



January 17, 2018

Ms. Rebecca Fada, Secretary Treasurer  
SMART TD Local 792  
1348 East Avenue  
Elyria, OH 44035

Case Number: 350-6012095 [REDACTED]  
LM Number: 046528

Dear Ms. Fada:

This office has recently completed an audit of SMART TD Local 792 under the Compliance Audit Program (CAP) to determine your organization's compliance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). As discussed during the exit interview with [REDACTED], Field Audit & Support Coordinator on January 10, 2018, the following problems were disclosed during the CAP. The matters listed below are not an exhaustive list of all possible problem areas since the audit conducted was limited in scope.

#### Reporting Violation

The audit disclosed a violation of LMRDA Section 201(b), which requires labor organizations to file annual financial reports accurately disclosing their financial condition and operations. The Labor Organization Annual Report (Form LM-3) filed by Local 792 for the fiscal year ended December 31, 2016, was deficient in that:

#### Disbursements to Officers (LM-3)

Local 792 did not include some reimbursements to officers totaling at least \$101.00 in the amounts reported Item 24 (All Officers and Disbursements to Officers). It appears the union erroneously reported these payments in Item 54 (Other Disbursements).

The union must report most direct disbursements to Local 792 officers and some indirect disbursements made on behalf of its officers in Item 24. A "direct disbursement" to an officer is a payment made to an officer in the form of cash, property, goods, services, or other things of value. See the instructions for Item 24 for a discussion of certain direct disbursements to officers that do not have to be reported in Item 24. An "indirect disbursement" to an officer is a payment to another party (including a credit card company) for cash, property, goods, services, or other things of value received by or on behalf of an officer. However, indirect disbursements for temporary lodging (such as a union check issued to a hotel) or for transportation by a public carrier (such as an airline) for an officer traveling on union business should be reported in Item 48 (Office and Administrative Expense).

I am not requiring that Local 792 file an amended LM report for 2016 to correct the deficient items, but Local 979 has agreed to properly report the deficient items on all future reports it files with OLMS.

I want to extend my personal appreciation to SMART TD Local 792 for the cooperation and courtesy extended during this compliance audit. I strongly recommend that you make sure this letter and the compliance assistance materials provided to you are passed on to future officers. If we can provide any additional assistance, please do not hesitate to call.

Sincerely,

A black rectangular redaction box covering the signature of the sender.

Senior Investigator

cc: Mr. Jonathon Gerus, President