

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

Michael H. Holland  
Election Officer

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January 2, 1992

**VIA UPS OVERNIGHT**

Rick Lee  
Cathy Bushong-Lee  
4310 Joe Miller Road  
Malaga, WA 98828

J. Allen Hobart  
Secretary-Treasurer  
IBT Local Union 760  
608 West Lincoln Avenue  
Yakima, WA 98902

**Re: Election Office Case No. P-1121-LU760-PNW**

Gentlemen and Ms. Lee:

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 Rick Lee, a member and Trustee of Local Union 760 and Cathy Bushong-Lee, a former employee of Local Union 760. The primary focus of their protest is the allegation that J. Allen Hobart, Secretary-Treasurer of Local Union 760, required each Local Union officers and business agents to provide him with a cash payment of \$100.00, allegedly to be forwarded to one of the slates of candidates for IBT International Union office, as a condition to such officers' or employees' retention of their salaried positions with the Local Union.<sup>1</sup>

The allegations of the protest, if true, may constitute an act of extortion. Under the terms of the March 14, 1989 Consent Order, jurisdiction for determining whether sufficient evidence exists to bring charges against an IBT member or officer for extortion and determining whether such member or officer is guilty of such charge resides in the Court-appointed Investigations Officer and Independent Administrator, respectively, and, after the certification of the 1991 IBT International Union officer election, in the

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<sup>1</sup> While the initial protest also discusses Ms. Lee's discharge from her employment with Local Union 760, the protestors subsequently indicated that they were not seeking redress from the Election Officer for such discharge. Further, with respect to the allegations of the initial protest regarding internal Union charges against Mr. Lee, those charges have now been withdrawn.

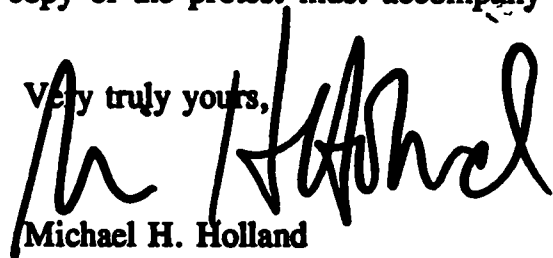
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Independent Review Board established by the Consent Order. See Consent Order, ¶¶ E.10, F.12(A) and G.(a). Accordingly, if the Election Officer determines based upon a preliminary evidentiary review of the allegations of the protest that the matter warrants further investigation, it is most appropriate under the terms of the March 14, 1989 Consent Order that he refer the matter to the Court-appointed Investigations Officer, Charles Carberry. Mr. Carberry, or, after his authority lapses, the Independent Review Board, will determine whether it is appropriate to bring disciplinary charges. Under the Consent Order, only the Independent Administrator or the Independent Review Board have the authority to impose sanctions which could include suspension from IBT office or membership.

The Election Officer has conducted a preliminary review of the allegations of the instant protest. Such review suggests the necessity of further investigation. As noted above, such further investigation is most appropriately performed by the Investigations Officer, or, after his authority lapses, the Independent Review Board; determination of the proper sanctions to be imposed for charges brought based on these allegations resides in the Independent Administrator or Independent Review Board. For these reasons, the Election Officer, by copy of this letter and its enclosures, is referring the protest in this matter and all investigatory material gathered by him in his preliminary investigation of the protest to the Investigations Officer for his review, further investigation and future determination whether charges are warranted.


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



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**cc: Frederick B. Lacey, Independent Administrator**  
**Charles Carberry, Investigations Officer**  
**Christine M. Mrak, Regional Coordinator**