



April 14, 2021

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint filed on February 26, 2020, with the Department of Labor (Department) alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481-483, occurred in connection with the election of officers conducted by the Teamsters International Brotherhood, (IBT) Local 24, on December 6, 2019.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to your allegation, that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that Local 24 President Travis Bornstein and Secretary-Treasurer David Richards used their access to union files to “manipulate the outcome” of the Local 24 officer election. You alleged that to support their campaign for reelection they texted personal and confidential information to union members about Trustee candidate [REDACTED]

Section 401(g) prohibits the use of union and employer funds or resources to promote the candidacy of any candidate in an election. 29 U.S.C. § 481(g). The Department’s investigation revealed that Bornstein texted a picture of an April 2006 letter in support of his campaign. The letter was addressed to [REDACTED] from Roadway Express, discharging him for “proven dishonesty.” Bornstein texted [REDACTED] discharge letter during the campaign period to defend himself from [REDACTED] charges that he did not properly represent [REDACTED] during discharge proceedings in 2006.

There was conflicting evidence regarding whether the letter was a confidential union document or was instead readily accessible to members. The letter is stamped “Received” by Local 24. Bornstein had his own copy of the discharge letter in a binder of information he accumulated while in office. Bornstein used the letter as a “teachable moment” with union members as part of his job “to help coach” the membership. Both candidates had access to the letter because it was addressed to [REDACTED] and texted by Bornstein.

The Department's investigation revealed that Bornstein's text was distributed to no more than five union members. The Department reviewed telephone records for the period November 13-27, 2019, and found no evidence of further distribution of the letter by text message.

To the extent that it was a 401(g) violation with respect to the use of a confidential union document to campaign, the distribution to no more than five union members could not have affected the outcome of either Bornstein's or [REDACTED] elections, which were both decided by more than 150 votes.

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

Sincerely,

A large black rectangular redaction box covering the signature of Tracy L. Shanker.

Tracy L. Shanker
Chief, Division of Enforcement

cc: James P. Hoffa, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001

Travis Bornstein, President
Teamsters Local 24
3070 West Market Street, Suite 201
Akron, OH 44333

Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management