

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMS - I.R.S.
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

Vincent L Meredith
203 Elk River Drive
Louisville, KY 40214

Charles Spond
Secretary-Treasurer
IBT Local Union 89
3813 Taylor Blvd.
Louisville, KY 40215-2695

Re: Election Office Case No. P-292-LU 89-SCE

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990. The Complainant, Vincent Meredith, seeks to make a pre-election mailing to all or some Local Union members pursuant to Article VIII, Section 6 of the Rules. His protest contends that the Local has deliberately sought to delay and interfere with the mailing.

On November 8, 1990, Mr. Meredith wrote to Charles Spond, the Secretary-Treasurer of Local 89, involving his right to make a mailing to Union members at his own expense. In the letter, Mr. Meredith specifically outlined the procedures he desired to be used with the mailing. He asked that the Local inform him immediately of the procedures which would be used, including, costs and times and dates. This letter was delivered to the Local on the next day.

On November 12, 1990, Local Secretary-Treasurer Spond wrote back to Mr. Meredith, stating that the Local was "exploring" methods for obtaining a mailing service for literature distribution. On November 27, 1990, he wrote a second letter to Mr. Vincent, in response to an oral inquiry, and stated that the Local was "searching" for a Company to handle a candidate mailing. On December 14, 1990, the Local informed Mr. Meredith that it was continuing "to check" various sources for the mailing of campaign literature. On that day, 36 days after the initial request was mailed, the Local sent quotes from various companies to Mr. Meredith regarding literature mailing. It appears that the Local was able to obtain a final price quote for Mr. Meredith on December 21, 1990, 43 days after the request was made by Mr. Meredith.

Vincent Meredith
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As of the present date, it appears that the Local has made it possible for Mr. Meredith to complete his mailing, which he desires to make at the beginning of February 1991. It appears, however, that the Local delayed what should be a simple process unnecessarily. Only Mr. Vincent's early start and diligence has ensured that he is in a position to make his mailing in a timely fashion. The Union's delay was unreasonable under Article VIII, § 6 of the *Rules*.

Accordingly, the Election Officer finds that Local 89 has violated the Election Rules by its attempt to interfere with Mr. Meredith's right to use his own resources to make a mailing to Local members.

The Local is directed to post the Notice attached hereto at each location where it represents employees.

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 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

cc Mr. Frederick B. Lacey
Peggy Hillman, Regional Coordinator

NOTICE TO TEAMSTER MEMBERS
FROM IBT LOCAL UNION 89

You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT Convention

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT

Each candidate for delegate, alternate delegate, or International Officer, or their credential representative(s), is entitled to have the Local Union, at the candidate's expense, distribute in a reasonable and timely fashion his campaign literature. The Local Union may not delay or interfere with the exercise of these rights.

You have a right to file a protest with Election Officer Michael H. Holland alleging a violation of these rights or any other right set forth in the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*")

Norman C Hug
President, IBT Local Union 89

This is an official notice and must remain posted for thirty consecutive days from the first day of posting, and must not be altered, defaced, or covered by any other material

IN RE:
VINCENT L. MEREDITH,
Complainant,
and
IBT LOCAL UNION 89,
Respondent.

91 - Elec. App. - 42 (SA)

DECISION OF THE
INDEPENDENT ADMINISTRATOR

This matter arises out of an appeal from the January 16, 1991, decision of the Election Officer in Election Officer Case No. [REDACTED]. On January 22, 1991, a hearing was held before me by way of teleconference during which the following persons were heard: Vincent L. Meredith, the complainant; Charles L. Spond, Jr., on behalf of IBT Local Union 89 (the "Local"), the appellant; John Sullivan, on behalf of the Election Officer; and Peggy Hillman, the Regional Coordinator.

In his protest, Mr. Meredith, a candidate for delegate to the 1991 IBT Convention on behalf of the Local on the "rank and file" slate, contended that the Local had deliberately sought to delay and interfere with his pre-election mailing of campaign literature as authorized by Article III, Section 6 of the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules").

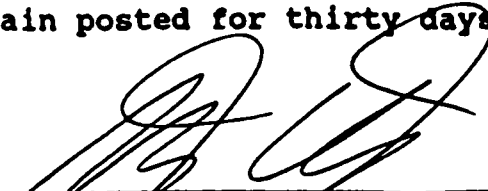
As of the present date, it appears that the Local has made it possible for Mr. Meredith to complete his mailing, which he desires to make at the beginning of February, 1991. At issue is the delay experienced by Mr. Meredith in receiving information from the Local regarding the cost of the mailing. From the time of his initial request, until he received all the information needed regarding the mailing, some 50 days passed. During this 50-day period, Mr. Meredith's campaign was virtually halted due to the fact that he could not spend any of his limited campaign funds until he determined how much the mailing would cost him.

The Local contends that it did not act intentionally and complied with Mr. Meredith's request as expeditiously as possible.

