

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

IN RE: JOE DARMENTO,) Protest Decision 2016 ESD 271
) Issued: July 15, 2016
Protestor.) OES Case Nos. P-296-052516-MW
_____)

Joe Darmento, member of Local Union 2727 and candidate for International office, filed a pre-election protest pursuant to Article XIII, Section 2(a) of the Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Local Union 2727 lead officers Tim Boyle and Steve Stone violated the *Rules* by using their official titles when campaigning against Darmento and the Teamsters United slate of candidates for International office.

Election Supervisor representative Joe Childers investigated this protest.

Findings of Fact and Analysis

Darmento was an unsuccessful candidate for the sole delegate seat in Local Union 2727’s delegate and alternate delegate election. Local Union 2727 President and principal officer Boyle was elected to the delegate seat; the local union’s secretary-treasurer, Stone, won the alternate delegate seat. The delegate and alternate delegate election concluded April 5, 2016.

Darmento is also a candidate for International office on the Teamsters United slate. On May 25, 2016, Darmento protested that Boyle and Stone were campaigning against him using a website titled boylestone2016.com. The website content claimed that Darmento previously had different political alliances than he presents in the current election campaign. The website lists the local union offices that Boyle and Stone hold.

The use of these titles does not violate the *Rules* as an impermissible union endorsement of the website’s campaign content because it does not convey a prohibited endorsement *by the union*. Instead, such use is for identification purposes of Boyle and Stone only and thus is permissible under the *Rules*. *Jones*, 2001 EAD 222 (March 8, 2001); *Sandford*, 2006 ESD 142 (April 3, 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:

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

Darmento, 2016 ESD 271

July 15, 2016

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 271

Darmento, 2016 ESD 271

July 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 401
New York, NY 10001
lnikolaidis@lcnlaw.com

Julian Gonzalez
350 West 31st Street, Suite 401
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
jjoeysleeve@aol.com

Tim Boyle, President
Local Union 2727
Tim.boyle@local2727.org

Joe Childers
201 West Short Street, Suite 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