

Barry Blueian  
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November 16, 2017

The CWA Executive Board, by letter dated July 28, 2017, appointed Kevin Condy, Judy Bruno and Georgia Day-Johnson to serve on a National Trial Panel to hear and determine the disposition of charges filed by former Local 9413 Secretary Rose Wolcott on January 9, 2017, and January 29, 2017, against former Local 9413 President Barrie Blueian for alleged violations of the CWA Constitution and Local Bylaws.

Victor Serrano prosecuted the charges before the trial committee. The accused, Mr. Blueian, did not show up and had no one present a defense on his behalf. The prosecutor presented the union's case with numerous witnesses, and multiple Exhibits.

The recorded evidence by direct examination of witnesses, and trial panel members' questions, produced a record sufficient in quality and quantity to enable the trial panel to render a sound and reasonable report of its findings and recommendations. The trial panel reconvened and reviewed both oral and documentary evidence. It is unanimous in its finding that there was:

Sufficient evidence to support eleven (11) violations of the CWA Constitution as filed in the charges.

Specifically, the **trial panel** found that:

On the first charge of violating *Article XIII, Section 5 (e). Resorting to a civil suit or criminal action against the Union or any Officer thereof before exhausting remedies within the Union organization.* We find Barry Blueian - Guilty.

Testimony under oath by all of the witnesses attest to the fact that Barry Blueian repeatedly stated that he referred this matter to the Department of Labor and an investigation was ongoing, people would be going to jail and that he had immunity. No testimony was given to refute the witnesses account. All remedies within the Union organization were not exhausted.

On the second charge of violating *Article XIII, Section 5 (g). Refusing or neglecting to conform to this Constitution or the policies of the Union as set forth by the Convention.* We find Barry Blueian - Guilty.

Per testimony, Mr. Blueian violated numerous Articles of the CWA Constitution and the Local's Bylaws repeatedly even after being informed by members of his Executive Board and CWA District 9 staff. Multiple witnesses stated that Mr. Blueian's response to that was, "I don't care. I'm doing it anyway".

On the third charge of violating *Article XIII, Section 9 (c). To abide by the Constitution, the decisions of the Convention, the Executive Board of the Union and the decisions resulting from the referendum procedure.* We find Barry Blueian - Guilty.

Per testimony, Mr. Blueian violated numerous Articles of the CWA Constitution and the Local's Bylaws repeatedly even after being informed by members of his

Executive Board and CWA District 9 staff. Multiple witnesses stated that Mr. Blueian's response to that was, "I don't care. I'm doing it anyway".

On the fourth charge of violating *Article XIII, Section 9 (u). To do all other things necessary for the proper disposition of matters, which may come before the local for consideration.* We find Barry Blueian - Guilty.

Once again the accused refused to follow Constitutional procedures in regard to Charges and Trial Procedures.

On the fifth charge of violating *Article XIX, Section 1 (c). Willfully violating the Constitution of the Union, Local Bylaws or Rules.* We find Barry Blueian - Guilty.

Mr. Blueian willfully violated the Constitution in that he received (accepted) and responded to charges against Miss Aarii. In doing so the recording officer was bypassed. In sworn testimony the witnesses said that this misstep was brought to Mr. Blueian's attention. Once again he disregarded proper procedure.

On the sixth charge of violating *Article XIX, Section 1 (d). Disobeying or willfully failing to comply with any lawful decision or order of the Union or Local.*

Mr. Blueian willfully violated the Constitution yet again when he continued his course of action against Miss Aarii subsequently after being counseled by CWA District 9 staff representatives to cease. He took a vote of the Local Executive Board to remove Miss Aarii from her office and to suspend her salary before any investigation was done and/or a trial was conducted. She was then suspended.

On the seventh charge of violating *Article XIX, Section 1 (i)*. *For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute*. We find Barry Blueian – Guilty

Mr. Blueian is accused of creating rifts within the membership of Local 9413 and with CWA District 9 as well as creating a hostile work environment. We concur.

On the eighth charge of violating *Article XX, Section 2 (a)*. *Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the recording officer of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article XIX, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the President of the Union. Trial procedures for all charges filed with the Secretary-Treasurer or the President of the Union shall be in conformance with Section 3(b) of this Article.*

Mr. Blueian willfully violated the Constitution in that he received (accepted) and responded to charges against Miss Arii. In doing so the recording officer was bypassed. In sworn testimony the witnesses said that this misstep was brought to Mr. Blueian's attention. Once again he disregarded proper procedure. The charges were accepted improperly.

On the ninth charge of violating *Article XX, Section 3 (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:*

*(1) An unbiased court composed of not less than three or more than seven persons, who shall be members of the Local, not parties to the proceeding, shall be selected by the governing body of the Local using a random selection process. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented. We find Barry Blueian – Guilty*

A random selection process was not used to select an unbiased court. An email was sent to select work groups soliciting volunteers to be jurors. Of note is that the same email was not sent to any member who worked in the Mobility group. This is significant because they comprise the majority of the Local's membership in the South.

On the tenth charge (dated January 9, 2017) of violating *Article XX, Section 3 (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:*

*(2) A prosecutor, who is a member of the Local, but not an accuser, shall be appointed by the governing body of the Local to assist the accuser in the trial and presentation of evidence. If, after investigation, the prosecutor is of the opinion that there is not probable cause to believe that a violation punishable under this Article has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a*

*recommendation that the charge not be prosecuted. Copies of the findings and recommendations shall be delivered to the accuser and the accused. The recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt using the procedures established pursuant to Article IX, Section 7, of this Constitution. We find Barry Blueian – Guilty*

The Prosecutor was not appointed by the governing body of the Local. In fact, Mr. Blueian himself appointed the Prosecutor. Executive Board member Ross Miller was selected solely by Mr. Blueian with no input from the governing body in violation of the CWA Constitution.

In the charges dated January 29, 2017 and with regard to the charge numbered number 10 of violating *Article XX, Section 3 (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following standards:*

*(6) A decision shall be reached and written notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial. The requirement of such notice shall be satisfied by personal service or certified mail receipt. We find Barry Blueian – Guilty*

The testimony showed that the notice requirement was not satisfied by personal service or certified mail. A document was presented that showed that the court's decision was sent to Miss Arii by email.

In the charges dated January 29, 2017 and with regard to the charge numbered number 11 of violating *Article XX, Section 3 (a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following standards:*

*(4) The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses. We find Barry Blueian – Guilty*

During the trial for Miss Arii that was held on January 14, 217 her counsel was not allowed to present any evidence or call any witnesses. Not only was this a violation of the CWA Constitution and Local Bylaws it also violates federal labor law covered under the LMRDA.

The Trial Panel finds Barrie Blueian guilty of all charges brought before this National Trial Panel.

Accordingly, Barrie Blueian is hereby expelled from membership for life in the CWA and CWA Local 9413

In Solidarity,

Kevin Condy

Trial Panel Chair

Sec-Treasurer Local 1101

Georgia Day-Johnson

Trial Panelist

President Local 6201

Judy Bruno

Trial Panelist

President Local 3406