

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

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

Michael H Holland
Election Officer

March 15, 1991

VIA UPS OVERNIGHT

Stanley Lichtman
IBT Local Union 769
8350 N W 7th Avenue
Miami, Florida 33150

Sandra Del Conte
750 N.W. 43 Avenue, #202
Miami, Florida 33126

Richard Gilberg, Esq.
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

Jack Barmon
Ron Carey Delegate Slate
Campaign For Union Reform
11760 S.W. 83rd Court
Miami, Florida 33156

Tony Cannestro
President
IBT Local Union 769
8350 N.W. 7th Avenue

Paul Levy, Esq.
Public Citizens Litigation Group
2000 P Street, NW
Washington, DC 20036

Re: Election Office Case Nos. P-410-LU769-SEC
Post-16-LU769-SEC

Gentlemen:

This matter consists of a pre-election protest that was filed in Election Officer Case No. P-410-LU769-SEC and a post-election protest that was filed in Election Officer Case No. Post-16-LU769-SEC. Essentially identical protests were filed by Mr. Stanley Lichtman on January 28, 1991 and by Sandra Del Conte on January 29, 1991. These protests were consolidated by the Election Officer on January 31, 1991 as Case No. P-410-LU769-SEC. The consolidated protests concern the allegation that campaign material sent by the Florida Teamsters for Ron Carey Slate violated the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), specifically Articles VIII §(2)(a), X §§(1)(a) and (b)(1), and X §§1, 3 & 4 of the *Rules*, since the material was printed with financial support from the Teamsters for a Democratic Union, alleged to be an employer forbidden by the *Rules* from making campaign contributions. The protest also contends that the Florida Teamsters for Carey Slate received other employer contributions by its purported request to employers to post its campaign literature. The protest finally contends that International General President candidate Ron Carey campaigned on behalf of the Florida Teamsters for Ron Carey Slate

on work-time, which violated the *Rules'* restrictions on Union support. This protest was deferred by the Election Officer on February 1, 1991

Election Office Case No. Post-16-LU769-SEC was filed by Mr Stanley Lichtman on behalf of the Experienced Union Team Slate on February 5, 1991. Mr Lichtman contended that Regional Coordinator Donald H. Williams violated appropriate election conduct norms in that (a) ballots were not sent to the membership of Local 769 sufficiently in advance of the count day to permit their return by members; (b) a large number of ballots were determined at the election to be void, because they were returned without being enclosed in the secret ballot envelope, (c) observers were not notified of the opportunity to observe the mailing process, (d) the outer envelope containing the election ballot was only in English, including those mailed to members receiving Spanish language ballots, that were mailed to the membership in Dade County, Florida, thus, depriving the Experienced Union Team Slate and the membership of Local 769 of a fair and democratic election ¹

Ballots were mailed to 6,566 members of Local 769 on January 19, 1991 1,515 ballots were received for counting on February 1, 1991 135 ballots were determined to be spoiled by the Regional Coordinator, because they were not returned in the secret ballot envelope There were two slates on the ballots, the slate which included Secretary-Treasurer Stanley Lichtman, President Tony Cannestro, and Ms Sandra Del Conte, all Local Union officers, designated the Experienced Union Team Slate, and the "Florida Teamsters for Ron Carey Slate", headed by Jack Barmon. The election was to select eight delegates and two alternates to the 1991 IBT International Convention. The margin of victory between the lowest ranking winning delegate candidate (German Porrata -- 642 votes) and Joyce Hardy, the highest ranking loser from the Experienced Union Slate (566 votes) was 76 votes. In the alternate contest, the lowest ranking winner from the Florida Teamsters for Ron Carey Slate was Antonio Ignerzi (628 votes), while the highest ranking loser was Sandra Del Conte (582 votes), with a margin of victory of 46 votes.

