

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

<b>IN RE: HOFFA-HALL 2011,</b>	)	Protest Decision 2011 ESD 220
	)	Issued: April 18, 2011
<b>Protestor.</b>	)	OES Case Nos. P-197-030811-NA
_____	)	

Hoffa-Hall 2011 filed a pre-election protest pursuant to Article XIII, Section 2 of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“Rules”). The protest alleged that the campaign contribution and expense report (“CCER”) filed by Sandy Pope, candidate for International office, failed properly to disclose a personal contribution of \$10,000 to her campaign and did not report expenditures or contributions from a website she allegedly maintains, [www.dumphoffa.org](http://www.dumphoffa.org).

Election Supervisor representative Deborah Schaaf investigated this protest.

**Findings of Fact**

Under Article XI of the *Rules*, each candidate for International office must file two financial reports for each reporting period in which he/she is a candidate. A candidate must file a Campaign Contribution and Expenditure Report (CCER) that documents all contributions received, all expenditures made, cash on hand, loans incurred, and related financial information. In addition, a candidate must file a Supplemental Report No. 1 that documents the contributions received and expenditures incurred for legal and accounting work on behalf of the candidate. These filings are required even if the candidate received no contributions and made no expenditures in the reporting period. Any candidate for International office has the right, upon request to OES, to inspect and obtain copies of the reports filed by any other candidate, in accordance with reasonable terms and conditions set by the Election Supervisor.

The third CCER reporting period commenced October 1, 2010 and concluded January 31, 2011. Reports for this period were due February 15, 2011. Candidate Pope timely filed the required reports for Period 3. The CCER report disclosed a personal contribution to her campaign in the amount of \$1,000.

The protest alleged that Pope failed to fully report her own contribution to her campaign by pointing to a discrepancy between her CCER for Period 3 and the following fund raising appeal on her campaign website, [www.sandypope2011.org](http://www.sandypope2011.org): “I know times are tough. I am personally donating \$10,000 – the maximum allowed under the rules.”

A representative of the Pope campaign stated that Pope made a \$1,000 contribution to her campaign during the third reporting period, which she accurately reported on her CCER. He acknowledged the statement on her website, which he characterized as an announcement of her intention to personally contribute \$10,000 over the course of her campaign.

April 18, 2011

The protest's second allegation is that the Pope campaign did not report expenses associated with [www.dumphoffa.org](http://www.dumphoffa.org), which the protest claimed is owned by the Pope campaign. As proof of ownership, the protestor alleged that when the website [www.dumphoffa.org](http://www.dumphoffa.org) is visited, the visitor is automatically directed to the Pope campaign website. Accordingly, protestor contends that all expenses incurred in connection with the website and all contributions received from the site must be reported on Pope's CCER. A review of the Pope CCER by the Election Supervisor's forensic accountants disclosed no expenditures or income attributable to the [www.dumphoffa.org](http://www.dumphoffa.org) website.

Investigation showed that typing [www.dumphoffa.org](http://www.dumphoffa.org) into a web browser brings the user directly to [www.sandypope2011.org](http://www.sandypope2011.org), Pope's campaign website. There is no display of web pages under a rubric of [www.dumphoffa.org](http://www.dumphoffa.org), and no solicitation of funds or support there. The [www.dumphoffa.org](http://www.dumphoffa.org) web address appears simply to point to the Pope site.

Investigation also showed that the [www.dumphoffa.org](http://www.dumphoffa.org) website was created and is owned by Teamsters for a Democratic Union, an independent committee. In the first and third CCER reporting periods, TDU reported into the CCERS system the web-hosting expense associated with [www.dumphoffa.org](http://www.dumphoffa.org), which consisted solely of an annual fee of \$50<sup>1</sup>. However, as that expense was less than \$100 in each period in which it was reported, it did not appear on TDU's CCER report as an itemized expenditure. Instead, the website expense for [www.dumphoffa.org](http://www.dumphoffa.org) is included in the "Not Itemized" line on the CCER Summary pages for the relevant periods.

The OES audit of Pope's reported contributions via her website revealed no irregularities, and the protestor has neither alleged nor produced any evidence to the contrary.

### **Analysis**

The *Rules* closely regulate campaign contributions and expenditures. Candidates for International office and any slates they form must file periodic reports of the contributions received and the expenditures made in support of their campaigns. Candidates and slates are expected to comply with the *Rules*' limitations on contribution sources and amounts. OES employs a firm of forensic accountants to review candidate CCER filings in order to enforce strict compliance with the *Rules*' campaign finance requirements.

We first look to the allegation that Pope underreported a personal campaign contribution on her Period 3 CCER. The only evidence provided by the protestor that an additional contribution was made was a statement contained on the Pope campaign website that she was giving the maximum sum to her campaign. That statement can be read either as a statement of prior fact, as the protestor suggests, or as one of the candidate's intent. Absent additional evidence in support of the protest and given that the OES investigation found no irregularities in the CCERs filed by Pope, this charge is unproven. Accordingly, we DENY this aspect of the protest.

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<sup>1</sup> CCERS showed that the 2009 payment was made September 23, 2009, during the first reporting period. The 2010 payment was made October 5, 2010, during the third reporting period.

*Hoffa-Hall 2011*, 2011 ESD 220

April 18, 2011

The second element of the protest is likewise unproven. The [www.dumphoffa.org](http://www.dumphoffa.org) web address that is alleged to have been created and maintained by Pope was, in fact, created by TDU more than a year before Pope announced her candidacy. TDU, an independent committee, has endorsed Pope's candidacy but is otherwise unaffiliated with her campaign. TDU has reported its expenses with respect to the website at issue, which it represents have been paid with permissible funds<sup>2</sup>. Accordingly, we DENY this aspect of the protest as well.

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 Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

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

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark  
Election Supervisor

cc: Kenneth Conboy  
2011 ESD 220

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<sup>2</sup> As with all candidates for International office, TDU as an independent committee is subject to audit of its campaign-related contributions and expenditures.

**Hoffa-Hall 2011**, 2011 ESD 220

April 18, 2011

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