

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: JOE DARMENTO,) Protest Decision 2016 ESD 147
) Issued: March 15, 2016
Protestor.) OES Case Nos. P-211-030716-MW
_____)

Joe Darmento, candidate for International office on the Teamsters United slate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that candidates in Local Union 2727 delegates and alternate delegates used union resources, including impermissible union endorsements, to support their candidacies. By amendment to the protest filed March 15, 2016, Darmento alleged that the envelopes used to send ballot packages to members of Local Union 2727 indicated that the contents were from the SEIU, not the Teamsters.

We severed the protest amendment filed March 15 and decide it here. The balance of the protest will be decided in due course.

Election Supervisor representative Bill Broberg investigated this protest.

Findings of Fact and Analysis

Local Union 2727 contracted with Merriman River Group (MRG), a vendor of election services, to conduct its local union delegates and alternate delegates election. MRG in turn contracted with a printer to print the ballot packages, including ballots, ballot security envelopes, and ballot return envelopes, as well as the envelopes in which the ballot packages were to be mailed to local union members. Ballot packages were mailed March 10, 2016 and are to be counted April 5, 2016.

Through error, the printer used envelopes for mailing ballot packages that indicated they had been sent by SEIU, not the Teamsters. When the error was brought to our attention through the protest, we investigated and determined that the printer mailed ballot packages for all members of Local Union 2727 in envelopes printed with SEIU in the return address block; the contents of the ballot packages were in all respects the correct contents to be sent to members of this local union.

The printer agreed to do a full re-mailing of ballot packages at no additional cost to Local Union 2727, in envelopes that state “Teamsters Election – Ballot Enclosed.” No reference to SEIU appears on the envelope. In addition to the standard ballot package contents, we directed that the envelope also include the following notice:

Notice to Members of IBT Local Union 2727

Ballots for your election for delegate and alternate delegate to the 29th IBT International Convention were mailed to all members of Local Union 2727 on March 10, 2016. The ballot printer mistakenly printed “SEIU” in the outer envelope’s return address block instead of “Teamsters Election.” To remedy this mistake, all members will receive a second ballot package mailing with a correctly printed outer envelope.

Darmento, 2016 ESD 147

March 15, 2016

The original mailing contains the correct ballot, secrecy envelope, and ballot return envelope for the delegate and alternate delegate election. If you have voted and returned your ballot, that ballot will be included in the count and you need not vote again. If you have not voted, you can do so and return the ballot in the second ballot mailing. For any member who returns two ballots, the second ballot returned will be included in the count.

Return your voted ballot promptly. Voted ballots must be returned by mail in time for receipt no later than 9:00 a.m. on April 5, 2016.

The remailing of ballots was accomplished on March 15, 2016. Given this prompt remedy, we have ordered no adjustment to the date set in the local union election plan for tallying of ballots, which is set for April 5, 2016, 21 days from the date of the remailing.

On this basis, we deem this aspect of the protest RESOLVED.

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:

Kathleen A. Roberts
Election Appeals Master
JAMS
620 Eighth Avenue, 34th floor
New York, NY 10018
kroberts@jamsadr.com

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, 1050 17th Street, N.W., Suite 375, Washington, D.C. 20036, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kathleen A. Roberts
2016 ESD 147

Darmento, 2016 ESD 147

March 15, 2016

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

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

David J. Hoffa
1701 K Street NW, Ste 350
Washington DC 20036
hoffadav@hotmail.com

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210-0128
ken@tdu.org

Barbara Harvey
1394 E. Jefferson Avenue
Detroit, MI 48207
blmharvey@sbcglobal.net

Teamsters United
315 Flatbush Avenue, #501
Brooklyn, NY 11217
info@teamstersunited.org

Louie Nikolaidis
350 West 31st Street, Suite 40
New York, NY 10001
lnikolaidis@lcnlaw.com

Julian Gonzalez
350 West 31st Street, Suite 40
New York, NY 10001
jgonzalez@lcnlaw.com

David O'Brien Suetholz
515 Park Avenue
Louisville, KY 45202
dave@unionsidelawyers.com

Fred Zuckerman
P.O. Box 9493
Louisville, KY 40209
fredzuckerman@aol.com

Joe Darmento
41665 Corte Higuera
Temecula, CA 92592
jjoeysleeve@aol.com

Teamsters Local Union 2727
7711 Beulah Church Rd
Louisville, KY 40228
steve.stone@local2727.org
tim.boyle@local2727.org

Matt Fitch
Merriman River Group
matt@merrimanriver.com

Joe Childers
201 W. Short St, Ste 300
Lexington, KY 40507
Childerslaw81@gmail.com

Bill Broberg
1108 Fincastle Road
Lexington, KY 40502
wbroberg@ibtvote.org

Jeffrey Ellison
214 S. Main Street, Suite 212
Ann Arbor, MI 48104
EllisonEsq@aol.com