

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: ELIGIBILITY OF)	
FRANCISCO REYNOZO, FRITZ)	Protest Decision 2005 ESD 16
CONLE, FRANKLIN GALLEGOS,)	Issued: October 14, 2005
CRESECIO DIAZ, TONY GONZALEZ,)	OES Case No. E-05-002-092905-FW
SALVADOR CARRILLO, STEVE)	
GARCIA, ARNOLD BERNAL,)	
MICHAEL JOHNSTON, and)	
ROBERTO SANCHEZ.)	
<hr/>		

On October 13, 2005, we issued our decision in 2005 ESD 15, finding Francisco Reynozo and Fritz Conle ineligible for nomination as delegate or alternate delegate to the 2006 IBT Convention. The decision found the remaining members who were the subject of the protest eligible.

On October 14, 2005, we received a fax from Franklin Gallegos, President of Local Union 890, requesting that we reverse our finding that Francisco Reynozo is ineligible to run for delegate or alternate delegate. The fax included a letter dated October 12, 2005, signed by IBT General President James P. Hoffa, stating that Francisco Reynozo should be deemed in continuous good standing for the relevant eligibility period. We attach both letters to this decision.

Based on this new information, we STAY our decision in 2005 ESD 15 with respect to Francisco Reynozo only. All interested parties have until 5:00 p.m. EDT, Thursday, October 20, 2005, to produce evidence with respect to Reynozo's eligibility to be nominated for delegate or alternate delegate. The evidence to be produced must include the following:

- (a) the letter of December 15, 2004 referenced in the attached letter of General President Hoffa;
- (b) all dues check-off authorizations Reynozo signed that were applicable to any portion of the eligibility period, including any signed for Gilroy Foods or Local 890, and including the authorization said to have been signed in January or February 2004;
- (c) all records of earnings from Gilroy Foods for the period September 2003 through August 2005 ("the eligibility period");
- (d) all records of stipend or other payments for services made by Local 890 to Reynozo during the eligibility period, including any records that indicate that Mr. Reynozo was a business agent or trustee of Local 890 at any time during that period;
- (e) all documents demonstrating that Reynozo was placed on withdrawal status by the local union for any portion of the eligibility period.

Evidence not supplied by the date and time referenced above will not be considered.

Reynozo, et al, 2005 ESD 16
October 14, 2005

The time period for filing an appeal will be tolled with respect to Reynozo and will commence to run when we dissolve this stay. The appeal period with respect to all other Respondents is not affected by this stay.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2005 ESD 16

Reynozo, et al, 2005 ESD 16
October 14, 2005

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Patrick J. Szymanski
General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001
pszymanski@teamster.org

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway
Suite 200
Farmington Hills, MI 48334
braymond@fwslaw.com

David J. Hoffa, Esq.
Hoffa 2006
30300 Northwestern Highway, Suite 324
Farmington Hills, MI 48834
David@hoffapllc.com

Barbara Harvey
645 Griswold Street
Suite 3060
Detroit, MI 48226
barbaraharvey@comcast.net

Frank Halstead, Shop Steward
Teamsters Union Local #572
260 La Follette Drive
Los Angeles, CA 90042-3512
fwhalstead@hotmail.com

Franklin L. Gallegos
President, Local 890
207 N. Sanborn Road
Salinas, CA 93905
apinta77@aol.com

Crescencio Diaz
450 Hall Road
Watsonville, CA 95076
crescenciodiaz@aol.com

Tony Gonzalez
207 North Sanborn Road
Salinas, CA 93905
tul890@aol.com

Salvador Carrillo
1925 Bradbury Street
Salinas, CA 93906
sscarrillo@sbcgolbal.net

Steve Garcia
880 Susan Court
Gilroy, CA 95020
(via first class mail)

Arnold Bernal
146 Ledesma Street
Soledad, CA 93960
abernal97@aol.com

Francisco Reynozo
970 Spring Grove Road
Hollister, CA 95024
(via Overnight UPS)

Michael Johnston
81 Devon Lane
Watsonville, CA 95076
mike890@pacbell.net

Robert Sanchez
18556 Northridge Drive
Salinas, CA 93906
(via first class mail)

Reynozo, et al, 2005 ESD 15
October 14, 2005

Fritz Conle
1248 West Oak Avenue
Greenfield, CA 93927
fritzconle@peoplepc.com

Steven Newmark
Office of the Election Supervisor for the
International Brotherhood of Teamsters
1725 K Street, NW, Suite 1400
Washington, DC 20005
snewmark@ibtvote.org