



November 9, 2012

[REDACTED]

Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging a violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) with regard to the continuation of the trusteeship imposed by UNITE HERE over its Local 9 in Portland, Oregon.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. Following review of the investigative findings by this office and the Office of the Solicitor, Division for Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for action by the Department.

A statement of reasons setting forth the basis for this decision is enclosed.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor for
Civil Rights and Labor-Management

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



November 9, 2012

██████████ President
UNITE HERE
275 7th Avenue
New York, New York 10001-6708

Dear ██████████

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Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher B. Wilkinson, Associate Solicitor
Civil Rights and Labor-Management

Statement of Reasons
Dismissing a Complaint
Concerning the Imposition of a Trusteeship
Over Local 9 of the UNITE HERE, AFL-CIO,
In Portland, Oregon

A member in good standing of the UNITE HERE Local 9 (“Local 9”) filed a complaint with the United States Department of Labor on July 11, 2012, alleging that UNITE HERE violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 401, et seq., by unjustifiably maintaining a trusteeship upon Local 9. For the following reasons, the complaint is dismissed.

The Department’s investigation revealed that UNITE HERE placed Local 9 in trusteeship in December 2006 due to the Local’s alleged failure to maintain fiscal and operational practices in conformity with the UNITE HERE Constitution. The investigation further revealed that Local 9 merged with UNITE HERE Local 8 on August 21, 2012, with the merger being approved by a vote of the memberships of both locals. As a result of the merger, Local 9 ceased to exist.

Thus, even if the UNITE HERE’s actions regarding the imposition and continuation of trusteeship were improper, the complainant’s claim is moot. *See, Walker v. Grand Lodge, Am. Ry. Supervisors Ass’n*, 93 Lab. Cas. ¶13,395 (1981), citing, *Vars v. Int’l Bhd. of Boilermakers*, 320 F.2d 576, 577 (2d Cir. 1963) (A claim alleging improper imposition of a trusteeship becomes moot when the trusteeship has been lifted). As it does not appear that there currently exists a trusteeship covered by Title III of the LMRDA, we are closing our file on this matter.