

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

Michael H. Holland
Election Officer

October 31, 1991

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Ron Carey
c/o Susan Davis, Esquire
Cohen, Weiss & Simon
330 West 42nd Street
New York, NY 10036-6901

R. Jerry Cook
President
IBT Local Union 528
2540 Lakewood Ave., S.W.
Atlanta, GA 30315

R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
2033 K St., NW
Suite 300
Washington, D.C. 20006-1002

Donald S. Scott
President
IBT Local Union 728
2540 Lakewood Ave., S.W.
Atlanta, GA 30315

Re: Election Office Case No. P-1023-LU528-SEC

Gentlemen:

A protest was filed on behalf of the Committee to Elect Ron Carey pursuant to the Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protest alleges that the R. V. Durham Unity Team utilized--through an alleged subterfuge on the part of Local 528, whose principal officer is a candidate for International Union Vice President on the R. V. Durham Unity Team--the facilities of Local 728 for a campaign rally without reimbursing the Local for the cost of such use.

Article VIII, § 10(c) of the *Rules* provides, "Union funds, facilities, equipment, stationery, etc., may not be used to assist in campaigning unless the candidate reimburses the Union for such costs and such goods and services are equally available to all candidates and all candidates are notified in advance of the availability of such goods and services." See also Article XI, § 1(b)(3).

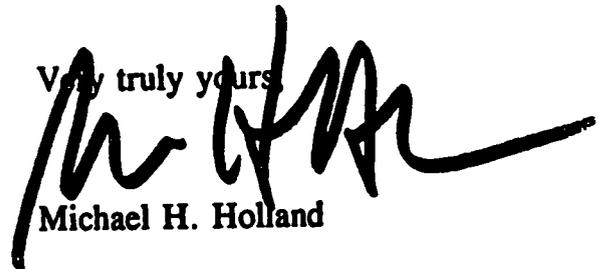
On August 7, 1991, Richard Black, Secretary-Treasurer of Local 728, by letter addressed to all nominated candidates for International office, notified such candidates that the Local's auditorium was available for candidates and their slates to use for campaign functions provided that the candidate paid the Local a \$50 cleaning fee. The Committee to Elect Ron Carey claims that this facility was utilized for a rally on behalf of the R. V. Durham Unity Team but that the \$50 cleaning fee was not paid. R. Jerry

Ron Carey
October 31, 1991
Page 2

Cook, a nominated candidate for Vice President of the R. V. Durham Unity Team, has now paid the \$50 fee. The issue is resolved and the protest is DENIED on that basis.

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 & 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/mjv

cc: Frederick B. Lacey, Independent Administrator

Walter Shea
c/o Robert Baptiste, Esquire
Baptiste & Wilder
1919 Pennsylvania Avenue, N.W.
Suite 505
Washington, D.C. 20006