



OFFICE OF THE ELECTION OFFICER  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Election Officer

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May 21, 1991

**VIA UPS OVERNIGHT**

Lawrence N. Weldon  
Secretary-Treasurer  
Teamsters Local 741  
12445 84th Ave S  
Seattle, WA 98178

Dean Bjornsen  
c/o Ron Carey Teamsters  
Reform Slate  
11765 Jacob's La, SE  
Ft Orchard, WA 98366

Teamsters for a  
Democratic Union  
7437 Michigan Ave  
Detroit, MI 48210

**Re: Election Office Case No. P-597-LU741-PNW**

Gentlemen

A protest has been 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, Lawrence N. Weldon, an unsuccessful candidate for delegate, alleges that the Ron Carey Teamsters Reform Slate has received financial support from an employer, the Teamsters for a Democratic Union (TDU), in violation of the *Rules*

The instant protest was filed just prior to the counting of the ballots. The Election Officer notified all parties that a decision in this case would not issue within the time limits contemplated by the *Rules* because of the nature of the allegation and because of the ongoing investigation into similar allegations concerning TDU arising in Election Office Case No. P-249-LU283-MGN. Thus, the protest was in effect deferred and is being considered and determined post-election.

The investigation of this protest discloses the following facts: There were two slates and one independent running for delegate election in Local 741, the slates were the "Teamsters for 741 Slate" and the "Ron

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Carey Teamsters Reform Slate" (Carey Slate) The election was conducted by mail ballot on February 28, 1991 721 ballots were cast in the election 665 ballots were counted, 8 were void and 48 ballots were challenged The results of the election are listed below

Ron Carey Teamsters Reform Slate  
Delegate Candidates

Harry Miller 410  
Dean Bjornsen 396

Teamsters for 741 Delegate  
Candidates

Jose Gasca 212  
Jim Clabby 176

Ron Carey Teamsters Reform Slate  
Alternate Delegate Candidates

Richard Gebhart 415

Teamsters for 741 Alternate  
Delegate Candidates

Tom Twomey 232

Independent Delegate Candidates

Al Carpenter 129

The Carey Slate members deny and the investigation does not show that the Carey Slate received any monetary contributions from TDU Carey Slate representative Dean Bjornsen admitted, however, that the Carey Slate received a prototype flyer from TDU which had been prepared by TDU national organizer Ken Paff specifically for the Local 741 delegate election This flyer was prepared in response to a request from the Carey Slate and was prepared, according to Bjornsen, to respond to a flyer attacking Carey which had been distributed by the Teamsters for 741 Slate. The investigation confirms that Paff prepared and sent to Bjornsen a single copy of the flyer, which was reproduced and distributed at the expense of the members of the Carey Slate

The *Rules* prohibit any candidate from accepting or using campaign contributions from an employer, the Union or any other labor organization *Rules*, Article X, § 1(b) However, contributions may be made by a caucus or organization of Union members, provided that such caucus or organization is itself properly financed, even if the caucus or organization could otherwise be considered an employer *Rules*, Article X §1(b)(5)

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The Election Officer's investigation disclosed, that TDU is an organization of Union members. Thus, it may make campaign contributions under the *Rules*, see e g Election Officer Commentary on Final IBT Election Rules Item 20 at page 28. To the extent that TDU has received improper donations, not in compliance with the *Rules*, the Election Officer has ordered TDU to repay, return or otherwise disgorge such improper contributions. See Election Officer Case No P-249-LU283-MGN, decided today. The Election Officer has concluded that the remedy imposed in Election Officer Case No P-249-LU283-MGN is sufficient under the *Rules* to eradicate the effect of TDU's violation. Therefore, since TDU is an organization of Union members, TDU's furnishing the copy for the flyer used by the Carey Slate in this case is not prohibited by the *Rules*.

Further, even if the provision of a single copy of a flyer by TDU to the Carey Slate did constitute an impermissible campaign contribution under the *Rules*, such contribution constituted only a small portion of the totality of the contributions, both monetary and otherwise, utilized by the Carey Slate in its campaign. As noted above, the Teamsters for 741 Slate distributed campaign material attacking Ron Carey, the General President candidate to whom the Carey Slate was committed. There is no evidence of unequal access to the membership or unequal opportunity to distribute literature. The major financing for the literature at issue here was borne by the Carey Slate. The costs and burdens of distributing it were similarly borne. The contribution by TDU covered only a small portion of the totality of the costs associated with the preparation, duplication and distribution of the flyer.

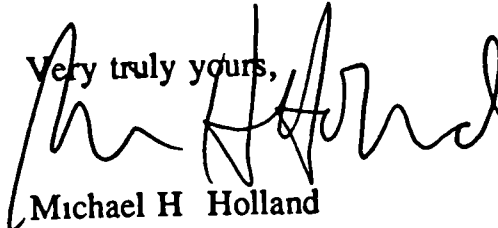
The *Rules* provide that at a protest determined post-election will not be remedied unless the challenged conduct may have affected the outcome of the election. *Rules*, Article XI, § 1(b)(2). For the challenged conduct to be considered to have the required effect, there must be a reasonable probability that the outcome of the election would have been different but for such conduct. Wirtz v. Local Unions 410, 410A, 410B & 410C, International Union of Operating Engineers, 366 F 2d 438 (2nd Cir 1966). Given the results of this election, and the large margin between the winning and losing candidates, almost a 2 to 1 margin, the contribution made by TDU in preparing a prototype flyer, even if violative of the *Rules*, is insufficient to justify a conclusion that the results of the election were affected. In other words, no basis exists for concluding that there was a causal connection between the violation and the results of the election sufficient to justify setting aside the election. Dole v. Mailhandlers, Local 317, 132 LRRM 2299 (D C M D Alabama 1989).

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Based on the foregoing, 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/cdk

cc Frederick B Lacey, Independent Administrator  
Christine M Mrak, Regional Coordinator

Enclosure Election Officer Decision in P-249-LU283-MGN