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November 18, 1991

**VIA UPS OVERNIGHT**

R. V. Durham Unity Team  
508 Third Street, N.E.  
Washington, D.C. 20002

Eddie Kornegay, Jr.  
President  
IBT Local Union 1714  
2120 Bladensburg Road, N.E.  
Washington, D.C. 20018

**Re: Election Office Case No. P-1016-LU1714-MID**

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by John Steger, a representative of and on behalf of the R. V. Durham Unity Team. Mr. Steger contends that Eddie Kornegay, President of Local 1714, used Union funds and resources for the purpose of campaigning for the Shea-Ligurotis Action Team in violation of the *Rules*.

Specifically, Mr. Steger complains that the following items constituted improper use of Union funds or resources to support International Union officer candidates on the Shea-Ligurotis Action Team: (1) the contents of the May 1991 issue of the Local 1714 newsletter; (2) the content of the Eastern Black Caucus meeting, chaired by Mr. Kornegay and held on May 11, 1991; (3) the use of Local 922 stationery to purportedly misrepresent facts concerning Walter Shea to the IBT membership; and (4) the use of Union funds to pay Mr. Kornegay's expenses to travel to New York and Philadelphia since July 1, 1991. This protest was investigated by Regional Coordinator Grant Crandall. Based upon that investigation the Election Officer makes the following determinations.

**May 1991 Newsletter and Black Caucus Meeting**

Mr. Steger's protest concerning the May 1991 issue of Local 1714 newsletter and the activities at the Eastern Black Caucus meeting held on May 11, 1991 were the subjects of prior protest filed by the R. V. Durham Unity Team. Specifically, on August 19, 1991, the Election Officer acknowledged a protest filed by Chris Scott on behalf of the R. V. Durham Unity Team alleging that the May 1991 edition of Local 1714's newsletter provided campaign support to the Shea-Ligurotis Action Team (Election Office Case No. P-864-LU1714-MID). The May 1991 newsletter that was attached to that protest is the same literature which is now the subject of Mr. Steger's

protest. In September 1991; Mr. Scott withdrew his protest; the Election Officer found that the withdrawal effectuated the purpose of the *Rules* and on September 30, 1991 dismissed the protest. The protest filed by Mr. Steger contains no new evidence regarding the May 1991 newsletter nor has Mr. Steger provided new information to support the previously withdrawn matter.

Similarly, on August 19, 1991, the Election Officer acknowledged a protest filed by Chris Scott, as a representative of the R. V. Durham Unity Team, alleging that the May 11, 1991 meeting of the Eastern Chapter of the Teamsters National Black Caucus was used for campaigning in violation of the *Rules* (Election Office Case No. P-872-IBT). In support of that protest, Mr. Scott submitted a flyer announcing the meeting, an agenda of the meeting, a letter concerning the meeting, and a press release announcing that Mr. Kornegay was seeking election as an International Union Vice President which apparently accompanied the invitation to the meeting. By letter dated September 30, 1991, the Election Officer granted Mr. Scott's request to withdraw and dismissed the protest.<sup>1</sup> The protest filed by Mr. Steger contains no new information justifying the reopening of Mr. Scott's dismissed protest.

Further, given no new facts or information concerning either the newsletter or the Eastern Black Caucus Meeting, Mr. Steger's protest is clearly untimely under the *Rules*. In fact, these allegations are stale and to once again raise them in a new protest after the Election Officer has dismissed previous protests on the identical matters--dismissals based on a request to withdraw by a representative of the same slate represented by Mr. Steger--constitutes an abuse of the protest procedures. Accordingly, these allegations of the protest are DENIED.

#### Use of Local 922 Stationery

Mr. Steger also contends that Mr. Kornegay used Local 922 stationery to promote the candidacy of Walter Shea for IBT General President. Specifically, Mr. Steger claims that Mr. Kornegay used Local 922 stationery to misrepresent Mr. Shea's status as an active member of the IBT; when that letter was later used as part of the campaign material printed on behalf of the Shea-Liguorotis Action Team in the October issue of The International Teamster, Mr. Steger contends that the official stationery was used to promote Mr. Shea's candidacy.

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<sup>1</sup> In doing so, the Election Officer noted that the focus of Mr. Scott's protest appeared to be the alleged use of Union funds to promote the candidacy of Eddie Kornegay. Mr. Kornegay was not nominated for the office of International Vice President at the Convention. He was nominated for the office of International Trustee. The election of Trustees occurred at the Convention and Mr. Kornegay was not elected; the results of that election have been certified by the Election Officer.

