

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

December 10, 1991

**VIA UPS OVERNIGHT**

Ron McAmis  
1835 Truckee Way  
Salinas, CA 93906

Franklin L. Gallegos  
President  
IBT Local Union 890  
207 N. Sanborn Road  
Salinas, CA 93905

**Re: Election Office Case No. P-1081-LU890-CSF**

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Ron McAmis, a member of Local Union 890. Mr. McAmis alleges that Local 890 officials have improperly changed addresses for hundreds of seasonal employees in an effort to perpetrate ballot fraud.

Local 890 has approximately 7,000 members. A substantial majority of its membership is employed in the seasonal food industry, employed as field workers by Bud Antle, Inc. Many are employed on a migratory basis, that is, they travel throughout the southwestern United States working in different areas as the crops in these areas become ready for harvesting. The very nature of their employment significantly reduces the probability of a member having a fixed address for any length of time. For this reason, the Election Officer in conjunction with Local 890, distributed special notices prepared by the Election Officer--in both Spanish and English--to Local 890 members employed by Bud Antle, urging them to provide both the Local and the Election Officer with their current addresses. The notice further directed that any member who did not receive a ballot by November 20, 1991 to call 1-800-IBT-VOTE to request a ballot. The notice was distributed on November 4 and 5, 1991 at their worksites, i.e., in the fields, and/or on the buses used to transport the Local 890 members to and from the fields.

This protest was received and an investigation was commenced by the Election

Ron McAmis  
December 10, 1991  
Page 2

Office prior to the time any ballots had been mailed to Local 890 members. The Election Officer identified all members whose listed home address was the same as that provided for for four or more other Local 890 members. The mail ballot packages addressed to these members were segregated from all other ballot packages for Local 890 members. The segregated ballot packages were not mailed until further investigation could be completed.

Prior to his receipt of the instant protest, the Election Officer had determined to distribute by hand delivery 1991 IBT International Union officer election ballots to certain of the migrant farm workers who are members of Local 890 and employed by Bud Antle. The Election Officer's decision was directed by the large number of apparently incorrect addresses for these members as maintained in the Local's and International Union's files, the migratory nature of the work performed by these Local 890 members and the lack of mail delivery services to their temporary residences provided for them by Bud Antle.<sup>1</sup>

During the pendency of the investigation of this protest, the Election Officer completed the personal distribution of mail ballot packages described above to approximately 750 Local 890 members employed by Bud Antle and working in Bud Antle's lettuce fields located in Huron, California and Yuma, Arizona. This method of distribution provided personal delivery of mail ballot packages to approximately 30 Local 890 members whose ballots had been segregated and not mailed because the mailing addresses of these approximately 30 members were also the mailing addresses of other Local 890 members.

Regional Coordinator Don Twohey and Adjunct Regional Coordinator Robin Matt personally visited many of the residences identified as being the mailing addresses for multiple members of Local 890. These personal visits revealed that some of the locations were not the residences of the members listed as living at those sites, that these Local 890 members did not nor had they previously lived at the addresses provided for them. No

---

<sup>1</sup> The Election Officer determined that this group of IBT members were unique; no other IBT Local includes members whose work is migratory, who lack permanent residences and whose temporary residences are not accessible by mail delivery service.

Ron McAmis  
December 10, 1991  
Page 3

ballots were mailed to these members at these addresses.<sup>2</sup>

The investigation also resulted in the verification of some of the identified addresses as legitimate addresses. The appropriate mail ballot packages were mailed to the Local 890 members whose addresses were verified as accurate by the Election Office.

The Election Officer has not mailed or otherwise delivered the remaining segregated ballot packages, since he was unable to verify the addresses for these Local 890 members and unable to contact them for personal distribution of their ballots.

The Election Officer has taken all steps necessary to ensure that each Local 890 member, but only the member, has received a ballot. Local 890 members whose addresses were incorrect, who were not available to receive a ballot by personal distribution or whose address as listed in the Union's records appears to be fraudulent, have not received a ballot. However, all Local 890 members have received information and instructions--by the notices distributed to them as noted above, by the Notice of Election published in the September and October issues of The International Teamster, and by the Voting Instructions published in the October and November 1991 issues of The International Teamster--regarding how to obtain a ballot if a ballot was not received. Therefore, any Local 890 member who did not receive a ballot for any reason, including those to whom no ballot was mailed because the Election Officer found such member's address to be fraudulent, had the opportunity to obtain a ballot package.

---

<sup>2</sup> During his investigation, the Election Officer discovered that ballots for the Local Union officer election in Local 890 had been mailed to the addresses found by the Election Officer to be addresses at which the Local 890 member identified as there residing had never lived. The Election Officer investigation revealed that Local Union officer election ballots mailed to those addresses had been collected by someone other than the member to whom such ballots were addressed. Since the propriety of the Local Union officer election in Local 890 is a matter beyond the Election Officer's jurisdiction, the Election Officer did not further investigate to determine what occurred after the ballots were so collected. However, as noted *infra*, this protest will be referred to the Court-appointed Investigations Officer, along with the totality of the evidence uncovered by the Election Officer's investigation.

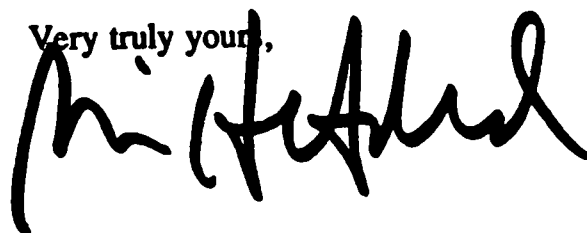
Ron McAmis  
December 10, 1991  
Page 4

To the extent that the protest seeks to disqualify all Local 890 members from participating in the 1991 IBT International Union officer election, the protest is DENIED. As fully described above, the Election Officer has acted to ensure that all Local 890 members have had an opportunity to receive a ballot for the 1991 IBT International Union officer election, but that no ballot has been distributed to any person other than the member entitled to receive it.

To the extent that the protest raises allegations concerning the election process for the election of Local Union officers, the matter is beyond the jurisdiction of the Election Officer. The jurisdiction of the Election Officer extends solely to the election process for the 1991 IBT International Union officer election; the Election Officer has no jurisdiction with respect to any other elections, including subordinate body officer elections. *Rules, Preamble, pages 1-2.* However, given the allegations of this protest with respect to the Local Union officer election and the evidence discovered by the Election Officer in his investigation of the protest, the Election Officer has determined to refer this protest, insofar as it concerns the Local Union 890 Local Union officer election, to the Court-appointed Investigations Officer, Charles Carberry, for further review and investigation by him. The Election Officer shall provide Mr. Carberry with the Election Officer's full investigatory file in this matter.

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,



Ron McAmis  
December 10, 1991  
Page 5



Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Charles Carberry, Investigations Officer

Donald Twohey, Regional Coordinator

Ron Carey  
c/o Richard Gilberg, Esquire

R. V. Durham  
c/o Hugh J. Beins, Esquire

Walter Shea  
c/o Robert Baptiste, Esquire