

## INDEPENDENT DISCIPLINARY OFFICERS

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Independent Review Officer  
Hon. Barbara S. Jones (Ret.)

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September 3, 2024

### Via Electronic Mail

David Suetholz  
General Counsel  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, DC  
20001

Re: Charges Against Stu Helfer

Dear Mr. Suetholz:

On February 23, 2024, I received the Report and Recommendation of the IBT Hearing Panel (“Panel Report”) appointed to hear the charges against Local 853 member Stu Helfer. Pursuant to Paragraph 33 of the Final Agreement and Order (“Final Order”), approved on February 17, 2015, in *United States v. International Brotherhood of Teamsters, et. al.*, 88 Civ. 4486 (LAP), I write to notify you of my determination that the Panel Report is “not inadequate.”

#### I. Background

The Charge Report against Stu Helfer was issued by the Independent Investigations Officer (“IIO”) on July 18, 2023, and adopted by General President O’Brien on August 16, 2023. On November 14, 2023, the Panel conducted a hearing on the charges with respect to Helfer and, on February 23, 2024, the Panel rendered its decision in a written opinion. On March 27, 2024, I received submissions from counsel for Helfer regarding the adequacy of the Panel’s findings. On April 10, 2024, I received the IIO’s position on the adequacy of the Panel’s findings along with prior disciplinary opinions to consider as precedent. On April 19, 2024, I received replies to the IIO’s position from counsel for Helfer. On April 24, 2024, I received the IBT’s submission on this matter.

In addition, I have reviewed the Charge Report and its exhibits, transcripts of sworn examinations, the post-hearing briefs submitted to the Panel, the Panel hearing transcript, and the exhibits submitted to the Panel during the hearing.

## II. The Charge Report

The Charge Report contains two charges against Helfer. First, it alleges that Helfer knowingly circumvented, frustrated, evaded, and disregarded an order of the Independent Review Officer (“IRO”) by participating in, and discussing, Teamster business with Rome Aloise, a suspended officer, in connection with the construction of a high-speed rail project, wage and pension issues, and other Teamster related business. *See* Charge Report at 1 and 22-25. These acts, if substantiated, would constitute a failure to abide by the independent disciplinary process of the Final Order and the IBT Constitution and, thereby, bring reproach upon the IBT and be a violation of Helfer’s oath as a member and officer. *See* IBT Const. Art. II, Section 2(a); Art. XIX, Sections 7(b)(2),(5) and 14(a).

Second, Helfer was charged with bringing reproach upon the IBT by permitting and making expenditures of union monies without proper authorization. *See* Charge Report at 2 and 39-43. Specifically, the Charge Report alleges that Helfer and others permitted expenditures of union funds without proper authorization and made expenditures without a legitimate union purpose. *See* IBT Const. Art. II, Section 2(a).

## III. The Independent Review Officer’s Findings

Stu Helfer became a member of the IBT in 1979 and retired as an officer of Local 853 in 2022. *See* November 14, 2023, Panel Hearing Transcript (“Hearing Tr.”) at 123:23-24 and 125:4. During his tenure, Helfer held several positions with the union including serving as a Business Agent and Recording Secretary for Local 853. *Id.* at 124:14-20.<sup>1</sup>

Helfer was appointed to those positions by Rome Aloise. *See* Exhibit 47, 9:1-5; 11:12-15. On December 22, 2017, the IRO suspended Aloise for two years from his positions as International Vice President, President of Joint Council 7, and Secretary-Treasurer and Principal Officer of Local 853. *See* Charge Report Exhibit 3. Accordingly, Aloise was prohibited from holding any position, elected or appointed, with the IBT, Joint Council 7, Local 853, or any other IBT affiliate during that two-year period. *Id.*

### A. Charge One

#### 1. The High-Speed Rail Project

Local 853 was a signatory to a labor agreement for the construction of a rail line in Southern California. *See* IIO Exhibit 48. The agreement was negotiated, in part, by the Teamsters, the State Building and Construction Trades Council of California (“Building Trades”) and other trade unions. *Id.* Helfer served as an IBT representative for the labor negotiations (*See* Hearing Tr. 140:6), at the same time Aloise worked as a consultant for the Building Trades during his two-year suspension from the Teamsters. *See* Helfer Exhibit 1.

