

**OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

**IN RE: NICHOLAS BONN and HERBERT) Eligibility Decision 2001 EAD 108
J. SANDFORD) Issued: January 29, 2001
) OEA Case No. E0109112AT
) and E0109117AT
Prospective Candidates.)**

On January 8, 2001, Local 11 held its nomination meeting for delegate and alternate delegate elections. On January 9, 2001, Peter McGourty, president of Local 11, filed a protest with the Election Administrator regarding the eligibility of Nicholas Bonn and Herbert J. Sandford to run as delegates to the IBT International Convention. Mr. McGourty claims that Bonn has not been a member in continuous good standing with dues paid for a period of 24 consecutive months and claims that Sandford has been barred from serving as a union official and therefore, ineligible to serve as a delegate.

Election Administrator representative Lisa Sonia Taylor investigated this protest.

In order to be eligible to run for delegate or alternate delegate to the IBT International Convention, a member must be in continuous good standing with her local union, with her dues paid to the local union for a period of 24 consecutive months prior to the month of the nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessment. *Rules, Article VI, Section 1(a)(1).*

1. Nicholas Bonn

Bonn's TITAN records show that he did not become a dues-paying member until March 1999. Although Bonn's employment began in January 1999, Section 3(a) of the collective bargaining agreement with his employer, Henry Heide, states that new employees must serve a probationary period of 60 days. Bonn has not been a member for a period of 24 consecutive months prior to the month of his nomination because he was on probation until March 1999.

Accordingly, the Election Administrator finds Mr. Bonn INELIGIBLE to run for delegate to the International Convention.

2. Herbert J. Sandford

On October 30, 1997, General President of the IBT, Ron Carey, issued a decision regarding charges against certain Local 999 officials. See *In the Matter of: Article XIX Charges filed by Local 999 Temporary Trustee Joseph Padellaro Against Former Local 999 officers Michael Lasalandra, Gary Lewis, James Mundy, Peter Weber, Herbert*

Sandford, Wayne Sokalski and Larry DeAngelis (October 30, 1997). In this decision Sandford, then a member of Local 999, was found to have condoned acts of embezzlement and failing to properly administer collective bargaining agreements. Sandford was barred from holding office or employment with Local 999 or any IBT affiliates for a period of five years.

Delegates and alternate delegates "hold office" within the meaning of Article VI, Section 1(a)(3) of the *Rules*. See also *Griffith*, E 35 (January 26, 1996). Sandford is therefore seeking to hold office in Local 11 by running for delegate. The terms of the IBT General President's decision bar him from holding such office for a period of five years. In order to be eligible to run for delegate or alternate delegate to the IBT International Convention, a member must be eligible to hold office if elected. *Rules*, Article VI, Section 1(a)(3). Sandford would not be eligible to hold office if elected.

Accordingly, the Election Administrator finds Mr. Sandford INELIGIBLE to run for delegate to the International Convention.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for that appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon the parties listed above, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street, N.W., 10th Floor, Washington, D.C. 20005, all within the time period prescribed above. A copy of the protest must accompany the request for hearing.



William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy, Election Appeals Master
J. Griffin Morgan, Atlantic Area Regional Director

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