
Hearing Pursuant to Article V, Section 5 :
Of the Constitution of the Transport :
Workers Union of America, AFL-CIO :

:
In the Matter of Alesia Combs, :
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:
:
Charged Party.:

APPEARANCES

For Alesia Combs:
(No appearance)

For the Transport Workers Union of America, AFL-CIO:
Gary Shults, TWU International Training Coordinator
Stephen Nelder, Fraud Solutions L.L.C.

The Trial Committee:
William Brown, Trial Committee Chairman, President, TWU Local 234
BenYoel Morgan, President, TWU Local 527
Brian DeLucia, TWU International Representative

REPORT AND RECOMMENDATION OF THE TRIAL COMMITTEE

The Transport Workers Union of America recently became aware of alleged financial improprieties occurring at Transport Workers Union Local 208 in Columbus, Ohio. Pursuant to the TWU Constitution the International Executive Council convened on October 29, 2019 and voted unanimously to place TWU Local 208 in Receivership. On October 30, 2019, the International sent a letter to Local 208 President Jarvis Williams and to former Local 208 Financial Secretary-Treasurer Alesia Combs, notifying them of the unanimous vote of the International Executive Council to place Local 208 in Receivership, and appoint International Representative Theotis James as the Administrator.

The letter also formally charged Ms. Combs with violating Article XIX, Section 5(h) of the International Constitution, which prohibits “fraudulently misappropriating funds of the union.”

Allegations

The allegations in the letter were as follows: According to bank records obtained, Ms. Combs utilized an ATM card to withdraw over \$100,000 over a period of several years to which she was not entitled and for which no legitimate union purpose had been demonstrated. In addition, she drafted several checks, drawn on the Local’s bank account payable to herself. These checks required two signatures. Ms. Combs utilized the President’s signature stamp, without authorization and she placed a signature on a check that was not her own. The amounts of the checks ranged from \$4,500 to \$6,500. She also concealed her misdeeds by submitting false financial statements to the International. On October 5, 2019, Ms. Combs resigned as Financial Secretary-Treasurer of Local 208.

In the weeks that followed, independent auditor Stephen Nelder from Fraud Solutions, L.L.C. further reviewed the finances of the Local, and reported the following items of financial misappropriation:

- Identified and documented questionable QuickBooks entries of \$3,060 to YMCA Family Shelter September 14, 2014 through December 31, 2014.
- Identified and documented questionable QuickBooks entries of \$26,206.50 to YMCA Family Shelter January 1, 2015 through December 31, 2015.
- Identified and documented questionable QuickBooks entries of \$18,500 to Community Services January 1, 2015 through December 31, 2015.
- Identified and documented ATM withdrawals of \$214,000 between January 1, 2016 through September 30, 2019.
- Documented \$76,810.94 of checks payable to Alesia Combs for reimbursement of “Union Business” that had no supporting documentation.

- Reviewed Mellman and Perdue's 2014 and 2015 Audited Financial Statements for disqualification or disclaimer due to charitable donations.
- Investigating PNC bank account #5482 hacked in April 2016 that showed \$10,593.16 in fraudulent disbursements.
- Provided Local 208 history of Federal, State and Local tax payments plus filings for Bureau of Workers' Compensation and Ohio Departments of Jobs & Family Services to Mr. Richard Kirk.
- Currently investigating other questionable transactions to ensure no other individuals were involved.

As of the date of the hearing, Mr. Nelder had identified at least \$338,577.44 of losses due to the acts of Alesia Combs and \$10,593.16 due to unidentified computer hackers, for a total of \$349,170.60. Since the investigation was still ongoing, that amount was subject to change. The charges against Alesia Combs were amended to reflect this new information.

The Trial

In accordance with Article V, Section 4 and Article XXI of the International Constitution, a Trial Committee consisting of the undersigned was designated as a subcommittee designated by the International Administrative Committee to hear these charges. Notification was sent to Mr. Williams and Ms. Combs that the trial regarding the charges against Ms. Combs was scheduled for December 3, 2019. A subsequent notice rescheduled that trial for December 19, 2019.

