



November 25, 2020

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your September 19, 2019, complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers held by the Allied Pilots Association (APA or the union) on April 30, 2019, and May 31, 2019.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department concluded that no violation of the LMRDA occurred that affected the outcome of the election. This conclusion is explained below.

You alleged that an email message sent by Philadelphia domicile (PHL) officers to their members and posted on the APA website, which was open to all members, constituted unlawful campaigning during the election. Section 401(g) of the LMRDA provides that no moneys of a union shall be contributed or applied to promote the candidacy of any person in an election subject to Title IV of the LMRDA. 29 U.S.C. § 481(g). The investigation revealed that the PHL chairman and vice chairman declined a request to add their names to a campaign postcard endorsing the incumbent president. When they learned that another domicile member had added his name to the postcard, which included a list of other board of directors (BOD) members, and their respective domiciles, they responded by including the following statement in the PHL's official weekly "email blast," dated April 19, 2019, as one of four subjects addressed:

Why is a fellow PHL pilot attempting to represent PHL in campaign literature?  
A few weeks ago we were contacted by a candidate and asked if we would add our names to an endorsement letter. After discussing the issue we decided we would not publicly endorse either a specific candidate or a slate of candidates. A few hours later we learned a fellow PHL pilot was added [REDACTED] to a campaign endorsement letter that included only BOD members. This gave the false impression to pilots, both inside and outside of our domicile, that at least 1

PHL representative was supporting a specific slate of candidates. To be clear, the pilot who was added to a BOD only endorsement letter is a pilot who was appointed to a committee position by the current APA President. This individual does NOT represent the PHL domicile in any way and his endorsement is NOT a reflection of the views of your PHL representatives.

The investigation did not find that this email constituted campaign literature itself or contained any statement promoting the candidacy of any candidate. Rather, the evidence indicates that it was intended to clarify that the PHL member's endorsement did not represent the views of the PHL officers or members. Accordingly, the email appears to be a communication sent in the course of union business, and there was no violation.

You also alleged that the then secretary treasurer of APA, Pam Torell, used union resources to engage in campaigning. Specifically, you allege that Torell published a report containing unfavorable information about the then incumbent candidate for APA president during the election period in order to defeat his bid for office. As discussed above, Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in an election of union officers.

The investigation revealed that, during its April 18, 2019 meeting, the BOD directed Torrell to inform the BOD in writing of her concerns regarding the finances of the organization, to be delivered to the Financial Audit Committee (FAC) chairman. On April 26, 2019, she sent the report, which discussed new and previously raised concerns about the then president and incumbent candidate's expenses and financial decisions, to the FAC chairman/New York Domicile chairman. On April 28, 2019, Torrell was instructed to send the report to the other BOD members. While the evidence showed that Torrell used a union-issued laptop to prepare the report and sent it to FAC and BOD members using the union's email system, her actions were taken as part of her responsibilities as secretary treasurer. The investigation found no evidence that she sent the report to all members or posted the report on the APA website. With respect to your allegations regarding this report, there was no violation.

The investigation further found that, subsequent to receiving Torrell's report, the FAC prepared a point-by-point rebuttal of the financial irregularities identified in the report in the form of highlighted annotations to excerpts of the original report and distributed this response to members of the BOD. On May 3, 2019, the rebuttal report was emailed via the APA email system to APA members with an email address on file and posted on the APA's website, purportedly because the members of the BOD who were supporters of the incumbent candidate for president believed that the original report had been posted on social media. To the extent that union funds were used by supporters of the incumbent president to post and distribute the rebuttal report, there was no effect on

the outcome of the election because the incumbent president lost both the initial election on April 30, 2019, and the rerun on May 31, 2019.

Finally, you raised allegations outside the scope of Title IV of the LMRDA. As such, those allegations were not investigated.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file regarding this matter.

Sincerely,



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Division of Enforcement

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