

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8782

August 1, 1991

**VIA UPS OVERNIGHT**

Gordon Teller  
22332 17th Place, West  
Bothell, WA 98021

Lawrence N. Weldon  
Secretary-Treasurer  
IBT Local 741  
552 Denny Way  
Seattle, WA 98109

Augie Rohr  
c/o IBT Local Union 313  
220 S. 27th St.  
Tacoma, WA 98402

J. Michael Cserepes  
Secretary-Treasurer  
IBT Local Union 313  
220 S. 27th St.  
Tacoma, WA 98402

Re: Election Office Case No. P-797-LU741-PNW

Gentlemen:

A protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Gordon Teller, a member of Local Union 741. Mr. Teller contends that on June 6, 1991 while at work he was threatened by Augie Rohr, a member of Local 174 employed by Yellow Freight.

The investigation of this protest was conducted by Christine Mrak, Regional Coordinator. Mr. Teller stated that on June 6, 1991 he was working at the container freight station of Sea-Land's dock when he was approached by Augie Rohr, an employee of Yellow Freight and a member of IBT Local 174. Mr. Rohr questioned Mr. Teller about the reports made by Mr. Teller to Local Union officials of Local 174 and Local 313 regarding Mr. Rohr's alleged threats to other IBT members while such other members were engaged in campaign activities. According to Mr. Teller, Mr. Rohr then said, "I'd like to take you outside the gate here and talk with you one-on-one." Mr. Teller replied that they were talking one-on-one, whereupon Mr. Rohr responded, "You know what I mean." Mr. Teller then told Mr. Rohr not to threaten him and called over a co-worker. After the incident in question Mr. Teller reported Mr. Rohr's remarks to Local 741 stewards and Sea-Land management personnel.

Mr. Rohr advised the Regional Coordinator that on June 6, 1991 he was making a delivery to the military dock. Upon his arrival he took his bills to the window and on the way back to the dock he passed Gordy Teller who greeted him and asked how he

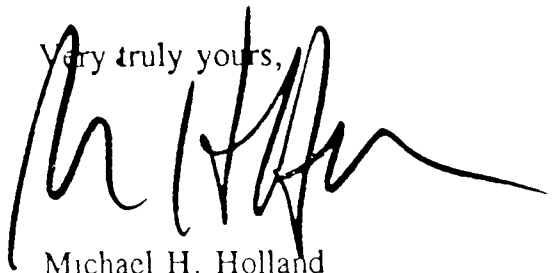
was doing. Mr. Rohr responded to the greeting by telling Mr. Teller that he had caused him, Mr. Rohr, some problems with Locals 313 and 174 and Mr. Teller should be aware what Mr. Rohr thought about that. Mr. Rohr further stated that Mr. Teller asked whether Mr. Rohr was threatening him and Mr. Rohr said no. No other person overheard their conversation.

A review of the physical layout of the Sea-Land dock tends to support Mr. Teller's statement that Mr. Rohr approached him rather than Mr. Rohr's statement that Mr. Teller hailed him as Mr. Rohr walked past Mr. Teller. Based on the location of the military dock and the office, there would be no reason for Mr. Rohr to pass by the area in which Mr. Teller was working. Thus, the Election Officer credits Mr. Teller's statement of the incident rather than Mr. Rohr's.

Article VIII, § 1 of the *Rules* prohibits any Union member or official from threatening another Union member or official due to his or her campaign activities or support of any candidate. A corollary to that prohibition is that members may not be threatened or intimidated because they bring allegations of such improper threatening conduct to the attention of Union officials. Accordingly, the protest is GRANTED. Mr. Rohr, who is now a Business Agent for IBT Local 313, is ordered to cease and desist from any behavior or remarks which have the effect of intimidating or threatening members in the exercise of their rights under the *Rules* or the March 14, 1989 Consent Order.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator  
Christine M. Mrak, Regional Coordinator

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

Michael H. Holland  
Election Officer

Chicago Office  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

October 18, 1991

**VIA UPS OVERNIGHT**

Dan S. Gage  
11817 - 82nd Avenue, South  
Seattle, WA 98178

Lawrence N. Weldon  
Secretary-Treasurer  
IBT Local 741  
552 Denny Way  
Seattle, WA 98109

Augie Rohr  
c/o IBT Local Union 313  
220 S. 27th St.  
Tacoma, WA 98402

J. Michael Cserepes  
Secretary-Treasurer  
IBT Local Union 313  
220 S. 27th St.  
Tacoma, WA 98402

Gordon Teller  
22332 17th Place, West  
Bothell, WA 98021

**Re: Election Office Case No. P-797-LU741-PNW  
(Compliance)**

Gentlemen:

A complaint was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") contending that there has not been compliance with the Election Officer's decision dated August 1, 1991 sustaining a protest by Gordon Teller, a member of Local 741, that while at work, he was threatened by Augie Rohr, previously a member of Local 174 and now a business agent for Local 313. That decision ordered Mr. Rohr to "cease and desist from any behavior or remarks which have the effect of intimidating or threatening members in the exercise of their rights under the *Rules* or the March 14, 1989 Consent Order."

