



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
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March 4, 1991

VIA UPS OVERNIGHT

William F Genoese
15 East 26th Street
Suite 1508
New York, New York 10010

Amy Gladstein
Regional Coordinator
Gladstein, Reif, & Meginniss
361 Broadway, Suite 610
New York, New York 10013

Re: Election Office Case No. P-578-LU732-NYC

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, the complainant, William Genoese, alleges that, at the meeting to determine ballot positions for the three slates of delegate nominees from Local 732 to the IBT 1991 convention, Arthur [sic] Pollack was permitted to represent both the "Teamsters Against The Old Order Slate" and the "Democracy Slate " Mr Genoese contends that this dual representation created a clear conflict of interest

Article IX, Section 1 of the *Rules* provides

"Each candidate shall have the right to have at least (1) representative present at each and every stage of the election process Such observer shall be the candidate or a member in good standing of the Local Union in the case of delegate elections "

Observers are permitted to be present at the lottery to determine placement on the ballot *Rules*, Article IX, Section 3 Nothing in the rules prohibit one member from representing more than one candidate or slate at such lottery or at any other time

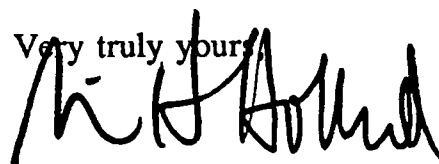
An investigation has disclosed that Mr Pollack is a member in good standing of Local 732 At the nominations meeting, Mr Pollack was designated by Mr Larry Gilbert as the observer for of the "Democracy Slate" and by Janet Weeks as the observer for the "Teamsters Against the Old Order Slate," with respect to the ballot placement lottery

Mr Genoese was asked but was unable to provide any facts as to how the dual representation caused him or any other candidate harm The Election Officer investigation uncovered no irregularities in the lottery drawing

Mr Pollack met all of the qualifications to represent the two slates No harm resulted or irregularities occurred as a result of him observing for two separate slates Accordingly, the protest is **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
Amy Gladstein, Regional Coordinator