



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, D.C. 20001
(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

Michael H. Holland
Election Officer

Chicago Office
361 East Madison Street
249 South Dearborn Street
Chicago, IL 60601
(812) 823-2800

January 25, 1991

VIA UPS OVERNIGHT

Joe Witzmann
6991 Pleasant View Dr.
Mounds View, MN 55432

William Tyler
Secretary-Treasurer
IBT Local Union 1145
2636 Portland Avenue
Minneapolis, MN 55407

Re: Election Office Case No. P-270-LU1145-NCE

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Mr. Joseph Witzmann alleges that literature in support of the Ron Carey slate has been removed from union bulletin boards throughout the Local. He also alleges that Mr. Ernie Schultz, welfare director of Local 1145 and a Trustee of the Local, has removed literature from the union bulletin boards located at Honeywell's Golden Valley plant, in violation of the *Rules*.

The investigation shows the following: Campaign literature in support of candidate Ron Carey has been removed from various bulletin boards throughout the Local during the past several weeks. No evidence was produced indicating that the Local Union Officers who are seeking election as delegate or alternate delegates (the Democracy Slate) has had its literature removed. Further, an anti-Carey newspaper called Teamster Election News has also apparently been removed from several bulletin boards. There was no evidence presented during the investigation to show that the Local union or the incumbent slate has directed or sponsored the removal of any literature.

The Local has voluntarily agreed to post the attached notice at all facilities where its members work in an effort to apprise all parties of the continuing obligation under the *Rules* to respect campaign postings. The Election Officer finds that posting this notice will effectuate the purpose of the *Rules* and substantially remedy violations of the *Rules* that have occurred through the removal of literature.

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The protestor also alleges that Mr. Schultz has personally removed literature. The Election Officer's representative has interviewed all parties involved. Mr. Schultz denies that he has ever removed literature. Both Mr. Witzmann and another witness claim that they personally saw Mr. Schultz remove literature from the bulletin board on January 11, 1991. The Election Officer tends to draw the credibility inference in this case against Mr. Schultz, because the protestor's evidence has independent corroboration. However, the Election Officer finds that the posting of the Notice sufficient remedy in this aspect of the protest as well, noting that a stronger remedy will be imposed if there should be future allegations and proof that Mr. Schultz is removing literature.

Based on the foregoing, the protest is resolved.

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/acm

cc: Frederick B. Lacey, Independent Administrator
Barbara Z. Quindel, Regional Coordinator

MINNESOTA TEAMSTERS JOINT COUNCIL NO. 32

Affiliated with the INTERNATIONAL BROTHERHOOD of
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS of AMERICA
3001 University Avenue S.E. — Minneapolis, Minnesota 55414 — Phone (612) 331-6767



HAROLD J. YATES
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DAVID Y. MORRIS
Secretary-Treasurer

WILLIAM H. TYLER
Exec. Vice President

Memorandum to Members of IBT Local Union No. 1145

From: David R. Dalton, Election Consultant

Re: IBT International Conventional Delegate Election

The Joint Council has received charges and countercharges filed by candidates in the upcoming Local Union #1145 Delegate Elections alleging that supporters of the opposing candidates are removing campaign literature from the union bulleting boards.

Members are reminded that the rights of candidates to have their campaign literature posted on union bulletin boards has been guaranteed by an Order issued in the Federal Court. Any unauthorized removal of such material may subject the person making such removal to a finding of Contempt of Court.

The Joint Council and its affiliated Local Unions are committed to a free and fair election for delegates to the IBT International Convention. We ask the cooperation of all members in allowing candidates to freely exercise their rights to have their campaign literature displayed.