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Election Officer

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February 19, 1991

VIA UPS OVERNIGHT

Louis D Riga
1510 Park Avenue
IBT Local Union 576
Suite 100
San Jose, CA 95126

Chuck Mack
President
150 Executive Park Blvd
Suite 2900
San Francisco, CA 94134

Re: Election Office Case No. P-506-LU576-CSF

Gentlemen

A pre-election protest was 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, Complainant, Louis D Riga, objects to TITAN message sent to all Joint Council 7 Local Unions on February 11, 1991 which requests names, addresses and phone numbers of all elected delegates and alternate delegates as election results are posted. Complainant alleges that this request is a change in prior practice which will afford the Joint Council personal information which may be utilized to provide a campaign advantage to International Officer candidates who are members of or supported by some members of the Joint Council. As a remedy for this action, Complainant asks that the information obtained from this solicitation be made available to all announced candidates.

The Election Officer has considered the Complainant's protest and agrees that information of the nature requested through the TITAN message should be equally available to all candidates. Indeed, it is precisely for this reason that the *Rules*, Article VIII, § 3 provides a procedure by which candidates can obtain this information. The Rule reads as follows:

Each candidate for International Office has the right to request and receive from the Election Officer a list of all certified delegates with their addresses. The first such list of the delegates then certified shall be distributed by the Election Officer on December 14, 1990, with an updated

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list distributed each month thereafter on the second Friday of the month through June, 1991. The lists shall be arranged by Local Union member

Accordingly, the Complainant may obtain updated lists of the delegates with their addresses by requesting a list from the Election Officer. The most recently updated list available was prepared as of February 8, 1991. A copy of this list was previously provided the Complainant. An additional copy, however, is enclosed. The next updated list will be available soon.

In view of the availability of the names and addresses of delegates and alternate delegates to the Complainant through the Office of the Election Officer, the Election Officer finds that the issuance of the TITAN message by Joint Council 7 does not put Complainant to any undue disadvantage and therefore does not violate the *Rules*.

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/mca

cc Frederick B. Lacey, Independent Administrator
Donald E. Twohey, Regional Coordinator

IN RE: LOUIS RIGA COMPLAINANT, and CHUCK MACK IBT JOINT COUNCIL NO. 7 RESPONDENTS.	: 91 - Elec. App. - 80 (SA) : : : DECISION OF THE : INDEPENDENT ADMINISTRATOR : : : : : : : : :
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This matter arises out of an appeal from a February 19, 1991, decision of the Election Officer in Case No. ~~91-100-1000~~. A hearing was conducted by way of teleconference before me on February 26, 1991, at which the following persons were heard: the complainant, Louis Riga, Secretary-Treasurer of Local 576 and announced candidate for International General President; and John Sullivan, on behalf of the Election Officer.¹

The facts are not in dispute. On February 11, 1991, Chuck Mack, President of Joint Council 7 sent a message through the IBT's TITAN computer system to request Joint Council 7's affiliated Local Unions to provide the Joint Council with the names, addresses and phone numbers of elected delegates and alternate delegates to the

¹ Although Mr. Mack was sent notification of the hearing, he did not make himself available to participate in the hearing.

1991 Convention as the election results become known. The TITAN message indicated that this information was needed "so that we may forward [it] to the Western Conference of Teamsters in order to facilitate [sic] with room reservations [at the Convention]."

Mr. Riga asserts that Mr. Mack seeks this information to further his personal political aims.² Mr. Riga asserts that such information should be made available to all candidates for an International Officer position on an equal basis.

Article VIII, Section 3 of the Rules For The IBT International Union Delegate And Office Election (the "Election Rules") provides as follows:

Each candidate for International office has the right to request and receive from the Election Officer a list of all certified delegates with their addresses [A]n updated list [will be] distributed each month . . . through June, 1991.

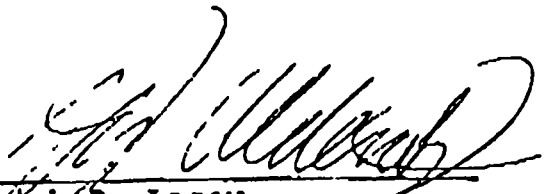
The only information requested by Mr. Mack that is not available to Mr. Riga under the Election Rules is the telephone numbers of the elected delegates. Mr. Riga contends that Mr. Mack has an unfair advantage in that either he, or a representative, can telephone the delegates in an attempt to gain political favor.

Mr. Riga's contentions are based on mere suspicion. Nothing has been offered to show that Mr. Mack is using the phone numbers other than for the stated purpose. As the Election Officer recognized, if it is revealed that Mr. Mack, or any one else, is

² Mr. Riga contends that Mr. Mack is seeking the position of International Trustee and is supporting the "Durham/Mathis" slate.

using the telephone numbers for political ends, the situation will be addressed accordingly.

Accordingly, the Election Officer's ruling is affirmed in all respects.



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

Dated: February 28, 1991.