

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
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July 15, 1991

VIA UPS OVERNIGHT

James Wood
629 Northwest 20th St.
Moore, OK 73160

Charlie Thompson
President
IBT Local Union 886
3528 W. Reno
Oklahoma City, OK 73125

**Re: Election Office Case No. P-753-LU886-SOU and
P-763-LU886-SOU**

Gentlemen:

The above protests were filed by James Wood pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). Mr. Wood was elected as a delegate to the 1991 IBT International Convention from IBT Local Union 886, running on the Terry Raulston Slate. Mr. Wood contends that he has been verbally threatened with violence and physically assaulted because of his delegate campaign activity. He claims additionally that Charlie Thompson, President of Local Union 886, has solicited and/or encouraged IBT members to make such threats of violence and assaults on him.

This protest was investigated by Adjunct Coordinator Francis Cusack. Mr. Wood stated that he was threatened with violence by Eddie Rodriguez, who is a supporter of President Charlie Thompson. Mr. Wood states that he and other members of the Terry Raulston Slate were threatened by Rodriguez on April 5, 1991, while campaigning at UPS, and again on April 6, 1991, at Local Union 886's general membership meeting. Mr. Wood further states that he was assaulted by Rodriguez at the May 4, 1991 general membership meeting, and that Thompson solicited Rodriguez to do so. The investigation discloses that there were heated exchanges between both slates during the campaign, and there was an altercation between Rodriguez and Wood at the May 4, 1991 membership meeting. Several witnesses stated that Rodriguez punched Wood at that time. Other IBT members who were present have offered differing versions of the altercation.

The Election Officer concludes that further investigation into the events of the may membership meeting and the threats that Mr. Wood received prior to the meeting is warranted. Accordingly, the Election Officer has forwarded all of the materials he has

James Wood
Page 2

received with respect to these incidents to the Court-Appointed Investigations Officer.

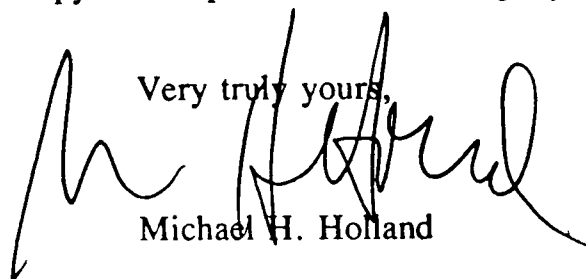
The Election Officer has not made a final determination as to whether the *Rules* have been violated, but will continue to investigate these matters. A separate determination will be made by the Election Officer following the conclusion of his and the Investigations Officer's investigation.

Because the evidence received thus far indicates escalating hostilities between the contending slates of candidates in Local Union 886, the Election Officer directs Charlie Thompson, President of Local Union 886, to mail via first class mail to each member of the Local union the letter attached to this decision. The letter shall be mailed within five days of the date of this decision.

President Charlie Thompson is directed to file an affidavit with this office within five days after the letter has been mailed, indicating that the mailing has been concluded.

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
Larry R. Daves, Regional Coordinator

ATTACHMENT A

The Executive Board of Local Union 886 is committed to the process of open, fair elections for International Officer for the International Brotherhood of Teamsters. Threats, coercion, assaults, or other behavior by any Local Union 887 member that interferes with the election rights of other members will not be tolerated. Any Local Union 886 member who engages in such conduct is subject to discipline by the Local Union, as well as the imposition of sanctions by the IBT Court-Appointed Officers.

CHARLIE THOMPSON
President
IBT Local Union 886

IN RE:

JAMES WOOD

and

CHARLIE THOMPSON
IBT LOCAL UNION 886

91 - Elec. App. - 171 (SA)

DECISION OF THE
INDEPENDENT
ADMINISTRATOR

This matter arises out of an appeal from a decision of the Election Officer in Case Nos. P-753 and 763-LU886-SOU. A hearing was held before me on July 19, 1991, at which the following persons were heard by way of teleconference: Charlie Thompson, President of Local 886; James Wood, the complainant; Terry Raulston, one of Wood's slate partners; Larry Daves, the Regional Coordinator; and John J. Sullivan on behalf of the Election Officer.

In his protest, Mr. Wood alleges that he was verbally and physically threatened, with the acquiescence of the Local's President, because of his election activity.

The Election Officer has not completed his investigation in this matter and has referred it to the Investigations Officer for further investigation. The Election Officer has, however, issued an interim decision directing Local 886 to send a notice to all members of Local 886 via first-class mail. That notice affirms the members' right to open and fair elections free of threats, coercion

and assaults.¹

The Election Officer has, in the past, issued a similar directive absent a finding of an underlying violation of the Rules for the IBT International Union Delegate and Officer Election ("Election Rules"). In In re Lozanski, 91-Elec.App.-97 (SA) (March 15, 1991), I affirmed the Election Officer's authority to cause notices to be issued where he finds the very filing of allegations may create an atmosphere that may chill the rights of the rank-and-file to participate in the election process. In the instant matter the Election Officer has not only determined that the filing of the charges here may have created such a climate, but he also found, based on his preliminary investigation, that the charges have some merit. Wanting to take swift action to protect the rank-and-file's right to participate in the process, the Election Officer ordered the first-class mailing. The Election Officer's decision is proper and warranted and thus, it is affirmed.

It is important to emphasize that the Election Officer has neither made a final determination nor completed his investigation

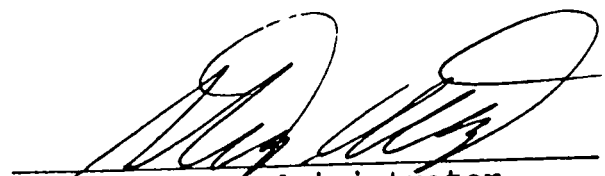
¹ The notice reads in full as follows:

The Executive Board of Local Union 886 is committed to the process of open, fair elections for the International Officer for the International Brotherhood of Teamsters. Threats, coercion, assaults, or other behavior by any Local Union 886 members will not be tolerated. Any Local Union 886 member who engages in such conduct is subject to discipline by the IBT Court-Appointed Officers.

CHARLIE THOMPSON
President
IBT Local Union 886

in this matter. Mr. Thompson will, as will all of the involved parties, have a chance to give testimony to his version and interpretation of the events. I have given consideration to Mr. Thompson's argument against the mailing -- that it would be costly and time consuming. The importance of the rank-and-file's untainted participation in this election by far outweighs these considerations.²

Accordingly, the Election Officer's decision is affirmed in all respects and Local 886 is directed to comply with the Election Officer's directives regarding the distribution of the notice.


Independent Administrator
Frederick B. Lacey
By: Stuart Alderoty, Designee

Dated: July 22, 1991

² At the hearing, the posting of the notice on Local Union bulletin boards was offered as an alternative to the first-class mailing. This is what was ordered in In re Lozanski. In this case the need for the direct mailing is justified by the nature of the Election Officer's preliminary finding that the charges have some merit. In Lozanski the Election Officer found no violation of the Election Rules, but saw the need for a notice because the mere filing of the charges may have chilled the members rights. Here the situation appears more serious and the notice is deserving of a more extensive distribution.