



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

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

January 11, 1991

VIA UPS OVERNIGHT

David Robinson
6486 Chicago Rd
Flushing, MI 48433

James Bohlen
Secretary-Treasurer
IBT Local Union 486
1245 E. Genesee
Saginaw, MI 48607

Dan Campbell
2925A Jones Lake Rd
Grayling, MI 49738

David Dunning
7788 Trinklein Rd
Saginaw, MI 486063

Diane Poma
4439 Lake Dr
Beaverton, MI 48612

Bob Gaynor
641 E. 5th St
Gaylord, MI 49735

Mark Ramsey
8571 Duncan Rd
Clare, MI 48616

Re: Election Office Case No. P-222-LU486-MGN

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest Mr. David Robinson contends that Ron Carey, and the Working Teamsters for Ron Carey Slate from Local 486, have obtained a mailing list of Local 486 membership in violation of the *Rules*

On July 10, 1990, the Honorable David N Edelstein issued an Opinion and Order which authorized the Election Officer to release a copy of the appropriate membership list to an accredited candidate thirty days before the date of an election

On August 23, 1990, the Election Officer issued an Advisory on Membership List Distribution to Accredited Candidates. The Advisory clarifies that appropriate membership lists can be distributed by the

David Robinson
Page 2

Election Officer to accredited candidates thirty days before the first delegate and alternate delegate election which may affect the accredited candidate. The list may then be used to advance the accredited candidate's campaign for nomination and/or election as an International Union Officer.

Before the accredited candidate receives the list, he must file an affidavit averring that he will not permit inspection or copying of the list by third parties. The candidate's campaign or campaign organization is not considered another third party. Further, the Advisory states that "use of the list to support delegate and alternate delegate candidacies will not constitute misuse of the membership list since such delegates and alternate delegates, if elected, may advance the campaign of the accredited candidate by their votes at the 1991 IBT International Convention."

In this case, the Election Officer has furnished the campaign of Ron Carey, an accredited candidate for International Office with the membership list in accordance with the Court Order. Thus, the use of the list to support campaigns for delegates and alternate delegates who support Mr. Carey is not a violation of the *Rules*. Accordingly, the protest is DENIED.

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/mca

cc Frederick B. Lacey, Independent Administrator
James De Haan, Regional Coordinator