

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Washington, DC 20210



January 7, 2009



Dear Mr. Smith:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred with respect to the continuation of a trusteeship by the United Union of Roofers, Waterproofers and Allied Workers over its Local 36 in Los Angeles, California.

Pursuant to Sections 304 and 601 of the LMRDA, the Office of Labor-Management Standards conducted an investigation. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case since the trusteeship has been lifted. We are, therefore, closing our files as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

Statement of Reasons
Dismissing a Complaint Concerning
the Imposition of a Trusteeship Upon Local 36,
United Union of Roofers, Waterproofers and Allied Workers on
November 5, 2005, in
Los Angeles, California

This Statement of Reasons is in response to a June 8, 2007 complaint filed with the United States Department of Labor (Department) alleging that the trusteeship imposed by the United Union of Roofers, Waterproofers and Allied Workers (International), upon its affiliated Local 36 violated Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. §§ 461-466. The complaint is dismissed for the following reason.

On April 11, 2008, the International filed Forms LM-16 and LM-15A with the Department, confirming that the trusteeship was terminated on December 31, 2007, and that autonomy had been fully restored to Local 36. Since the trusteeship has been lifted, the allegations are moot. A claim alleging improper imposition of a trusteeship becomes moot when the trusteeship has been lifted. *See Vars v. International Brotherhood of Boilermakers*, 320 F.2d 576, 577 (2d Cir. 1963).

Accordingly, we are closing our file on this matter.