In Election Office Case No P-410-LU769-SEC, it is alleged by the members of the losing slate, the Experienced Union Team Slate, that the winning slate was assisted by campaign appearances by International General President candidate Ron Carey while he was on work time, presumably for Local Union 804. The allegation is that this took place on September 14 and 15, 1990 Upon investigation by the Election Office, records have been provided that verify that Mr Carey was not in Florida on September 14 and 15, 1990, but was there to campaign in support of the Florida Teamsters For Ron Carey Slate on January 14, 1991 Records have been provided that verify that the plane flight

¹ The protester subsequently claimed that Mr Williams was biased against him with respect to this protest basing his claim on a quote attributed to Mr. Williams in a newspaper article. To avoid any appearance of impropriety, this entirety of this protest was investigated by the Washington staff of the Election Officer.

expenses to Florida were paid for by Mr Carey personally and that Mr. Carey had taken January 14, 1991 as a vacation day. Consequently, there is no violation with regard to the campaigning of Mr. Carey

Similarly with regard to the allegation that T D.U. provided financial support for the leaflets mailed by the challenger slate, documentation has been provided to the Election Office to verify that no financial contribution was made by T.D.U. The blue leaflet entitled "Elect Delegates Who Will Represent You" was printed in Miami by Daniels Printers and was paid for directly by Mr. Barmon's slate. The Carey campaign produced a leaflet called "Faceless Teamsters!" which was mailed to members of Local 769. While this mailing was from the West Virginia area where Carey campaign manager Eddie Burke maintains an office, it was done by Target Mailing Services of Charleston, West Virginia and was paid for by Mr. Barmon. Thus, there was no financial support by T D U

With regard to the mailing of campaign literature to employers, Mr. Barmon admits that he in fact mailed his campaign literature to various employers, he states that such mailings were intended to reach the Union Steward at each employer so that the literature could be posted. Posting of campaign literature is explicitly permitted by the *Rules* *Rules*, Article VIII, Section 10, see also "Advisory on Political Rights." The Election Officer investigation disclosed that campaign material from both slates was posted at various work-sites where Local 769 members are employed

The mailing did not solicit financial contributions from employers. No evidence was presented that any employer in fact posted the material. Further, assuming that some employers did so, the contribution so made was de minimis. Since materials were posted for both slates, such de minimis contribution, assuming it was made, could not have affected the outcome of the election. *Rules* Article XI, Section 1(b)(2).

Accordingly, the consolidated protests of Mr Lichtman and Ms. Del Conte in the Election Office Case No. P-410-LU769-SEC are DENIED.²

The first allegation in Election Officer Case No. Post-16-LU769-SEC is that insufficient time was permitted for the return of ballots. Ballots were originally slated to be mailed on January 17, 1991 but due to mailhouse problems were actually mailed on January 18, 1991. The election count took place on February 1, 1991. Consequently there was a technical violation of Article XII, Section 3(c)(1) which requires that ballots be mailed not less than sixteen days prior to the return date

²To the degree that Ms Del Conte asserts that the use by the Florida Teamsters for Ron Carey Slate of the Carey list is "illegal", that matter has previously been resolved by denial of the protest in the Election Office Case No P-365-LU769-SEC. See also P-397-LU1145-NCE, affirmed 91 - Elec. App - 79.

All Local 769 members were aware of the election date, the Local Union Election Plan Summary was properly posted. Both documents indicate the representatives may be contacted should a member not receive his or her ballot. The Election Office received only four requests for ballots from individual members indicating that ballots had not been received. Eighty-nine requests were received from the incumbent officers of the Local. All requests were processed promptly by the Election Officer representative.

The protesters also indicate that Mr. Gino Cortellese and Mr. Bob Becker overheard Regional Coordinator Williams on the day of the election indicating that he was aware that ballots were being received late, especially by persons living in the condominiums. Mr. Williams indicates that this rendition of the conversation is inaccurate. Mr. Williams did not make any general statements about ballots being late. He did recount on election day Secretary-Treasurer Stanley Lichtman's statement to him that Ms. Joyce Hardy, Recording Secretary of Local Union 769 lives in the same building with Mr. Lichtman and she normally receives her mail before him and she in fact received her ballot two days before he received his. Mr. Williams did not refer specifically to condominiums and had no way of knowing which, if any, members live in condominiums. It is possible that his reference to this conversation with Mr. Lichtman is the conversation in question, but there is nothing supportive of the protesters' position because of this conversation. Mr. Williams confirms that on January 29, 1991 he spoke with Secretary-Treasurer Lichtman concerning certain members who had not at that point received ballots and Mr. Williams indicated that he would make every effort to enable them to vote, including allowing them to personally deliver their ballots to the Union Hall should they desire to do so.