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<sup>1</sup> Helfer also served as the Teamsters International Representative for Construction for the Western Division and Chairman for the Northern California Construction Committee. *See* Hearing Tr. 144:8-14. As such, Helfer represented Teamster members in the concrete and construction trades.

In November 2019, Helfer attended a meeting with Aloise at Teamsters Local 166, located in Southern California, to discuss the project. *See* Hearing Tr. 142:14-146:4. Helfer met Aloise at the airport, by coincidence according to Helfer, and they headed to the local for the rail-line meeting together. *See* Hearing Tr. 146:8-12. The meeting was also attended by the general contractor for the project, and other Teamster officers. *Id.* at 145:19-24. At the conclusion of the meeting, Helfer and Aloise also left for the airport together. *See* Charge Exhibit 49 at 24:14-18.

The purpose of the meeting was for the Teamsters to negotiate a labor agreement with the general contractor to ensure that only Teamsters would be used for certain work at the project site and that the contractor would make appropriate pension contributions. *See* Hearing Tr. 143:10-144:7; Hearing Tr. 250:17-251:7; *see also* Helfer Exhibit 1.

Aloise attended this meeting at the local in his capacity as a consultant for the Building Trades. However, there was no discussion of any labor issues impacting the Building Trades or any other trade unions other than the Teamsters. *Id.* 229:2-231:8. In fact, according to Helfer, Teamsters attended this meeting "...to look after the Teamsters interests there, because had we not been there, its quite possible that [the general contractor] would have then just taken the ball and run with it and assigned the Teamster jurisdictional work to somebody else [e.g. a different trade union]." *See* Hearing Tr. 230:9-13.<sup>2</sup>

The Panel found that Helfer's participation with Aloise at the meeting violated the suspension order. *See* Panel Report at 12-13. Helfer disputes this finding and claims that Aloise attended the meeting solely as a representative of the Building Trades – not the Teamsters – and that Aloise did not participate in the discussions with the general contractor nor did he direct or provide instruction to Helfer during the negotiations.

After reviewing the evidence, I find that Helfer's arguments are not persuasive. The only union officials that attended the meeting were Teamsters who were actively negotiating labor terms with an employer. Moreover, the entire point of the meeting was to make sure that other trade unions that were part of the labor agreement did not take work away from the Teamsters – the same unions Aloise was purportedly there to represent. Thus, the Panel appropriately determined that in the context of a small group meeting where only Teamster business was being conducted, Aloise's presence at the meeting had the intent or effect of exerting influence over the attendees.<sup>3</sup> Based on the facts and circumstances here, Aloise's consulting work with the Building Trades did not excuse Helfer from complying with the suspension order.

Accordingly, the Panel's findings with respect to the Teamsters high-speed rail meeting are "not inadequate."

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<sup>2</sup> Evidence also suggests that Aloise brought Helfer with him to the meeting because he was unfamiliar with construction matters. *See* Charge Report Exhibit 49 at 39:22-40:15.

<sup>3</sup> Helfer also contends that Aloise's participation in the rail meeting should be viewed no differently than his lawful attendance at a general membership meeting of Local 853. That argument is also unavailing. General membership meetings where Teamster business is discussed, and votes are cast is not the same as negotiating labor terms with an employer. While members – including suspended officers – have a right to attend membership meetings, suspended officers do not have a right to discuss, participate in, or to continue to exert influence over, Teamster affairs.

## 2. Correspondence with Aloise

The Panel also found that Helfer violated the suspension order by continuing to correspond and deal with Aloise regarding Teamster business after Aloise was suspended. *See* Panel Report at 13. Helfer argues that his emails with Aloise during the suspension were appropriate because, despite the content of the emails, he did not take direction from Aloise and did not follow through on Aloise's instructions. In addition, Helfer argued that he believed Aloise was acting in his capacity as a consultant for the Building Trades in the correspondence and, thus, was not engaging in Teamster affairs. After reviewing all the email correspondence submitted into the record, I find that Helfer's claims lack merit.