While the Local could have provided Mr. Meredith with information regarding the cost of mailing sooner than it did, I am not convinced that it acted deliberately to thwart Mr. Meredith's campaign. In fact, when called on December 21, 1990, by Mr. Meredith, Mr. Spond agreed to meet with him the very next day at 8:30 a.m. to share information with him. I do recognize, however, that the Local's responsiveness to Mr. Meredith followed the filing of his protest and was prompted, in great part, by Mr. Meredith's own tenacity.

Notwithstanding my finding that the Local did not act deliberately, I do find that confusion may now exist regarding the Local's responsibility, pursuant to Article VIII, Section 6

of the Election Rules. To cure such confusion, I direct the attached notice to be signed by the President of the Local, Norman C. Hug, to be posted at each location where it represents employees. Such notice shall remain posted for thirty days.



Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Date: January 23, 1991.

NOTICE TO TEAMSTER MEMBERS
FROM IBT LOCAL UNION 89

You have the right to participate in campaign activities on behalf of candidates for delegate and alternate delegate to the 1991 IBT Convention.

You have the right to participate in campaign activities on behalf of candidates for International Office in the IBT.

Each candidate for delegate, alternate delegate, or International Officer, or their credential representative(s), is entitled to have the Local Union, at the candidate's expense, distribute in a reasonable and timely fashion his campaign literature. The Local Union may not delay or interfere with the exercise of these rights.

You have a right to file a protest with Election Officer Michael H. Holland alleging a violation of these rights or any other right set forth in the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules").

Norman C. Hug
President, IBT Local Union 89

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OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Washington, DC 20001
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Michael H Holland
Election Officer

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

January 18, 1991

VIA UPS OVERNIGHT

Richard Hofman
19 McIntosh Drive
Linden, VA 22642

William E Smith
Secretary-Treasurer
IBT Local Union 29
Railroad Avenue
Crozet, VA 22932

Re: Election Office Case No. P-293-LU 29-MID

Gentlemen:

A pre-election protest has been filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990. The Complainant, Richard Hofman seeks election as a delegate to the IBT International Convention. He seeks designation on the ballot as a member of a slate, but would be the only member of that slate running for delegate. He protests the decision of the Regional Coordinator which did not allow him to be designated as a member of a slate.

The Rules do not allow "one person slates." The Rules define slate as "any grouping by mutual consent of two or more candidates." Rules, Definitions, 35 (emphasis added). Further, all other Rules that refer to slates also refer to slates of "candidates." See Rules, Article II, Section 7, Article II, Section 8; Article VII, Section 1

For these reasons, 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 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.

Richard Hofman
William E Smith
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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

cc Mr. Frederick B Lacey
Grant Crandall, Regional Coordinator

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

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

May 21, 1991

VIA UPS OVERNIGHT

James C. Pegelow
329 Sherwood Ct.
Circle Pines, MN 55014

Richard J. Heck
Secretary-Treasurer
IBT Local Union 638
3001 University Ave, SE
Minneapolis, MN 55414

Re: Election Office Case No. P-294-LU638-NCE

Gentlemen:

A protest has been filed with the Election Officer pursuant to Article XI of the *Rules for the International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, James C. Pegelow alleges that the *Rules* were violated as a result of the mailing of copies of the "Teamster Election News" to Local Union 638 shop stewards. The Election Officer's investigation of this protest revealed the following.

The "Teamster Election News" is a four page tabloid published by RL Communications of Detroit Michigan. The publication is critical of Ron Carey and his candidacy for General President of the IBT.

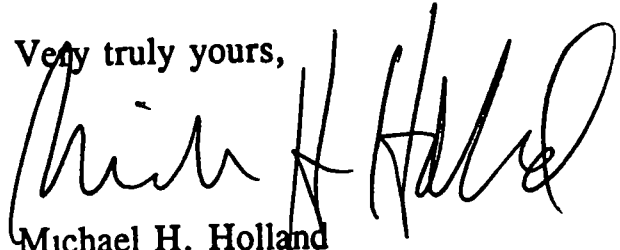
In the instant protest, Mr. Pegelow alleges that Local Union 638 shop stewards received copies of the "Teamster Election News" and that it has been "put out by the union and or the various employers". The investigation revealed that copies of the "Teamster Election News" were mailed to shop stewards at their homes. The envelope containing the tabloid did not have a return address and at least one envelope had a Minneapolis, Minnesota post mark. The Election Officer discovered no evidence that the Local Union either paid for the mailing or the material distributed.

The Election Officer is continuing, however, to investigate the source of funding utilized by R L Communications, publisher of "Teamster Election News" with respect to its preparation, publication and distribution of "Teamster

May 21, 1991
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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,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is written in a cursive style with a large, prominent "H" and "H" in the middle.

Michael H. Holland

MHH/pjm

cc. Frederick B Lacey, Independent Administrator, IBT
Barbara Z Quindel, Election Office Regional Coordinator
Ron Carey Campaign, c/o Richard Gilberg, Esquire