



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 16, 1991

VIA UPS OVERNIGHT

Walter W. Henao
210 Covena Ave
Modesto, CA 95354

Ron Ashlock
Secretary-Treasurer
IBT Local 748
1222 "I" St
Modesto, CA 95354

Sam Castellanos, Jr
1118 Tim Bell Rd
Waterford, CA 95386

Re: Election Office Case No. P-229-LU748-CCV

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 Walter Henao contends that the *Rules* have been violated because Mr. Sam Castellanos accepted his nomination for the position of delegate in writing, but did not sign the acceptance.

The *Rules* permit a candidate to accept nomination in writing. *Rules*, Article II, § 3(h) The investigation shows that Mr. Castellanos was on vacation at the time of the nominations meeting. He telephoned the Secretary-Treasurer of the Local Union and asked if it would be proper to send his acceptance to be read at the meeting by fax. The Local Union cleared this method of acceptance with an Election Officer Representative. Subsequently, Mr. Castellanos faxed an acceptance letter to the Local

Since Mr. Castellanos clearly expressed his intent to accept his nomination for the position of Delegate, and since he further expressed his intent in writing, the *Rules* have not been violated 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

Walter Henao
Page 2

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
Donald E Twohey, Regional Coordinator