Helfer continued to keep Aloise informed of ongoing labor issues impacting Teamster interests. *See* Charge Report Exhibit 50. This includes requests from the California Department of Industrial Relations, clarifying jurisdictional assignments for Teamster members on specific projects, and plans to reassign work to Teamsters from different trade unions. *See* Charge Report Exhibits 51, 52, and 53. In addition, Helfer corresponded with Aloise regarding an employer's involvement in the Western Conference of Teamsters Pension Fund as well as meeting him in connection with Local 853's purchase of a property. *See* Charge Report Exhibits 54, 58 and 59 and Helfer Exhibit 7.

Other emails demonstrate that Aloise continued to provide instruction to Helfer regarding Teamster business that directly related to Helfer's areas of expertise in the concrete and construction trades. *See* Charge Report Exhibits 55, 56, and 57. Helfer claims that he ignored Aloise's instructions or, in some cases, did not realize Aloise was copied on certain emails. This misses the point. Based on the record, it is clear Helfer continued to involve Aloise in Teamster business and ignored Aloise's suspension.

Accordingly, the Panel's findings with respect to the email correspondence are "not inadequate."

### B. Charge Two

Helfer, as an Executive Board member for Local 853, was charged with reproach for permitting and making expenditures of union monies without obtaining proper membership authorization and for making expenditures that did not serve a union purpose. *See* Charge Report at 2 and 38-43. The IIO alleged that the Executive Board violated the Local's by-laws by approving several payments in excess of \$10,000 without obtaining proper membership approval.<sup>4</sup>

Originally, there were several expenditures cited in the Charge Report that were allegedly impermissible, including severance payments to union employees, payments for sweatshirts and duck jackets, and costs related to building improvements. *Id.* at 39-41. Based on prior disciplinary decisions involving similar conduct, however, the parties at the Panel Hearing stipulated that the

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<sup>4</sup> According to the by-laws, the Executive Board may make expenditures up to Ten Thousand Dollars (\$10,000) without membership approval and for amounts in excess of Ten Thousand Dollars (\$10,000) membership approval is required. *Id.* at 38.

only expenditure at issue was Local 853's February 2018 donation to the Alameda Labor Council in support of Aloise's nomination as "Unionist of the Year." See IBT Post-Hearing Brief, dated January 19, 2024, at 17; See also IBT Exhibit BH3 (*In Re: Dennis Hart*, IRO Adequacy Determination, dated September 14, 2023).<sup>5</sup>

The Panel, relying on previous disciplinary decisions, found that the donation to the Alameda Labor Council did not serve a legitimate union purpose. See Panel Report at 13. Helfer contends that the expenditure was legitimate because it was intended to support an organization that advanced labor issues that were important to Local 853. Helfer also argues that Aloise was being honored for his past achievements even though he was suspended when the expenditure was made.


The nomination for Aloise as "Unionist of the Year" was made at a time when he was suspended for serious Constitutional violations which included, among other things, receiving things of value from an employer. See, generally, Charge Report Exhibit 2. As I have previously determined in a separate matter, the nomination was intended to ensure that Aloise would retain a position of prominence and authority during his suspension. See IBT Exhibit BH3 at 4-5; see also Hearing Tr. 218:7-16. After reviewing the arguments and record, I reach the same conclusion here.

Accordingly, the Panel's findings with respect to the donation to the Alameda Labor Council are "not inadequate."

#### IV. Penalty

The Panel determined that Helfer should serve a 60-day suspension for approving the expense for the donation to the Alameda Labor Council and a 10-month suspension for violating the terms of the IRO's suspension order. Based on a review of prior precedent and sanctions in similar cases, the penalty determinations are "not inadequate."

Sincerely,

  
Hon. Barbara S. Jones (Ret.)  
Independent Review Officer

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<sup>5</sup> In a prior proceeding, it was determined that the expenditures approved by Local 853's Executive Board were subsequently approved by the membership, through the procedure of Executive Board meeting minutes being read and accepted at a subsequent regular membership meeting. See IBT Exhibit BH3 at 5. In that case, it was held that while officers must obtain membership approval and follow Executive Board procedures as stated in a local's by-laws, it was found that Local 853's Executive Board did obtain membership approval after the expenditure was approved. *Id.*

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