



OFFICE OF THE ELECTION OFFICER  
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March 5, 1991

**VIA UPS OVERNIGHT**

Bruce R Kunz  
5410 Braehill Road  
Cheyenne, Wyoming 82001

Gregory R Maupin  
Director of D A T T  
3817 Greenway Street  
Cheyenne, Wyoming 82001

Charles Bates  
Secretary-Treasurer  
IBT Local Union 307  
525 Randall Street  
Cheyenne, Wyoming 82001

**Re: Election Office Case No. P-577-LU307-RMT**

Gentlemen

A pre-election protest has been 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, the complainant Bruce R Kunz, a member of local 307, charges Gregory R Maupin, a candidate from Local 307 for delegate to the 1991 IBT International Convention, with receipt and use of employer contributions in violation of the *Rules*

An investigation has disclosed the following facts Mr Maupin issued campaign literature under the letterhead D A T T (Drivers Against Triple Trailers) Mr Maupin has used D A T T funds for his campaign activities D A T T was formed in January 1990 by Mr Maupin to oppose the use of triple trailers in the state of Wyoming D A T T is funded solely by contributions from Maupin and other Local 307 members D A T T has applied tax exempt status under Section 501 (c) of the Internal Revenue Code D A T T has no employees

Section 1(a) of Article X of the *Rules*, prohibits employer contributions from employers, trusts, foundations or similar entities to any candidate's campaign However, Section 1(a) of that Article specifically states that "Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this International Union " Article X, Section 1(b)(5) also provides that "Nothing herein shall prohibit any candidate from accepting contributions made by any caucus or group of Union members or any campaign organization of any candidate provided that such caucus, group or campaign organization is itself financed exclusively from contributions

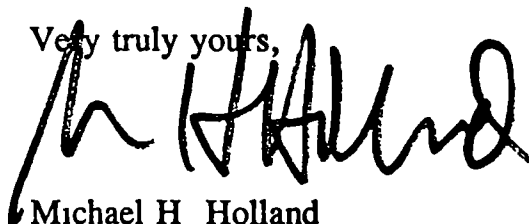
Bruce R Kunz  
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prohibited under these *Rules* " Moreover, the definition of the term "employer" in the *Rules* at Definitions (17) exempts from its definition "a caucus or group of Union members, provided that such caucus or group is itself financed exclusively from contributions permitted under these *Rules* "

D A T T is not an employer Although it has apparently applied for tax exempt status under the Internal Revenue Code, it has not yet achieved such status Further D A T T is comprised solely of IBT members and funded exclusively by contributions from IBT members Thus even if D A T T was an employer or had achieved tax exempt status, it could still contribute to an IBT delegate or International Officer candidate without violating the *Rules* Accordingly, 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 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

MHH/mca

cc: Mr Frederick B Lacey, Independent Administrator  
Bruce Boyens, Regional Coordinator