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EXECUTIVE BOARD
OF THE
INTERNATIONAL UNION OF BRICKLAYERS
AND ALLIED CRAFTWORKERS

WASHINGTON, DC 8 OCTOBER 2026

TO: OFFICERS AND MEMBERS OF
BAC LOCAL 23 OHIO, WEST VIRGINIA, KENTUCKY, MARYLAND
REGARDING CHARGES AGAINST
JUSTIN GARTRELL

Dear Brothers and Sisters:

PROCEDURAL HISTORY AND BACKGROUND

Neal Helmick and Andrew Fernandez are members of BAC Local 23 Ohio, West Virginia, Kentucky, Maryland. Brothers Helmick and Fernandez collectively filed three charges against BAC Local 23 member and Vice Chair Justin Gartrell with the International Union under Code 6, Section 1(C)(2).[1]

The first charge, which we will refer to as Charge 1, was filed by Brother Helmick by letter dated March 2, 2026 and alleged that Brother Gartrell violated Code 5, Section 1, Paragraphs L, M, O, S, and T by posting comments in a Facebook forum endorsing the comments of former Local 23 member Michael Finley, who was encouraging members to resign from the Union and avoid paying dues by becoming so called "Beck objectors." Mr. Finley was an administrator of the Facebook forum.

Charge 2 was filed by Brother Fernandez by letter dated March 10, 2026, and alleged that Brother Gartrell violated Code 5, Sections S and T by secretly recording a Local 23 Management Committee meeting and sharing its contents with Mr. Finley.

Charge 3 was filed by Brother Fernandez by letter dated March 17, 2026, and alleged that Brother Gartrell violated Code 5, Section 1, Paragraph O, S, and T

[1] After the charges were filed, pursuant to Article VIII (9) of Local 23's Constitution, Local 23's Management Committee suspended Brother Gartrell from holding office pending the outcome of the trial proceeding.

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by organizing and attending a meeting with Mr. Finley and a signatory contractor for the purpose of facilitating Union resignations by the contractor's employees.

Because the three separate charges involved many of the same individuals, have related subject matter, and are part of a pattern of conduct, we consolidated them for increased administrative efficiency.

Pursuant to our authority under Code 6, Section 1(G)(1), we appointed former IU West Region Director Dave Sheppard to investigate the charges. Brother Sheppard reviewed the underlying charges, interviewed many of the key witnesses including the charged and charging parties, and then submitted his report to us for our consideration. Following our review of that report, by Order dated June 4, 2026, we found the charges to be substantial and properly filed and set them for trial. We appointed IU Canadian Regional Director Craig Strudwick as Hearing Examiner and scheduled the trial for August 1, 2026, at the Local 23 Training Center.

On the date of the trial, the charging parties and their representatives appeared. Local 23 Vice Chair Josh Moss represented Brother Fernandez and Local 23 member Tom Dieringer represented Brother Helmick. According to Brother Strudwick's report, Brother Gartrell arrived at the Training Center on the morning of the trial. He was accompanied by former member Mr. Finley, the same individual identified in all three of the charges as the active proponent of encouraging other members to quit the Union.

Before the proceedings began, Brother Strudwick informed Brother Gartrell that, pursuant to Code 6, Section 2(E), he could have another individual represent him at trial so long as that person was a member and not an attorney. This was also communicated in our June 4 Order that was mailed to Brother Gartrell. In response, Brother Gartrell argued at various times that he was unaware of this rule, that Mr. Finley was a member, and that this was an unfair application of this rule. Brother Strudwick related that amidst this exchange a Local 23 officer provided him with a letter signed by Mr. Finley unequivocally and permanently resigning from the Union. Based on his review of this letter, Brother Strudwick treated it as proof that Mr. Finley was not a member and barred him from appearing, but reminded Brother Gartrell that he had a right to attend and represent himself at trial—or find another member who could do so—and that the trial would be commencing shortly in any event. Ultimately, Brother Gartrell chose not to participate in the trial or to present any evidence of which he had knowledge.[2]

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[2] Although no new charge was submitted after the trial, we note that Code 5(1)(D) states that it is an offense against the International Union "For any member…to fail without reasonable excuse to appear if properly notified at any…trial provided for by the IU Constitution…and to present any evidence of which the member…has knowledge." Of course, Brother Gartrell had knowledge regarding all three charges. During the preliminary investigation, Brother Gartrell

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We also note that Brother Strudwick's report includes a description of Brother Gartrell's conduct the morning of the trial. Brother Strudwick personally witnessed Brother Gartrell as combative, confrontational, and hostile to all those present. Brother Gartrell also made offensive and inflammatory comments to one of the Sergeant-at-Arms who was assigned to attend to maintain order.

