  
6300 Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90048  
[mdf@ssdslaw.com](mailto:mdf@ssdslaw.com)

Jeffrey Ellison  
510 Highland Avenue, #325  
Milford, MI 48381  
[EllisonEsq@aol.com](mailto:EllisonEsq@aol.com)

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