

OFFICE OF THE ELECTION OFFICER  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

May 8, 1991

**VIA UPS OVERNIGHT**

Gerald Moerler  
13104 Glen Court #40  
Chino Hills, CA 91709

Robert Marciel  
Secretary-Treasurer  
IBT Local Union 63  
1616 West Ninth St  
Room 205  
Los Angeles, CA 90015

Ray Nickum  
8747 Imperial Highway  
Apartment #2  
Downey, CA 90242

Randy Cammack  
2861 Cedar  
San Bernardino, CA 92404

**Re: Election Office Case No. P-714-LU63-CLA**

Gentlemen

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In his protest, Gerald Moerler alleges that the *Rules* were violated as a result of a glossy campaign mailing by the Informed Teamsters for the Good of All Slate ("Informed Teamsters Slate"). The Election Officer's investigation of this protest revealed the following:

The Election Officer and his staff conducted an extensive investigation of the allegations contained in the instant protest. This investigation included the taking of depositions and a review of financial records, invoices and receipts for the printing and distribution of the literature in question. That investigation revealed that on or about March 7, 1991 approximately 11,500 pieces of a campaign mailing, consisting of a multiple page, multicolored glossy literature urging support for the Informed Teamsters for the Good of All Slate, was sent to Local 63 members at their homes.

The labels for the mailing were prepared by the Local Union and paid for by the Informed Teamsters Slate with a money order in the amount of \$75.00. The literature in question was printed by Dunn Brothers Commercial Printers and the Informed

Gerald Moerler  
Page 2

Teamsters Slate was billed in the amount of \$3,507 00<sup>1</sup> The literature was mailed by Oxford Argonaut Mailers and the Informed Teamsters Slate paid \$2,896 00 for the mailing service Payment for mailing costs was made by three money orders dated March 5, 1991 in the amounts of \$1,000 00 each During the course of its campaign the Informed Teamsters Slate had other campaign literature prepared This literature was printed by Budget Printing and was paid for by personal check from Randy Cammack a supporter of the Informed Teamsters Slate in the amount of \$1,059 58

Funds for the payment of the campaign expenses of the Informed Teamsters Slate come from two sources a general campaign fund, which consists of contributions of individual officers, members of the executive board and staff of the Local Union, and another campaign fund consisting of contributions from the actual members of the Informed Teamsters Slate The Election Officer investigation found no evidence that any monies in either fund came from the Local Union or any other person or entity forbidden to make campaign contributions under Article X, §1 of the *Rules*

The monies for the general campaign fund is maintained in a safety deposit box and are disbursed to pay for campaign expenses The monies from the second fund are held by Mr Cammack Payment is customarily made either by a money order or by a personal check from Mr Cammack, who is then subsequently reimbursed by the fund The Election Officer's investigation revealed no use of Local Union funds for the preparation or distribution of the glossy campaign mailer or other campaign material distributed on behalf of the Informed Teamsters Slate

On the basis of the foregoing, the instant protest is DENIED

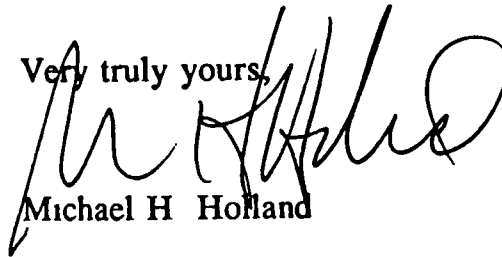
---

<sup>1</sup>As of this date no bill has apparently been presented and no payment has been made for the printing work The Election Officer's investigation revealed that the Informed Teamsters Slate intended to pay such bill For the Local to pay such costs would, of course, violate the *Rules*

Gerald Moerler  
Page 3

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/pjm

cc Frederick B Lacey, Independent Administrator

Geraldine L Leshin, Regional Coordinator

Michael Franklin, Adjunct Regional Coordinator  
26450 Sunset Blvd, Suite 301  
Pacific Palisades, CA 90272

Robert Vogel, Esq  
Wohlner, Kaplon, Phillips, Vogel,  
Shelley & Young  
15760 Ventura Blvd  
Suite 1510  
Encino, CA 91436