Following the trial, Brother Strudwick received the proceedings from the court reporter and submitted those documents along with his report on the trial for our review. Based on that report, and for the reasons explained below, we find Brother Gartrell not guilty in part, and guilty in part, of the charges preferred against him.

DISCUSSION

We will analyze each of the three charges in turn.

Charge 1 alleges that Brother Gartrell violated the following paragraphs of Code 5, Section 1 of the International Union Constitution, Rules of Order and Codes:

> L. For any member of an affiliate or an affiliate to solicit money from another affiliate or its members without the consent of the IU Executive Board.
>
> M. For any member or affiliate publicly to defame or dishonor as institutions the International or its affiliates.
>
> O. For any affiliate to attempt to disaffiliate from the International.
>
> S. For any member or affiliate to attempt to evade any of the member's or affiliate's financial obligations to the International.
>
> T. For any member or affiliate to commit any act which is seriously detrimental to the interests of the International.

The charge itself included screenshots of Facebook posts. The posts were made to a group with 213 members named "BAC Local 23 – Rank & File Open Forum." They included instructions from Mr. Finley, the site administrator, aimed at teaching members how to quit the Union and explaining that if they quit the Union and exercised their *Beck* rights, they could avoid paying Union dues while still getting the benefit of a Union contract.[3]

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admitted to Brother Sheppard that he had posted the Facebook messages as alleged in Charge 1, secretly recorded the Management Committee meeting and shared it with Mr. Finley as alleged in Charge 2, and arranged for and attended a meeting with Mr. Finley and Valentine Contractors to give Mr. Finley the opportunity to explain how Valentine's employees could quit the Union, as alleged in Charge 3.

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In response to Mr. Finley's anti-union comments, Brother Gartrell posted, "Michael Finley. We greatly appreciate your dedication…The information that you have brought to light can only benefit our Members and Contractors!" In another post included within the charges, Brother Gartrell wrote this about Union leadership: "We could get and retain a lot more members if we weren't taxed so much by these fat pigs that are in charge at both the Local level and the international level.... These guys have no shame!" He went on, "[g]uys like Michael Finley can recognize the real problem and has decided to call bullshit on much of it. I was on the inside. Most of those guys are just cashing big fat checks."

Consistent with Brother Gartrell's own admission that "he was on the inside" as a Union officer, Brother Helmick stressed that Brother Gartrell, "an elected officer" was "cheering on a Union buster for showing members how to separate from our organization, while suggesting that busting our Union is somehow a benefit."

At trial, Brother Dieringer argued that these posts had the effect of praising and endorsing efforts of those seeking to harm the Union, including those sympathetic to so-called "right-to-work" causes. Brother Dieringer stated that "[r]ather than defending the interests of the membership and the organization, he public[ly] celebrated efforts designed to reduce the Union's strength and financial resources." Brother Dieringer also stated that the posts "were not made as part of an International Union debate or a constructive criticism. They were published on a public platform where members, employers and the public could view them, bringing disrepute upon the institutions of the International and its affiliates."

As stated above, Brother Gartrell failed to appear to dispute Charge 1.

Charge 2 alleged that Brother Gartrell violated Paragraphs S and T, recited above, by secretly recording a Local 23 Management Committee meeting and sharing the recording with Mr. Finley. The meeting was held at Local 23's offices on February 27, 2026. After the meeting, Brother Gartrell returned to work at the Metallus Plant in Canton, Ohio.

The charge alleged that the day before the meeting, two members, who also work at the same location as Brother Gartrell and Mr. Finley, observed packaging for a listening device/audio recorder at Mr. Finley's workstation. When Brother Gartrell returned to work after the meeting, these members observed Brother Gartrell and Mr. Finley together listening to the device and discussing the contents of the recording that Brother Gartrell had made of the Management Committee meeting. Brothers Scott Harrison and Brent Garrett, the two

[3] Mr. Finley wrote: "If anyone would like some more information about exercising your Beck rights, private message me! West Virginia and Kentucky have a different set of rules but you still won't be required to pay dues while still contributing to your pension and healthcare plans!"

members who observed the conduct alleged, submitted signed statements in support of the charge.