The protestors now complain that the Regional Coordinator should have made arrangements to transmit these instructions to all affected members; however, the issue concerning communication of this matter to the entire membership was never raised in the conversation between the Regional Coordinator and Mr. Lichtman on January 29, 1991. Additionally, it would be impossible at that time to know which particular members were to be contacted. As previously mentioned, notices provided to the membership had indicated that they could contact Election Officer representatives should they not receive their ballot or have other questions. Thus, the membership had access to appropriate information should any question arise or if ballots were not received. In fact, virtually no members of Local 769, other than the Local Union Officers, communicated any difficulty with the receipt of ballots.

The challengers also claim that 135 ballots, which were received without being enclosed in the secret ballot envelope should have been counted rather than being considered spoiled or void, arguing that these ballots were folded in such a manner that the choices of the individual casting the ballot could not be ascertained. It has been the consistent policy of the Election Office to find as void, or spoiled, all ballots not contained in the secret ballot envelope. The secret ballot envelope functions to protect

the secrecy of the ballot, which is crucial to the fair election process. Thus the *Rules* require that all mailed ballots be inserted in the secret ballot envelope prior to being returned. See *Rules*, Article XII, §§ 2(b)(3) & 3(c)(4). To count ballots returned without being in a secret ballot envelope could undermine the required secrecy of the member's vote. Since the integrity of the ballot process could not be guaranteed in such situations, the entire election process would be undermined.

As the election was being conducted, the Regional Coordinator personally advised all candidates and observers of his actions at each step in processing the ballots, including the issue concerning any ballot not enclosed in a secret ballot envelope being considered spoiled. Crucially, no candidate or observer raised any question to this procedure. It was only after the results of the election had been ascertained, that the protesters raised this issue. Consequently, the argument that the ballots cast without being in a secret ballot envelope should have been counted must be rejected.

Next, the protesters allege that the Regional Coordinator violated Article IX, Section 5 of the *Rules* concerning the ability of observers to observe the entire mailing process. The nominations meeting was attended personally by Regional Coordinator Williams and he met with all nominated candidates at that time. He advised all candidates regarding the use of the mailhouse in New Orleans for the sending of ballots and the return of undeliverable ballots. He specifically mentioned their right to observe the mailing process should they so desire. At no time during the conduct of the Election was any request made by any candidate to observe any aspect of the mailing process. Consequently, this assertion of impropriety is rejected.

Finally, the protesters allege that the outer envelope containing the ballots sent to Spanish-speaking members in Dade County, Florida was in English. It is accurate that the outer envelope was in English, but the ballot contained within the envelope was in both English and Spanish. The outer envelopes of ballots sent out within the continental United States are printed in English by the Election Officer since postal officials are required to read English. Prior to the announcement of the election results, no member of Local 769, including members of the incumbent slate, had ever suggested that the outer envelope be printed in Spanish. Accordingly, this contention is rejected.³

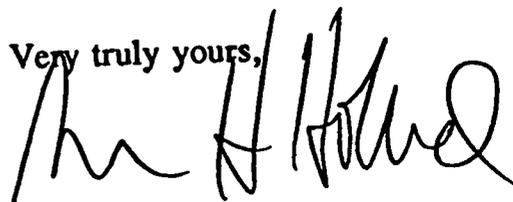
Article XI, Section 1(b)(2) of the *Rules* provides that: "Post-election protests shall only be considered and remedied if the alleged violation may have affected the outcome of the election." For a violation to have affected the results of the election, there must

³A protest was originally filed in Election Office Case No. P-373-LU769-SEC, contending that all ballots for Local 769 were to be printed in Spanish as well as in English. Upon being reminded of the conversation between Mr. Williams and himself, agreeing that only members residing in Dade County were to receive Spanish ballots, President Tony Cannestro withdrew his protest concerning that matter. No mention was made in that protest about envelopes.

a meaningful relationship between the violation and the results of the election. See Wirtz v. Local Union 410, 410A, 410B, & 410C, International Union of Operating Engineers, 366 F 2d 438 (2d Cir. 1966). As noted above, most of the contentions of the protesters have been rejected and no violation found. The only violation which has been upheld is the technical violation of the sixteen-day rule for the period between the mailing and receipt of ballots. Since notice was provided to the membership of the Local of the election date and the methods by which to contact the Election Officer if a ballot was not received and given that those were but ninety-three requests for new ballots of which eighty-nine were made by the Local, not individual members, it may not reasonably be concluded that there is any probability that this minor violation may have affected the outcome of the election

Accordingly, the request by the losing incumbent slate for a rerun of the election, and specifically the pre- and post-election protests of Mr. Lichtman and Ms. Del Conte are 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/ads

cc. Frederick B Lacey, Independent Administrator
Donald H Williams, Regional Coordinator

receipt of the Local's mailing list from the accredited International Union Officer candidate does not violate the Rules. In Re: Dalton, 91-Elec.App.-79(SA).