Use of the official Union stationery of an IBT body for promoting the candidacy of any International Union officer candidate is clearly violative of the *Rules*. *Rules*, Article X, § 1(b)(3). However, there is no evidence that Local 922's official stationery was so utilized here. Mr. Kornegay, in his capacity as President of Local 922, wrote Mr. Shea in response to Mr. Shea's inquiry regarding his dues payment records. In doing so, Mr. Kornegay properly utilized the official stationery of the Local Union.<sup>2</sup> Mr. Steger presented no evidence, and the Election Officer's investigation uncovered no evidence, that Mr. Kornegay distributed or published his letter other than to Mr. Shea.

The letter was subsequently published as part of the campaign material for the Shea-Liguoris Action Team contained in the October 1991 edition of The International Teamster. The Election Officer has, however, consistently declined to inquire into or regulate contents of campaign material, no matter how distributed. The *Rules* prohibit such censorship. See *Rules*, Article VIII, § 6(g) and Article VIII, §§ 9(c). Accordingly, this aspect of the protest is DENIED.

#### Use of Union Funds for Campaign Travel

Finally, Mr. Steger alleges that since July 1, 1991, Mr. Kornegay has used Union funds to travel to New York and Philadelphia for the purpose of campaigning in those locations. The investigation revealed that since July 1, 1991, Mr. Kornegay has taken three out-of-town trips.<sup>3</sup> The first was taken on July 31, 1991 to New York for the purpose of attending funeral services for Maggie Feinstein, the wife of Barry Feinstein, Director of the Public Employee Trade Division of the IBT. Mr. Kornegay is President of Local Union 1714. The membership of that Local consists of public employees, namely correctional officers. Local 1714 paid the expenses of Mr. Kornegay's travel to New York for this purpose. There is no evidence to suggest that Mr. Kornegay engaged in campaign activity on this trip. Accordingly, there is no violation of the *Rules*.

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<sup>2</sup> Mr. Shea, as a member of Local Union 922, is entitled to receive information as to his personal dues record. Mr. Steger, who is not a member of Local 922, has no right under the IBT International Union Constitution or substantive law to information about Mr. Shea's due payments.

<sup>3</sup> Neither Mr. Steger nor any individual to whom Mr. Steger referred the Regional Coordinator for information concerning this allegation had any specific information as to Mr. Kornegay's travel for any purpose. The facts revealed during the investigation were either provided by counsel for Mr. Kornegay or were otherwise established during the Regional Coordinator's investigation.

The second trip taken by Mr. Kornegay was to Atlantic City, New Jersey on September 23, 1991. Mr. Kornegay was invited to speak, as the President of Joint Council 55, to the Joint Council 53 Annual Meeting, which was held in Atlantic City, New Jersey during the period September 22 through 25, 1991. The investigation revealed that the expenses of Mr. Kornegay in attending the Joint Council 53 annual seminar were not paid for by Local 922, Local 1714 or by Joint Council 55. Since there is no evidence Mr. Kornegay utilized Union funds to attend the Joint Council 53 Annual Meeting, there is no basis to find any violation of the *Rules*.<sup>4</sup>

Finally, Mr. Kornegay attended the National Black Caucus Convention in Chicago, which was held on October 4 and 5, 1991. His travel expenses were paid by Local 922. Mr. Kornegay is the Chairman of the Eastern Chapter of the National Black Caucus and thus obviously had a purpose in attending the National Black Caucus Convention, separate and apart from any campaign activity. There is no evidence to suggest that Mr. Kornegay did, in fact, campaign at the National Black Caucus Convention. Indeed, in his investigation and determination of Election Office Case Nos. P-955-IBT and P-1005-IBT, both protests concerning the propriety of the activities that occurred at the October 4 and 5, 1991 National Black Caucus Convention, the Election Officer determined that the only campaign activity occurring at that Convention was on behalf of the R. V. Durham Unity Team. Further, the Election Officer in his determination in that case has already remedied any impropriety occasioned by the payment of Mr. Kornegay's travel expenses to attend that Convention by Local 922.<sup>5</sup> Accordingly, this aspect of Mr. Steger's protest is also DENIED.

For the reasons set forth above, this protest is DENIED in its entirety.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby

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<sup>4</sup> The propriety of the Joint Council 53 Annual Meeting is the subject of a separate protest for which the Election Officer has previously issued a remedial order (Election Office Case No. P-954-IBT).

<sup>5</sup> In his decision in Election Office Case Nos. P-955-IBT and P-1005-IBT, the Election Officer ordered the National Black Caucus to partly reimburse all Union bodies who paid for or subsidized the expenses of their members to attend the October Convention of the National Black Caucus to ensure that no Union monies were expended with respect to the campaign activities which occurred at that Convention.

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& MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

MHH/ca

cc: Frederick B. Lacey, Independent Administrator

Grant G. Crandall, Regional Coordinator

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