At trial, the charging party called Local 23 member Scott Harrison as a witness. When asked what he saw Brother Gartrell do after the Management Committee meeting on February 27, Brother Harrison testified that "[h]e handed the recording device to Mike...." Brother Harrison testified that he observed Mr. Finley listening to the device with headphones and then asking Brother Gartrell, "they said that in this meeting?" To which Brother Gartrell replied "yes."

The charging party also called as a witness Brent Garrett, the steward on the jobsite at which Brothers Harrison and Gartrell and Mr. Finley worked. Brother Garrett testified that he noticed a "recorder, black and blue, wrapped up and it said voice recorder on it." Brother Garrett corroborated Brother Harrison's testimony and swore that he also saw Mr. Finley listening to something with headphones and speaking with Brother Gartrell. Brother Garrett testified that Mr. Finley admitted to him that he had conspired with Brother Gartrell to record Management Committee meetings in order to harm the Union.

As stated above, Brother Gartrell failed to appear to dispute Charge 2.

Brother Fernandez alleged in Charge 3 that Brother Gartrell violated Paragraphs O, S, and T of Code 5, Section 1, all of which are referenced above, by using his Union position to arrange and attend a meeting with the President and Vice President of a signatory employer, Valentine Contractors, to have Mr. Finley tell them how members may legally quit the Union. Both the company's President, Jim Valentine, and its Vice President, Mike Bischel, told Brother Fernandez about the meeting. Bischel also told Brother Fernandez that they were surprised that the meeting was arranged by the Union's Vice Chairperson. They would not otherwise have met with Mr. Finley without Brother Gartrell's presence because, as Brother Fernandez testified, Mr. Finley had led past efforts to eliminate Local 23's job targeting program on which Valentine relies.

When Brother Fernandez was called as a witness, he confirmed, under oath, the facts alleged in his charge. He testified that Valentine Contractors has been a union employer for 50 years and employs anywhere from 60 to 100 members at any time. Brother Fernandez met with Mr. Valentine on March 11, 2026 and was told that Brother Gartrell "was in here with Mike Finley to discuss agency fees and *Beck* rights." Brother Fernandez also testified that Mr. Bichsel said that there was no legitimate Local 23 or pension fund business discussed at that meeting.

As stated above, Brother Gartrell failed to appear to dispute Charge 3.

In addition to the evidence described above in support of each of the charges, the charging parties presented evidence about the context in which these violations occurred and the harm that has been caused. This evidence was

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presented in support of the remedy which the charged parties were seeking, namely, to expel Brother Gartrell from the Union.

Evidence was presented that three other employees who work at the same facility with Brother Gartrell and Mr. Finley quit the Union after the encouragement they received. There was also testimony about how the anti-union former members have created a hostile work environment for the remaining Union members at their worksite.

In addition, there was testimony that other members submitted requests to avoid paying Union dues, but when the Union explained the significance of their requests, they changed their minds. They were duped into believing that they could retain Union membership without paying Union dues.

One of the most damaging effects of these sustained efforts to undermine the Union by internal and external anti-union forces was the collapse of an organizing campaign at Curatola Masonry. After initial strong interest in signing an agreement with Local 23, the contractor completely backed off upon reading a series of Facebook attacks on the Union by Mr. Finley. When asked why this was relevant to the charges here, Brother Moss testified that "it shows a pattern of Justin Gartrell working with somebody that is hell bent on destroying this Union."

As Brother Moss summarized, "This case is about an elected officer who chose loyalty to a man who is tearing down this Union over loyalty to the members who elected him...This is not a case about one bad decision or a lapse in judgment. It's a pattern repeated, deliberate and ongoing of an elected officer using his position, influence and access to help a man who is working with the national Right-to-Work Foundation to undermine the Local that keeps our contractors signatory and the solidarity that keeps our pensions solvent."

STANDARD AND ANALYSIS

Code 6, Section 2(H) provides that the burden of proof shall be upon the charging party and that the decision shall be based only upon the facts presented at trial. Here, the charging parties introduced voluminous amounts of documentary and testimonial evidence for us to evaluate. We have no evidence from the charged party to evaluate or to rebut the evidence presented by the charging parties.

