

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

March 4, 1991

Chicago Office
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343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Kevin J Kintzi
423 Sibley Avenue, W.
Gaylord, Minnesota 55334

Richard Michaud
President
IBT Local Union 471
3001 University Avenue, S E
Minneapolis, Minnesota 55414

Curtis S Kummala
Secretary-Treasurer
IBT Local Union 471
3001 University Avenue, S E
Minneapolis, Minnesota 55414

Re: Election Office Case No. P-470-LU471-NCE

Gentlemen

A pre-election protest was timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Mr Kevin J Kintzi, a candidate for delegate, alleges that he received improper treatment and was intimidated by Richard Michaud, President of the Local Union.

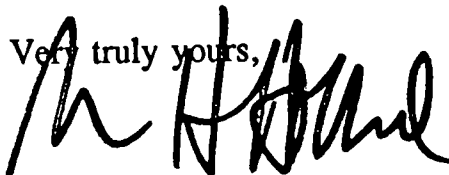
The investigation shows the following The Local held a general membership meeting on February 5, 1991 Mr Kintzi states that he was the only member present who was asked to stand and identify himself before he could address the meeting The President of the Local, Mr Michaud, agrees that he did ask Mr Kintzi to identify himself at the meeting, but states that his request accorded with his past practice, that is, if Mr Michaud does not personally know someone who is in attendance at a membership meeting, and that member seeks the floor, he asks the member to stand and identify themselves to him Mr Michaud denies that he sought to intimidate Mr Kintzi Mr Kintzi told the Election Officer that he was not intimidated at the time of the meeting, but wanted to make a record of the situation

The Election Officer concludes, based on the foregoing, that no conduct occurred at the Local Union meeting that was in violation of the *Rules* Accordingly, the protest is **DENIED**.¹

¹Mr Kintzi informed the Regional Coordinator, Barbara Z Quindell, that he wished to withdraw this protest, but became ill before he could tender such a withdrawal

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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
Barbara Z Quindell, Regional Coordinator