

Statement of Reasons
For Dismissing the Complaint
Concerning the Trusteeship Imposed on
Local 544, International Union, Security, Police, and Fire Professionals of America
in Lowell, Massachusetts

This Statement of Reasons is in response to an April 2, 2014 complaint filed with the United States Department of Labor (Department). The complaint alleges that the trusteeship imposed by the International Union, Security, Police, and Fire Professionals of America (SPFPA), upon SPFPA Local 544 (Local 544) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. §§ 461-466 and 29 C.F.R. § 458.26.

The Department conducted an investigation. After carefully reviewing the investigative findings, we have determined that legal action is not warranted in this case. For the following reasons, the complaint is dismissed.

Trusteeships shall be established and maintained for the purpose of: (a) correcting corruption or financial malpractice; (b) assuring the performance of negotiated agreements or other duties of a representative of employees; (c) restoring democratic procedures; or (d) otherwise carrying out the legitimate objects of the union. 29 U.S.C. § 462. To the extent that a trusteeship conforms with the procedural requirements of the constitution and bylaws and is authorized or ratified after a fair hearing, the trusteeship is presumed valid for a period of 18 months from the date of its establishment and shall not be subject to attack except upon clear and convincing proof that it was not established or maintained in good faith for purposes allowable under 29 U.S.C. § 464 (c).

By letter dated July 22, 2014, the Department determined that the administrative maintenance of Local 544, effective on March 13, 2014, was a *de facto* trusteeship which was not imposed for an allowable purpose under Section 302 of the LMRDA. The Department's investigation revealed that SPFPA's International Union controlled Local 544's funds and removed two officers based on charges that they were attempting to disaffiliate. Additionally, no hearing was conducted regarding the imposition of the *de facto* trusteeship as required by Section 304(c) of the LMRDA and Art. XII, Sect. 2 of the SPFPA Constitution.

In January 2015, SPFPA administrators of the trusteeship conducted an election and installed officers for Local 544, in accordance with the LMRDA. See 29 U.S.C. § 481. Furthermore, on July 20, 2015, the Department confirmed that Local 544 received control of its funds from SPFPA. With the installation of officers and control of its funds, SPFPA has lifted the trusteeship and restored autonomy to Local 544. Accordingly, allegations concerning the validity of the trusteeship are moot. A claim alleging improper imposition of a trusteeship becomes moot when the trusteeship is lifted. See *Thompson v. Office and Prof'l Employees Int'l Union*, 74 F.3d 1492, 1503 (6th Cir. 1996); *Air Line Stewards & Stewardesses Ass'n, Local 550 v. Trans. Workers Union*, 334 F.2d 805, 808 (7th Cir. 1964), cert. denied, 379 U.S. 972 (1965); *Vars v. Int'l Bhd. of Boilermakers*, 320 F.2d 576, 577 (2d Cir. 1963).

Therefore, this office has closed the file in this matter.

U.S. Department of Labor

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



September 14, 2015

Mr. David L. Hickey
International President, SPFPA
25510 Kelly Road
Roseville, Michigan 48066

Mr. Robert Fairbanks
President, SPFPA LU 544


Dear Messrs. Hickey and Fairbanks:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the trusteeship imposed by the International Union, Security, Police, and Fire Professionals of America (SPFPA) over Local 544 in Lowell, Massachusetts.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, 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. We are, therefore, closing our file as of this date.

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

Sincerely,

Stephen J. Willertz
Acting 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



September 14, 2015

[REDACTED]

Dear [REDACTED]:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the trusteeship imposed by the International Union, Security, Police, and Fire Professionals of America (SPFPA) over Local 544 in Lowell, Massachusetts.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, 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. We are, therefore, closing our file as of this date.

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

Sincerely,

Stephen J. Willertz
Acting Chief, Division of Enforcement

Enclosure

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