

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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May 30, 1991

VIA UPS OVERNIGHT

Ray Nickum
c/o Local 63
c/o The Informed Teamsters
for the Good of All Slate
1616 W. Ninth St.
Room 205
Los Angeles, CA 90015

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

Gerald Moerler
c/o The Delegates
for Carey Slate
13104 Glen Ct. #40
Chino Hills, CA 91709

Re: Election Office Case No. P-770-LU63-CLA

Gentlemen:

A protest has been filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Ray Nickum, a candidate for alternate delegate on the Informed Teamsters for the Good of All Slate, alleges that the Delegates for Ron Carey Slate has received financial support from IBT Local Unions in violation of the *Rules*.

The protest was investigated by Regional Coordinator Geraldine Leshin and by the Washington, D.C. staff of the Election Officer. The investigation reveals the following: On or around May 15, 1991, Robert Aquino, President of Local 63 was engaged in campaign activities at the Roadway facility located in Adelante, California. Aquino who was campaigning for the Informed Teamsters for the Good of All Slate ("Informed Teamsters Slate") states that Bob Paffenroth, a candidate on the Delegates for Ron Carey Slate ("Carey Slate"), stated that the financing for the Carey Slate came from "sister Locals in Tennessee, Michigan and all over." The statement by Paffenroth was allegedly made during a discussion between him and Aquino about the financing of the campaigns of their respective slates.

Mr. Ray Nickum
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Paffenroth denies that he made such a remark. He states that when Aquino asked where the Carey slate got their money, Paffenroth replied, "We receive money from members across the country."

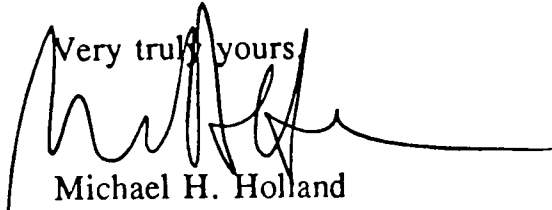
Gerald Moerler, the head of the Carey slate states that the sole contributors to the slate are individual Teamster members. He maintains further that no Local Unions have made financial contributions to the slate.

The *Rules* prohibit the use of Union funds or goods to promote the candidacy of any individual. The *Rules* permit, however, candidates to receive financial contributions from fellow IBT members *Rules*, Article X.

The Regional Coordinator has inspected the financial records of the Carey slate and has interviewed Gerald Moerler concerning this matter. She has determined that all of the contributions made to the slate by individuals are contributions permitted by the *Rules*. There have been no financial contributions to the slate from any Local Union or any employer.

Based on the foregoing, there has been no violation of the *Rules*. 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
Geraldine Leshin, Regional Coordinator