The complainants alleged that the list used by the Florida Teamsters For Ron Carey Slate differs from that which would have been supplied to Ron Carey. They argued that the literature mailed by the slate contained handwritten address labels. In addition, they argued that the handwritten address labels only contained the first initial of the first name of the members. The complainants contended that the list which would have been supplied to Ron Carey as an accredited candidate would have contained the full first name.

That the Slate may have decided to handwrite the labels as opposed to have them printed is of no significance. In addition, the fact that the Slate decided to use first initials rather than full first names is also not significant. In short, the fact that Mr. Carey provided the Florida Teamsters For Ron Carey Slate selected names and addresses from a list properly received by him, does not constitute a violation of the Election Rules.

Accordingly, the Election Officer's denial of this aspect of the protest is also affirmed.

The Alleged Improper Use Of Employer Personnel

Finally, the complainants allege that Mr. Barmon, a member of the Florida Teamsters For Ron Carey Slate, utilized the personnel of at least two employers by sending campaign literature to those employers with a request that it be posted on bulletin boards. Mr.

Barmon acknowledged sending a mailing to certain work places, addressed to no one in particular, with the stated intention that Union Stewards would receive and post the material. The Election Officer's investigation revealed that it was unclear whether personnel of certain employers, rather than personnel of the Union, posted any of the campaign material sent by Mr. Barmon. In addition, it was unclear whether any of the material was, in fact, posted. Regardless, the Election Officer concluded that "it is clear that no other contribution by the employer was either solicited or received."

The Election Rules clearly contemplate that Union bulletin boards will be utilized as a means of communication about election related matters. See Election Rules, Article VIII, Section 10.d. Both the Florida Teamsters For Ron Carey Slate and the complainants' Slate appropriately used bulletin boards for the posting of campaign material in the past. If a representative of an employer, in an isolated instance, posted a campaign leaflet furnished by Mr. Barmon, instead of forwarding such material to the Union Steward for posting, a violation of the Election Rules (if it exists at all) must be considered de minimis. The "contribution" of the employer -- that is the physical posting of the material -- is far too insignificant and its occurrence far too sporadic to have conceivably had any cognizable effect on the outcome of the election.

Moreover, Article VIII, Section 10.d. contemplates that Union bulletin boards "shall be made equally available on the same basis

to all candidates and members." No suggestion was made that the employers in question refused to post campaign material from the complainants' slate. In other words, there was no suggestion that the Union bulletin boards were not "made equally available on the same basis to all candidates and members."

Accordingly, the Election Officer's denial of this aspect of complainants' protest is also affirmed.

POST-ELECTION PROTEST

Timing Of The Mailing Of The Ballots

The complainants alleged that insufficient time was allowed for the mail ballot election. Article XII, Section 3.c.(1) of the Election Rules provides that ballots must be mailed out at least 16 days before they are to be returned to be counted. The Local 769 ballots were scheduled to be mailed out "on or about" January 17, 1991, but were delayed for a day because of problems at the mailing house. On January 18, the ballots were mailed. They were due to be returned for counting on February 1, 14 days later. Despite the fact that 16 days were not afforded for the mailing of the ballots, the Election Officer did not find a violation of the Election Rules. I agree.

First, all members of the Local were made aware of the dates of the mail ballot election through the posted Election Plan Summary. That Election Plan Summary contemplated a 15-day lapse between the mailing and the return of the ballots. Article II, Section 2.b.(10) of the Election Rules provides that a Local

Union's Election Plan may include "modifications of these [Election] Rules as approved by the Election Officer." Thus, it is clear that the Election Officer modified the 16-day requirement when the election plan was initially approved. That the 16-day requirement was properly modified by the Election Officer is significant. That the time period for the return of the ballots as contemplated in the Election Plan was shortened from 15 to 14 days is not significant.

