



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

Michael H Holland
Election Officer

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April 19, 1991

VIA UPS OVERNIGHT

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

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

Re: Election Office Case No. P-726-LU63-CLA

Gentlemen

This protest was filed by Gerald Moerler pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Mr Moerler protests the failure of Local Union 63 to timely post a copy of the official election tally sheet with respect to the delegate and alternate delegate election conducted on March 26, 1991 for Local Union 63. Moerler contends that as of April 4, 1991, 8 days after the ballot count, the tally had not been posted.

Immediately upon receipt of the protest, the Regional Coordinator contacted the principal officer of Local Union 63 to insure that the posting of the election tally was being accomplished. The Election Officer investigation has determined that the election tally was properly posted on all Local Union bulletin boards within a week of the date of the protest.

The *Rules*, at Article XII, § 6 (b), provide for the official election tally sheet to be posted within seven days after the completion of the vote count. The Election Officer investigation concludes that all such sheets have now been properly posted on all Local Union bulletin boards. While the posting may have been late in certain instances, the Election Officer concludes that no harm has resulted. The tally sheets have now been posted. Mr Moerler and the majority of the delegate candidates seeking election as part of his slate, 14 of the 17 such candidates, were the successful candidates in the Local

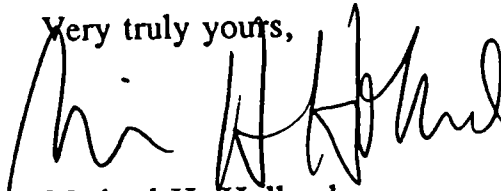
Gerald Moerler
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63 election ¹

In accordance with the foregoing, while there may have been a technical violation of the *Rules*, such violation has now been cured. Since no IBT member was harmed by the technical *Rules* violation, no further remedy is necessary and the protest is considered **RESOLVED**

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/mjv

cc. Frederick B. Lacey, Independent Administrator
Geraldine L. Leshin, Regional Coordinator

¹There are presently pending before the Election Officer two protests concerning the validity of the delegate and alternate delegate election for Local Union 63, P-683-LU63-CLA and Post-61-LU63-CLA. Since both protests were filed long before seven days after the ballot count for Local Union 63, the delay in posting the tally did not have the effect of extending the period for timely filing of post-election protests.