



June 19, 2012

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed on March 12, 2012, with the U.S. Department of Labor alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers conducted by the International Brotherhood of Teamsters, Local 445 on December 6, 2011.

The Department of Labor conducted an investigation of your allegations. As a result of our investigation, the Department has concluded, with respect to your allegation, that there was no violation of the LMRDA.

You alleged that the [REDACTED] Slate used union resources when a union camera was used in the union hall to take a photograph of their slate which was then used in campaign literature mailed to the entire membership. Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election subject to the provisions of Title IV. Pursuant to section 401(g), union officers and employees may not campaign on time that is paid for by the union, nor use union funds, facilities, equipment, stationery, etc. to assist them in such campaigning. 29 U.S.C. § 452.76.

The investigation revealed that the slate photograph was taken on October 24, 2011, the night of the nominations meeting, by a union member in the union hall. An analysis of the digital picture revealed that it was taken with an Olympus Camera Model C5500Z. The investigation did not reveal any evidence that the camera used to take this photograph was owned by the union. To the contrary, the evidence revealed that the camera is owned by [REDACTED], the union's recording secretary. The mere taking of a photograph in the union hall does not constitute the use of union facilities for purposes of the LMRDA. There was no violation.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA and I have closed the file regarding this allegation.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

cc: James P. Hoffa, General President  
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