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## **DECISION**

Protest SUS-02-15  
Contribution from a Vendor

By email dated September 24, 2015, John Samuelson, on behalf of the Stand United Slate, filed a protest alleging that the Transport Workers United Slate improperly accepted a contribution from an employer. In specific, SUS alleges that Jay Noble, as a salesman for Prime America, was handing out TWUS literature and carrying a TWUS Petition. According to the Protester, this is a violation of the Election Rules that prohibit employers from making contributions to any campaign, whether by writing a check or by providing services that would constitute an in-kind contribution.

The witness for the Protester states that on September 22, Jay Noble approached her around 11:00 AM and handed her a TWUS flyer. He had a clipboard in his hands. A week after the protest was filed, the Protester submitted a letter asserting that another salesman for Prime America, Hans Ramsey, had posted anti-Samuelson material on his Facebook page. The attachment showed a Facebook entry dated September 18, six days before the protest was filed and 12 days before the first allegation about Ramsey, that has a picture of Samuelson and an incomplete caption.

Mr. Noble stated that he is a retired member of Local 100. He sometimes does work for Prime America, on a commission basis, but does not work full-time. On September 22 he was not working for Prime America. He denies soliciting signatures on petitions.

Supplemental Rules, Paragraph 5(A)(1), of the Election Rules provides, “No candidate for election shall accept or use any contributions or other things of value received from any employer, representative of an employer...or similar entity.” While it would be a violation of the Election Rules if Noble, as a non-member, were to solicit signatures on a Petition, no evidence has been presented that Mr. Noble was soliciting signatures. While employees of any employer may not campaign on time paid for by the employer, it does not appear that Noble was on time paid for by an employer while he was campaigning.

As to Mr. Ramsey, the protest is untimely, coming as it did almost two weeks after he posted the picture of Mr. Samuelson.

The protest is denied.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be filed in accordance with the procedure set forth in Article IV(6)(I)(1) of the Election Rules and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

/s/ Barbara C. Deinhardt

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By email:  
Joseph Campbell  
Arthur Schwartz, Esq.  
Vincent O’Hara, Esq.  
Elections Committee