



August 29, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the U.S. Department of Labor (Department) on April 6, 2023, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 481-483, occurred in connection with the December 2, 2022 election of officers for Local 52 of the International Alliance of Theatrical Stage Employees (the union).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to each of your allegations, that no violation occurred that may have affected the outcome of the election.

First, you alleged section 401(g) of the LMRDA was violated when two emails were sent from [AlliedCrafts4Matt.Roper@gmail.com](mailto:AlliedCrafts4Matt.Roper@gmail.com) to union members in support of Matthew Roper's candidacy for Executive Board, Allied Crafts position on November 20, 2022 and December 1, 2022. Section 401(g) prohibits the use of employer and union funds to promote the candidacy of any person in an election covered by the LMRDA. 29 U.S.C. § 481(g).

In this case, the investigation found that union funds were not used to send the relevant emails, and that the content of the emails did not imply an official union endorsement of the candidate. The investigation determined that member [REDACTED] created the email distribution in Mailchimp using a membership database that was accessible to all Local 52 members. Further, a reasonable member could readily ascertain that the emails were not sent by the union. And indeed, the members interviewed during the course of the Department's investigation stated that they realized the email was not an official union email. Though the header read "Local 52 I.A.T.S.E.," the email was sent from an @gmail.com address, while union business was conducted from an @ialocal52.org address. The emails also make clear they are not from the local leadership, since the members listed at the end of the email only identify as Allied Crafts Department members and specify the email is on behalf of many members of the Allied Crafts Department who supported Roper's candidacy, not on behalf of the local

union leadership. Lastly, the address in the footer of the email was not the address of the local, but a previous mailing address of member [REDACTED]. There was no violation of the LMRDA.

Second, you alleged section 401(g) of the LMRDA was violated when posters in support of Matthew Roper's candidacy for Executive Board, Allied Crafts position were posted at Broadway Stages, Kaufman Studios, Silvercup Studios, Gold Coast Studios, Steiner Studios, and Cinemagic Studios worksites during the election period. The use of union or employer funds is broadly construed and can include the use of union or employer resources and facilities as well as union or employer-paid time. 29 C.F.R. §§ 452.76, 452.78.

The union conducted its own internal investigation regarding the posting of campaign material, in which it found evidence to support the claim that there were one or more posters at FBI Studios from November 21 through December 3, and a single poster in a hallway at Broadway Stages for one day. The Department's investigation found that one other homemade poster was posted in the office of [REDACTED] for one day at Stage 11. However, no original copies, scanned copies, pictures, or contemporaneous accounts of the posters have been uncovered. In your interview, you provided the name of one individual, [REDACTED], who you believed saw a campaign poster at FBI Studios. While member [REDACTED] said he may have remembered a poster at the worksite, he did not know when, what it looked like, what was on the poster, or who posted it. During the investigation, you were unable to substantiate your allegation that campaign posters were posted at other worksites. You did not provide the names or contact information of any other individuals who may have seen a poster at the six other worksites identified in your complaint.

To the extent that the postings at FBI Studios, Broadway Stages, and Stage 11 violated section 401(g), there is no probable cause to believe that this violation may have had an outcome on the election. An election will only be overturned where a violation may have affected the outcome of the election. 29 U.S.C. § 482(c)(2). The union's internal investigation found that a total of 14 union members who were eligible to vote in the election worked at the FBI shop during the period the campaign material was posted, and that a maximum of 12 members could have worked at Broadway Stages between nominations and the end of the voting period. The Department's investigation found that a maximum of 25 individuals could have seen the homemade sign in [REDACTED] office, though the number of union members is likely much lower as many of the individuals who would have been in her office were non-union individuals. During the investigation, you were unable to provide any evidence which would contradict these estimates, or the contact information of other individuals who could provide supplemental information. The available evidence therefore shows that a maximum of 51 (14+12+25) individuals could have seen campaign material at union

worksites. However, it is unlikely that all 25 individuals who entered [REDACTED] office were union members eligible to vote in the election. Therefore, the maximum effect of the posters is likely between 26 and 51. The smallest margin of victory was for the election of Executive Board Member, Allied Crafts position, which was decided by 137 votes. Therefore, there is no basis for finding that there was a violation that may have affected the election outcome.

For the reasons set forth above, it is concluded that there was no violation of the Act that may have affected the outcome of the election. Accordingly, the office has closed the file on this matter.

Sincerely,

[REDACTED]

Tracy L. Shanker  
Chief, Division of Enforcement

cc: Matthew Loeb, International President  
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