In addition, each member of the Local was advised that if they did not receive a mail ballot 10 days prior to February 1, 1991, they should contact the Election Officer Regional Coordinator. The Regional Coordinator's phone number was also provided to the members of the Local. In a similar connection, the Election Rules provide that any eligible member who does not receive a ballot should contact the Election Officer or his representative. Election Rules Article XII, Section 3.c.(3). Once contacted, the Election Officer will "immediately" send a ballot. Ibid.

Only four members made such requests for ballots from the Regional Coordinator. Those requests were responded to in a prompt manner. The incumbent officers of the Local reported to their Regional Coordinator, however, that 89 members had also made such requests to the Local Union. Although these requests were not received by the Regional Coordinator, a second set of ballots was sent immediately to those members as well, despite a lack of verification as to non-receipt of the first ballot as alleged by the Local Union. There is no suggestion that the members that

requested the second ballot did not receive them in a sufficient time to vote.

The complainants also suggested that members generally received their ballots excessively late. No proof was offered to substantiate this claim.

Given all this, the Election Officer found that the mailing process and voting period were sufficient to allow members an opportunity to cast their votes. Accordingly, the Election Officer denied this aspect of complainants' protest. The Election Officer's ruling in this regard is affirmed.

The Alleged Denial To Observe The Mailing Process

The complainants also contended that the Regional Coordinator "arbitrarily denied" them the opportunity to observe the mailing process as provided in Article IX, Section 5 of the Election Rules. The complainants do not deny that the Regional Coordinator met with all nominated members at the Local's nominations meeting and explicitly advised them at that time of their right to observe the mailing process. No candidate, however, made a request to observe the mailing process at any time. The complainants alleged that no request was made because the mailing of the ballots was taking place out of state in Louisiana and the complainants could not afford to lose time from work to go mail the ballots. The complainants strongly suggested that the Election Officer should have mailed the ballots at or near the Union Headquarters.

There is no provision in the Election Rules that the Election Officer must mail ballots at or near Union Headquarters. In fact, as explained by the Election Officer himself at the hearing, if such a requirement were placed on him, it would be impossible to administer. The Election Officer has established "regional" mail houses that he utilizes. The decision to utilize regional mail houses, as opposed to a central mail house, was made specifically with the Election Rules' provision in mind that candidates may observe the mail process. That the complainants did not avail themselves to this process cannot be blamed on the Election Officer.

Accordingly the Election Officer's decision to deny this portion of the complainants' protest is also affirmed.

Identification of Ballots

The complainants contended that the outer envelopes used to send ballots were addressed only in English and that the outside of the envelopes did not advise the recipient that it contained a ballot. In addition, it was argued that the envelopes did not contain any marking identifying it as containing Union information. The complainants noted that a good portion of their members located in Dade County only speak Spanish and thus, the envelopes should have contained a notice in Spanish that a ballot was contained within.¹

¹ It should be noted that the members of Local 769 who reside in Dade County received ballots printed in Spanish as well as English.

The complainants offered no proof to suggest that the Local Union members discarded the envelopes containing the ballots. The Election Officer's investigation did not substantiate this allegation. This portion of their protest, like other portions, is based purely on suspicion and conjecture.

Accordingly, the Election Officer's decision to deny this portion of the protest is also affirmed.

The Voiding Of Certain Ballots

Finally, the complainants alleged that 135 ballots were improperly marked as void because they were not returned enclosed in the specially provided "secret ballot" envelopes. The complainants maintained that these ballots should have been counted. They suggest that since the ballots were folded, their confidentiality was preserved. They also suggested that the reason the ballots were not returned in secret ballot envelopes was because such envelopes were not enclosed with many of the ballots.

The Election Officer found that if a ballot's secrecy was not insured by enclosure in the unmarked secret ballot envelope, it was properly excluded. As stated by the Election Officer in his Summary:

A folded ballot may not initially appear to permit voter identification but absent a secret ballot envelope, there is no guarantee that it remains unconnected with the return envelope containing the member's name. Thus, the use of the unmarked envelope is required, not optional, because that envelope represents the surest method of maintaining the secrecy of the ballot. Article XII, Section 3.(c)(4) mandates the use of the envelope (the member "shall . . . place the ballot in the secret ballot envelope (without making a mark on that envelope

... ")). The Election Officer has consistently enforced that Rule.

In addition, the Election Officer's investigation did not find that secret ballot envelopes were not forwarded to the members.

Accordingly, the Election Officer denied this aspect of the protest. I affirm that decision.

