



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 3, 1991

VIA UPS OVERNIGHT

Robert Romano
12632 Friar Place
Philadelphia, PA 19154

Joseph Cimino, Jr.
President, Local Union 107
107 Spring Garden Street
Philadelphia, PA 19123

Re: Election Office Case No. P-163-LU107-PHL

Gentlemen:

A pre-election protest was filed pursuant to Article XI, §1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Rules"). In his protest, Robert Romano, contends that Mr. Joseph Cimino, Jr. should be determined ineligible to run as a candidate for delegate to the 1991 IBT International Convention for the reason that he is currently the subject of charges brought by the Independent Investigations Officer, Charles Carberry. There is no allegation that those charges against Mr. Cimino have been sustained, nor that Mr. Cimino has been convicted of any crime.

The Election Officer will not find a member ineligible to run for the position of delegate solely because the person is "under investigation" for a crime, or has been charged by the court-appointed Investigation Officer.

If, however, an IBT member who has been elected to the position of delegate should later be convicted of a crime, or a finding by the Independent Administrator made sustaining the Investigations Officer charges, a challenge concerning such conviction or finding may be filed with the Credentials Committee, and/or initialed by the Election Officer and at that time such challenge will be resolved pursuant to the Rules, Article IV § 2.

Based on the foregoing the protest is DENIED.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made

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in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,



Michael H. Holland

MHH/MJC/sst

cc: Mr. Frederick B. Lacey
Peter V. Marks, Sr., Regional Coordinator