The hearing took place at the location, date and time scheduled, at the Union office located at 2800 North High St., Columbus, Ohio. Ms. Combs did not appear.

At the trial, auditor Stephen Nelder from Fraud Solutions, L.L.C. was sworn in and testified as to his findings, recited above. Mr. Nelder also testified that additional sums were discovered following his initial review, and that the loss investigation is ongoing.

Thus, the full extent of the loss to Local 208 was not clear. Finally, though the trial was convened on December 19, 2019 to determine whether Ms. Combes is innocent or guilty of violating the TWU International Constitution and/or Local 208 By-Laws, Ms. Combs did not appear.

Decision

The evidence adduced at the trial of this matter is indisputable, and paints a picture of brazen, continuous and unbridled theft from Local 208 on the part of Ms. Combs. Her pattern of stealing from the Union, and in some cases using the name of the Union President in order to do so, violated the duty of loyalty she owed to the members she was supposed to serve, in addition to violating the By-Laws of Local 208 and the International Constitution. Article XVI, Section 4 of the Constitution places significant responsibility on the Financial Secretary-Treasurer, in part because the management of the finances of a local union so directly impacts its ability to carry out its purpose. Among other things, that officer is required to do the following:

- Receive all monies paid into the Local Union, including monies received for welfare or special funds, and give official receipts for all such monies received using the triplicate receipt book supplied by the International Union or a form approved by the International Administrative Committee.
- He/she shall deliver the original receipt to the payer, a triplicate thereof to the International Secretary-Treasurer and shall retain the duplicate in the files of the Local Union.
- He/she shall deposit all monies received in the name and number of the Local Union in such bank or banks as the Local Executive Board may direct.
- He/she shall sign all checks.
- He/she shall make no payments by cash, check or otherwise, unless such payment is supported by a voucher duly completed pursuant to the rules and regulations established by the International Administrative Committee. Such vouchers shall be preserved by him/her and his/her successor for at least five (5) years.

- He/she shall keep regular books and records of the Local's finances pursuant to the rules and regulations established by the International Administrative Committee.
- He/she shall report monthly to the Local Executive Board and to the International Secretary-Treasurer on the forms approved by the International Union.

In addition, the Financial Secretary-Treasurer takes an oath of office pledging to perform the duties of the office as required by the Constitution, to bear "true and faithful allegiance" to the International and their Local Union, and to perform faithfully the duties assigned to them to the best of their ability. Stealing Union assets violates this oath, and violates the trust placed in the officer by the members.

Further, continuous, methodical, and brazen theft of Union assets, as demonstrated here, is the embodiment of "fraudulently misappropriating funds of the union." This conduct has wreaked havoc on the finances of Local 208 and likely damaged the confidence the members placed in their Local leadership. There can be no place in the TWU, or in the broader labor movement, for a Union officer who steals money from members they are elected to serve.

In times such as these, the membership must be united in purpose, and must have confidence that their Local leadership is working diligently to manage and wisely spend the dues they pay, and that the leadership is building the Union to a place where it can not only withstand attacks from without, but can also be assertive in negotiations seeking better wages and terms and conditions of employment for the membership. Theft from the treasury undermines all of these aims, weakening the Union's ability to fight off challenges, damaging the Union's standing with its employers, and casting serious doubt in the minds of the members as to the focus and interests of the leadership itself. It cannot be tolerated.

For these reasons, the Trial Committee recommends the following with regard to member

Alesia Combs:

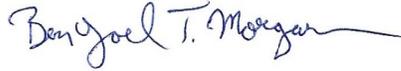
1. She shall be placed in bad standing;
2. To the fullest extent permitted by law she shall be prohibited from occupying Union office;
3. The International Administrative Committee shall take whatever additional measures it deems necessary and appropriate in response to these Findings.

All members of the Trial Committee concur in this Recommendation.

DATED: this 26th day of February 2020



William Brown
Chairman



BenYoel Morgan



Brian DeLucia