Summary

Article XI, Section 1.b.(2) of the Election Rules provides that post-election protests will only be remedied if the alleged violation "may have affected the outcome of the election." In this case, the Election Officer found that none of the complainants claims "may have affected the outcome of the election." As stated by the Election Officer in his Summary:

The protesters are correct in their contention that the number of members who did not cast ballots was sufficiently large to possibly have affected the outcome of the election if they had exercised their vote. What the protesters fail to establish, however, is a meaningful relationship between the violations alleged and the allegedly low turn-out. In short, there is insufficient evidence that the violations alleged affected the outcome of the election.

The Election Officer's conclusion in this regard is affirmed.

THE TIMING OF THE ELECTION OFFICER'S DECISION

The complainants charged that they filed their protest on February 1, 1991, but the Election Officer did not issue a decision until March 15, 1991. Thus, the complainants suggested that the Election Officer's decision is untimely and should be reversed. In making this argument, the complainants relied on Article XI,

Section 1.a.(4) of the Election Rules, which provides in part that the Election Officer shall determine the merits of a protest within five days after receiving a protest. The complainants ignored Article XI, Section 1.a.(4)(b) of the Election Rules which provides the Election Officer with the right to defer making a determination on a pre-election protest until after the election. In deciding to defer a decision, the Election Officer in effect treats the pre-election protest as a post-election protest. Following the time limitations of treatment of the post-election protest, the Election Officer's decision in this matter was timely issued.²

The Alleged Conflict Of Interest Of The Regional Coordinator

The complainants raised a number of allegations against the Election Officer's Regional Coordinator and suggest that he acted improperly in coordinating the Local's election efforts. In making these allegations, the complainants alleged that the Regional Coordinator "upheld all protest from the Florida Teamsters For Ron Carey Slate" with little or no investigation as to the facts. It is charged that all of the incumbent slate's protests were denied and rubber stamped, again with "little or no investigation and/or misstatement of facts."

² The complainants ignore the fact that an argument may be made that their protest was untimely filed. The Election Officer, however, accepted their protests as timely. The timeliness of the complainants' protests is raised only to highlight the fact that by possibly delaying the filing of their protest and combining so many allegations in a single protest, the Election Officer was faced with a significant investigatory burden. Thus, the Election Officer's decision to treat the matter as a post-election protest and thus, delay the issuance of a decision is proper.

MHR-25-71 CC - - -

The complainants also pointed to an earlier protest filed by Mr. Barmon. The decision of the Election Officer in that matter was upheld by the Independent Administrator in that case. See In Re: Barmon, 91 - Elec. App. - 78 (February 20, 1991).

In an attempt to substantiate their allegations regarding the Regional Coordinator's misconduct, the complainants once again raised many of the allegations which are the subject of this appeal.

In addition, the complainants charged that the Election Officer hired an individual for the sole purpose of checking Local 769 bulletin boards at certain work sites to insure Local 769's compliance in posting certain notices.

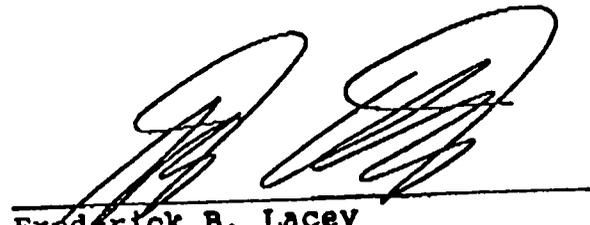
In regards to the allegations regarding the Regional Coordinator's alleged conflict of interest, it is clear that the complainants simply point to the allegations underlying the instant appeal. Recognizing this fact, the Election Officer precluded the Regional Coordinator from involvement in the investigation of this matter. The Election Officer assigned the responsibility for investigating this matter to a staff selected from the Election Office in Washington, D.C. Thus, any suggestion that Mr. Williams may have tainted the election process was adequately reviewed by the Election Officer in a disinterested manner.

Regarding the Election Officer's handling of the earlier Barmon protest, this matter has already been reviewed by the Independent Administrator and the Election Officer's decision has been affirmed.

Lastly, the Election Officer's decision to confirm the Local's adherence to a directive of the Election Officer regarding the posting of certain notices bears no relevance on the alleged impartiality of the Regional Coordinator.

CONCLUSION

The Election Officer's ruling in this matter is affirmed in all respects.



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

Dated: March 26, 1991