This investigation was activated by a complaint filed by another IBT member, Dan S. Gage. Mr. Gage contends that at a Local 313 general membership meeting held on September 10, 1991, he was threatened by actions and statements of Mr. Rohr that violate the Election Officer's August 1, 1991 cease and desist order. Mr. Gage's original complaint was filed in the form of a handwritten letter which generally alleged

"threats, intimidation, harassment and coercion in front of assembled members" of the Local Union. Mr. Gage followed up his general allegation with a more detailed specification of the conduct which he believes to be violative of the cease and desist order. Mr. Gage specifies essentially three separate incidents as the basis for his claim. In his words, these are as follows:

1. "When Augie comes from the back of the room, pulls up a chair near me, and stares into my left ear while I have the floor and am addressing my fellow members, I charge intimidation."

2. "When Augie returns to his chair because I ignored him and continued my address, and he yells from the back of the hall at the top of his lungs, 'Shut up!,' I charge improper threatening conduct."

3. "When Mr. Cserepes tells the assembly . . . 'Why don't you and Augie go out front of the union hall and settle this in the street?,' I replied, 'Sir, are you suggesting or advocating physical violence?'" -- Long silence.-- Then Mr. Cserepes replies, "No aren't you?." I respond, "No, sir, I have always advocated persuasion, enlightenment, and education." Of the above, I charge harassment and coercion."

The investigation of Mr. Gage's complaint was conducted by Regional Coordinator Christine Mrak with the assistance of Adjunct Coordinator Patty Warren.<sup>1</sup> An extensive investigation was conducted. Numerous members present at the September 10, 1991 Union meeting were interviewed, including all members and witnesses suggested by Mr. Gage. Additionally, a tape recording of the September 10 meeting was reviewed and transcribed. Finally, an allegation by Mr. Gage that the tape recording had been altered was also investigated by comparing the original tape with the copy supplied. The investigation revealed the following.

The September, 1991 Local Union meeting was chaired by Local 313 Secretary-Treasurer Mike Cserepes. A dispute developed between Dan Gage and Mike Cserepes concerning objections Mr. Gage had to Mr. Cserepes' selection of Mr. Rohr to serve as the Local Union's business agent. This dispute continued as Mr. Gage pressed his objections and Mr. Cserepes defended his decision. The investigation established that during the course of this argument between Gage and Mr. Cserepes, Mr. Rohr, who had been previously sitting in the back of the room, moved and took a seat across the aisle from where Gage was sitting, separated from Gage by a distance of six or seven feet. However, none of the witnesses, including those offered by Mr. Gage supported his view that this action was overtly intimidating. There is no evidence that Mr. Rohr made any physical gestures or made any statements that could be construed as threatening.

---

<sup>1</sup> Ms. Mrak also conducted the investigation of the original protest.

Accordingly, this action cited by Mr. Gage is found not to be in violation of the cease and desist order.

The evidence also established that Mr. Rohr made the statement, "Shut up and wait your turn!." The statement was made in the context of the ongoing argument between Mr. Gage and Mr. Cserepes and at a time when other members present at the meeting objected to Mr. Gage's effort to continue the argument. The statement was not made until two other members present at the meeting and Mr. Cserepes had told Mr. Gage that he was "out of order." This statement alone, particularly when taken in the context in which it was made, is insufficient to constitute "improper threatening conduct" in violation of the cease and desist order.

Neither the witnesses nor the tape-recorded record of the meeting supports Mr. Gage's characterization of Mr. Cserepes' comments about settling a dispute "in the street" outside the union hall. The transcribed tape recording of the meeting reflects that the following conversation between Mr. Cserepes and Mr. Gage following Mr. Gage's statement that Mr. Rohr was unfit to be selected to be business agent because of his previous citation for misconduct by the Election Officer:

Cserepes: "Well, those charges have been answered by his attorney. That's his business. It has nothing to do with this Local Union."

Gage: "I am one of those people that . . ."

Cserepes: "Better take it up outside this office. That has nothing to do with this Local Union."

Gage: "Are you advocating physical violence, coercion, intimidation?"

Cserepes: "Are you?"  
[emphasis added].

This exchange does not support Mr. Gage's characterization that he was threatened.<sup>2</sup> Accordingly, there is no evidence to support Mr. Gage's claim that Mr. Cserepes' statement constitutes a violation of the cease and desist and order.

Finally, Mr. Gage contends that statements supporting his claim were deleted from the tape. This charge was thoroughly investigated and could not be sustained.

---

<sup>2</sup> Mr. Gage's remarks could, in fact, be construed as an effort by Mr. Gage to "bait" Mr. Cserepes into making a threatening statement.