Charge 1 alleges multiple violations of the Code of International Offenses. In our view, the charging parties carried their burden on Paragraphs M and T and failed to carry their burden on Paragraphs L, O, and S. Paragraph L makes it an offense to solicit money from another affiliate or its members. While Brother Gartrell discussed the financial obligations that members bear to sustain our Union, there was no evidence to suggest that Brother Gartrell's posts sought to solicit money in furtherance of his apparent ideological goals. Paragraph O makes it an offense for any affiliate to attempt to disaffiliate from the

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International. Here too, there is no evidence to suggest that Brother Gartrell attempted to bring about a disaffiliation between Local 23 and the International. Moreover, this Paragraph bars the actions of "an affiliate" rather than an individual member so we cannot find Brother Gartrell guilty of this charge. Paragraph S makes it an offense to evade financial obligations to the International. We think Brother Gartrell attempted to persuade *others* that they should shirk their financial obligations, but he did not attempt to evade his own, which is the specific conduct prohibited under this paragraph.

Paragraph M prohibits members from publicly defaming or dishonoring as institutions the International or its affiliates. This prohibition does not insulate Union officers from criticism or even personal attacks which may be protected speech. But it does protect the integrity of our Union. Brother Gartrell's posts fall into both categories, protected and unprotected.

Brother Gartrell posted on Facebook that union leadership are fat pigs with no shame. Although those are personal—albeit vulgar—attacks, these posts are not targeted at our institution, which is what the offense is designed to prohibit.

The comments which dishonor the Union itself are the ones that support the idea that quitting the Union is a benefit to Union contractors and members. The Union's existence and strength relies on the loyalty and shared financial commitment of all members. Encouraging members to shirk their responsibilities while simultaneously celebrating scabs like Mr. Finley who try to destroy our Union is dishonorable and thus squarely within the type of conduct this Paragraph is intended to prohibit.

Paragraph T prohibits conduct that is seriously detrimental to the Union and here the charging parties carried their burden. Brother Gartrell wrote that BAC and Local 23 could retain more members if they weren't "taxed so much by these fat pigs that are in charge...." That phrasing suggests a causation in which, absent what he views as excessive "taxation" levied only for salary purposes, the Union could grow its membership. In our view, the inevitable conclusion that Brother Gartrell's posts seek to accomplish is for members to believe that revenue derived from dues is wasted on salary costs and that membership is not growing as a direct result. This point of view, if adopted by all who read the post, is seriously detrimental to the interests of the Union.

Brother Gartrell's post represents an attempt to undermine the Union's finances, which allow it to bargain strong contracts, enforce those contracts, organize the unorganized, and provide robust benefits our members and their families depend upon. The post also seeks to divide Union members, which is a standard anti-union trope that poses a significant threat to the solidarity on which our Union depends. All elected officers pledge to "support the Constitution of the International Union, and [its] laws, rules and regulations."[4] All members pledge to

[4] Officer's Pledge, Art. III, Section B.

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"by every honorable and lawful means within my power, procure employment for the members of the International Union of Bricklayers and Allied Craftworkers."[5] We find it reprehensible that an elected Union officer would so flagrantly violate his oaths of office and membership. For these reasons we find the charged party guilty of violating Code 5, Sections 1(M) and (T) based on the conduct described in Charge 1.

Charge 2 concerns the recording of the Management Committee meeting and alleges violations of Paragraphs S and T. For reasons similar to those described above, we do not think the charging parties carried their burden with respect to Paragraph S. In our view the charging parties easily carried their burden with respect to Paragraph T. Here, we found the undisputed testimony of Brothers Harrison and Garrett to be both persuasive and credible. They both testified that they saw a recording device, they both saw Mr. Finley using headphones to listen to the recording, and they both saw Brother Gartrell and Mr. Finley speaking in an animated fashion about what they were listening to.

That conclusion compels us to find Brother Gartrell's conduct to be seriously detrimental to the interests of the Union. Secretly recording a Union meeting and providing the recording to a former member who advocates that other BAC members should quit our Union is seriously detrimental to the interests of the International. It undermines the Union's ability to operate effectively; it undermines the officers' ability to debate issues openly for the betterment of the institution and perform the full range of tasks on members' behalf; and it provides potential aid, encouragement and comfort to anti-Union forces. In fact, it is difficult to contemplate something *more* seriously detrimental to the interests of the International than recording a Union officer meeting and giving its contents to a former member who is known by the charged party to be hostile to the Union.

