

**OFFICE OF THE ELECTION SUPERVISOR**  
**for the**  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

<b>IN RE: JAMES G. LINDOPP,</b>	)	Protest Decision 2006 ESD 196
	)	Issued: April 20, 2006
<b>Protestor.</b>	)	OES Case No. P-06-135-021406-NE
_____	)	

James G. Lindopp, who claims to be a member of Local Union 251, 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 that Stuart B. Mundy, Secretary-Treasurer of Local 251 and candidate for delegate to the 2006 IBT Convention, interfered with Lindopp’s rights as a member of the IBT to participate in the election activities, specifically, the right to second the nomination of Glenn Teolis as a candidate for delegate to the 2006 IBT Convention, in violation of the *Rules*.

Election Supervisor representative David F. Reilly investigated this protest.

**Findings of Fact**

Lindopp claims to have been a member of Local Union 251 for three years, but his protest acknowledges that he was on withdrawal status until Friday, January 27, 2006. On that date, he traveled to the offices of the local union, deposited his withdrawal card and gave the union his check, drawn on the Citizens Bank, in the amount of \$72.00, to be credited to dues for the month of December 2005 and January 2006. The amount of his dues payment was calculated upon the rate charged to “casual” laborers, members not permanently employed by an employer with a collective bargaining agreement with the union.

Also on January 27, Lindopp instructed his daughter, Kimberly Teolis, to contact the IBT and our office to request verification of his eligibility to second the nomination of her husband, Glenn Teolis, at the nominations meeting scheduled for the following Sunday, 2 days hence. According to the protest, Teolis called the Washington, D.C. headquarters of the IBT and spoke with Gary Witlen of the IBT Legal Department. She claims that Mr. Whitlen advised her that surrender of the withdrawal card and payment of two months’ dues would restore her father to membership in good standing.

Teolis also spoke with David Reilly, our Regional Director for geographic region that includes Local Union 251. Because the nomination meeting was scheduled for two days from the date of the call, Reilly was unable to initiate the formal eligibility verification with our office. However, Teolis claims that Reilly advised her that payment of two months’ dues and surrender of his withdrawal card would return Lindopp to membership in good standing in Local Union 251. Reilly states that he advised Teolis that, in addition to the payment of outstanding dues, her father would have had to “otherwise be a member in good standing,” including being employed at the craft under the jurisdiction of the local union, to nominate or second a candidate. From the information provided in his protest, Lindopp does not appear to have been employed as of January 27, 2006, as the letter, dated January 31, 2006, includes the statement “I am unable to comprehend how I am expected to procure a union job without being a member of the local union.”

On January 29, Lindoff attempted to enter the nominations meeting. However, Joseph J. Bairos, president of the local union, approached him and handed him an envelope containing a letter from Mundy, secretary-treasurer of local union, advising Lindoff that he was not a member in good standing because he was not employed in the jurisdiction of the local union; the envelope also included a refund of his \$72.00 dues payment. At the time of the exchange, Bairos stated, "Stu has deemed you ineligible to nominate Glenn today."

At the nominations meeting which Lindopp did not attend, Glenn Teolis was nominated and seconded by members of Local Union 251, and he ran as an independent candidate for delegate.

### **Analysis**

Lindopp provided no additional evidence in support of his protest letter. Multiple attempts were made to reach him at his home telephone but he was neither home when called nor did he respond to the voice messages left by our investigator. However, an interview with the TITAN operator at Local Union 251 confirmed Lindopp's recitation of the events on January 27 and 29, but also provided information that was not included in Lindopp's letter.

The TITAN operator has been employed by Local Union 251 for approximately 10 years and stated that Lindopp had not been an active member of the local union for much of that time. The TITAN records of the local union contain no account of Lindopp prior to January 27, 2006, the day he deposited his withdrawal card and made his dues payment.

Article XVIII of the IBT Constitution gives local unions jurisdiction to grant and accept deposit of withdrawal cards. It states:

*When a member becomes unemployed in the jurisdiction of the Local Union, he shall be issued an honorable withdrawal card upon his request. If no request is made, an honorable withdrawal card **must be issued six (6) months after the month in which the member first becomes unemployed, if he is still unemployed at that time**"*

(Emphasis supplied).

The statement of the TITAN operator and the TITAN record itself substantiate that Lindopp had not been employed in the jurisdiction of Local Union 251 for years and was not working at the craft at the time he attempted to return to membership in good standing and second the nomination of his son-in-law. The actions of the secretary-treasurer of Local Union 251 were, therefore, appropriate under the IBT Constitution and were not an abridgement of a member's political rights under the *Rules* since Lindopp was not a member on January 29, 2006.

We note that Lindopp's ineligibility did not result in any prejudice to his son-in-law's candidacy, as Teolis was successfully nominated and seconded to run as a candidate for delegate IBT Convention by other members of Local Union 251.

**Lindopp**, 2006 ESD 196  
April 20, 2006

Accordingly we DENY this 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 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  
2006 ESD 196

*Lindopp*, 2006 ESD 196  
April 20, 2006

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