Dan S. Gage  
Page 4

All parties are cautioned that this ruling does not in any way modify the previously issued cease and desist order. That cease and desist order is still binding and in effect. The Election Officer will receive and investigate any future allegations of conduct that allegedly transgresses its terms. Mr. Gage's contentions are not proven and accordingly, no basis for initiating a compliance action or providing further relief is found.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland", with a long horizontal flourish extending to the right.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Christine M. Mrak, Regional Coordinator

IN RE:	:	91 - Elec. App. - 217 (SA)
DAN S. GAGE	:	
and	:	
AUGIE ROHR	:	DECISION OF THE
and	:	INDEPENDENT ADMINISTRATOR
IBT LOCAL UNION NO. 313	:	

This matter arises as an appeal from a decision of the Election Officer in Case No. P-797-LU741-PNW (Compliance). A hearing was held before me by way of teleconference at which the following persons were heard: Dan Gage, the Complainant; Augie Rohr, a Business Agent with IBT Local Union 313 and a former member of IBT Local Union 741; J. Michael Cserepes, the Secretary-Treasurer of IBT Local Union 313; Hugh Haeffer, Esq., on behalf of IBT Local Union 313; John J. Sullivan, on behalf of the Election Officer; Christine Mrak, a Regional Coordinator; and Patty Warren, an Adjunct Regional Coordinator. The Election Officer also submitted his written Summary in accordance with Article XI, Section 1.a.(7) of the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules").

As stated in the Election Officer's Summary at paragraph 2:

Dan S. Gage, a member of IBT Local Union No. 313, contends that Augie Rohr, the Local's Business Agent who is the subject of an August 1, 1991, cease and desist order, violated the Election Officer's Order at a Local 313 membership meeting held on September 10, 1991, by attempting, with the complicity of the Local's Secretary-Treasurer chairing the meeting, to intimidate and threaten Mr. Gage at the meeting.

The Election Officer investigated all of Mr. Gage's allegations arising out of the September 10, 1991, meeting, interviewing all of the individuals that Mr. Gage suggested should be interviewed. As explained in great detail in the Election Officer's Summary, the Election Officer was unable to find merit to any of Mr. Gage's allegations.

For example, Mr. Gage initially protested that:

When Augie [Rohr] comes from the back of the room, pulls up a chair near me, and stares into my left ear while I have the floor and am addressing my fellow members, I charge intimidation.

As for this incident, the Election Officer found that while Mr. Rohr did move from the back of the room to take a seat in the aisle across from Mr. Gage, a distance of some six or seven feet away, he did not pull his chair "near" Mr. Gage or "stare[] into [his] left ear . . . ." Moreover, none of the witnesses interviewed, including those offered by Mr. Gage, supported Mr. Gage's claim that Mr. Rohr's actions in this respect were in any way intimidating.

Similarly, Mr. Gage also alleged that:

When Augie [Rohr] returns to his chair because I ignored him and continued my address, and he yells from the back of the hall at the top of his lungs, "SHUT UP," I charge improper threatening conduct.



As to this incident, the Election Officer determined that Mr. Rohr actually made the statement, "shut up and wait your turn" during the course of an exchange between Mr. Gage and Mr. Cserepes. The Election Officer's investigation, however, put this comment in context. Other members at the meeting had already objected to Mr. Gage's continued efforts to argue with Mr. Cserepes about Mr. Rohr's appointment as a Business Agent by telling Mr. Gage that he was "out of order." Mr. Rohr appears to have added his comment to others of a like nature. In the context that it was made, the Election Officer did not find that Mr. Rohr's statement constituted "improper threatening conduct." Given the circumstances, I agree with the Election Officer's conclusion.

Mr. Gage also alleges that Mr. Cserepes, from the podium, suggested that Mr. Gage and Mr. Rohr should go out into the "street" to settle their differences. Mr. Gage interpreted this as Mr. Cserepes "advocating physical violence."

A review of the tape recording made of the meeting revealed that what was actually said was as follows:

Cserepes: Well, those charges have been answered by [Mr. Rohr's] attorney. That's his business. It has nothing to do with this Local Union.

Gage: I am one of those people that . . .

Cserepes: Better take it up outside this office. That has nothing to do with this Local Union. [Emphasis added].

Gage: Are you advocating physical violence, coercion, intimidation?

Cserepes: Are you?

Although Mr. Gage claims that the tape recording of the meeting had been tampered with, the Election Officer's investigation found no proof of such tampering. In fact, in an effort to insure that the tape had not been tampered with, the Election Officer secured the original tape recording. Moreover, other witnesses who were privy to the transcription of the exchange between Mr. Cserepes and Mr. Gage as taken from the original tape recording confirmed the accuracy of the tape recording. Again, these witnesses included those individuals whose identity Mr. Gage volunteered.

Accordingly, I affirm the Election Officer's disposition of this protest. I also reaffirm the Election Officer's caution that his determination that his August 1, 1991, Order was not violated here does not in any way modify that Order. As the Election Officer noted, it is his intention to continue to receive and investigate any allegations of non-compliance with his Order.

Accordingly, the Election Officer's disposition of this protest is affirmed.

---

Frederick B. Lacey  
Independent Administrator  
By: Stuart Alderoty, Designee

Dated: November 5, 1991