In addition, Brother Gartrell signed a confidentiality agreement on February 27 which was introduced into evidence. This document was prepared for all Local 23 officers, and by signing this document, Brother Gartrell agreed not to reveal or divulge any confidential Union business. We find it doubly concerning that a Union officer would so casually disregard a binding legal agreement, especially one that he signed at the same time that he was secretly recording the meeting during which he signed the document.

Undermining Union operations through sabotage and disregarding binding legal documents is exactly the type of conduct that Paragraph T is designed to prevent. For these reasons we again find Brother Gartrell guilty of violating Code 5, Section 1(T).

Charge 3 concerns Brother Gartrell's meeting with Valentine Contractors. Here, again, we are not persuaded that Brother Gartrell attempted any disaffiliation and

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[5] Membership Pledge, Art. IV, Section D.

conclude that the charging parties did not carry their burden of proof with respect to Paragraph O. Similarly, based on the evidence introduced we are not persuaded that Brother Gartrell's meeting with this contractor constituted an attempt to evade any of his own financial obligations. We do, however, find his conduct to be seriously detrimental to the interests of the International.

There is no dispute that Valentine Contractors affirmatively reached out to the Union to express its concern that Brother Gartrell used his officer position and positive relationship with Valentine to accompany Mr. Finley to their offices to discuss how Valentine's employees could lawfully quit the Union. Like many BAC contractors, Valentine enjoys a strong Union partnership that has benefitted them for many years. They have a vested interest in maintaining that relationship free from the division and tumult that was the apparent goal of Brother Gartrell's meeting.

We are also mindful of the fact that Brother Gartrell would likely not have been able to secure that meeting absent his Union position. Brother Fernandez testified that Brother Gartrell was "pretty close" with Valentine leadership because he served as a Union "rep in the area for 10 years" and "they also served on the Board of Trustees together and (Gartrell) was looking for an opportunity to manipulate somebody he was close with." We view this as Brother Gartrell trading on his Union position to gain access he could not have gotten otherwise to intentionally plot harm against the Union along with someone known to him to be actively hostile to the Union.

Using Union business as a pre-text to meet with a long-time signatory contractor such as Valentine in order to disrupt the relationship between it and the Union is seriously detrimental and an outright betrayal of our collective interests. BAC has developed great partnerships over the years with good high-road contractors such as Valentine and it depends upon these partnerships. Any threat to the stability of these relationship could have a serious destabilizing effect we must avoid. For these reasons we find Brother Gartrell guilty of violating Paragraph T of Code 5, Section 1.

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DECISION AND REMEDY

We find Brother Gartrell guilty of violating Paragraph M in Charge 1 and Paragraph T in all three charges. Code 5, Section 2(D) allows for expulsion in "appropriate circumstances."

In our view, based on the evidence and the circumstances of the offenses, Brother Gartrell's conduct was egregious and is intolerable in our Union. As a Local officer, he attended trainings and educational programs that emphasized union solidarity and the threats posed by anti-union actors who undermine everything we stand for. Despite taking the officer and member pledge, he betrayed both.

Furthermore, as a Local officer, he was entrusted with confidential information regarding union finances, threats, and challenges. Rather than using that knowledge to benefit Local 23, he weaponized it as part of a coordinated campaign to betray the Union from within. Put simply, Brother Gartrell knowingly and deliberately traded his loyalty to our great Union for loyalty to those seeking to destroy it.

Accordingly, Mr. Gartrell is hereby immediately and permanently expelled from the International Union of Bricklayers and Allied Craftworkers. There is no place in our Union for this conduct. Unlike Brother Gartrell, we choose to stand with our Brothers and Sisters. Our Union is stronger without him in it.

CONCLUSION

BY ORDER OF THE IU EXECUTIVE BOARD

Fraternally yours,

By: Jeremiah Sullivan

Jeremiah Sullivan
Secretary-Treasurer

cc: Danny Musacchio, President, BAC Local 23 Ohio, West Virginia, Kentucky, Maryland
Jeremy Rivas, IU North Central Regional Director
David Sheppard, Former IU West Region Director and Investigator
Craig Strudwick, IU Canadian Regional Director and Hearing Examiner
June Johnston, IU Membership Department Manager
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