

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

269/SEC

Michael H. Holland
Election Officer

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August 1, 1991

VIA UPS OVERNIGHT

Stanley Lichtman
Secretary-Treasurer
IBT Local Union 769
8350 N.W. 7th Ave.
Miami, FL 33150

Jack Barmon
11760 S.W. 83rd Court
Miami, FL 33156

Doreen Gasman
2517 N.E. 13th Court
Fort Lauderdale, FL 33304

Olivia Wooten
20142 N.W. 62nd Ave.
Miami, FL 33015

Lawrence "Bud" Henize
11506 S.W. 109 Road
Miami, FL 33176

Antonio Ignelze
11926 N.W. 30th St.
Coral Springs, FL 33065

Re: Election Office Case No. P-823-LU769-SEC

Gentlemen, Ms. Wooten and Ms. Gasman:

A protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Stanley Lichtman, Secretary-Treasurer of Local Union 769. Mr. Lichtman contends that three delegates and two alternate delegates to the 1991 IBT International Union Convention failed to submit to the Local their receipts for Convention expenses after the conclusion of the Convention within the period deemed to be reasonable by the Election Officer in his Advisory Regarding Convention Expenses, issued April 19, 1991 ("Advisory").

The investigation of the protest reveals that by letter dated July 10, 1991, Tony Cannestro, President of Local Union 769, advised delegates Jack Barmon, Doreen Gasman and Olivia Wooten and alternate delegates Lawrence Henize and Antonio Ignelze that the Local had not received receipts for Convention expenses from them, and that the Advisory promulgated by the Election Officer indicates that a seven calendar day time period following the Convention is a reasonable time period for submitting Convention related expense receipts. The letter further states that it is imperative that receipts be submitted by July 16, 1991. As of July 18, 1991, the Local had not received

any documentation from the delegates and alternate delegates named above and thus filed this protest.

As of July 29, 1991, all the delegates and alternate delegates who are the subject of this protest had tendered to the Local some form of receipt documentation for expenses and, where applicable, reimbursement for advanced expense monies not utilized. The Election Officer determines that the receipts and reimbursements were not submitted by these delegates and alternate delegates in accordance with the Advisory. As noted above, the Advisory states that delegates and alternate delegates should provide the Local with documentation of their expenses within seven calendar days of the date of the return from the Convention. The investigation of the Election Officer discloses that the earliest that any of these five delegates or alternate delegates submitted receipts to the Local was July 18, 1991; some of the delegates and alternate delegates did not submit their documentation until at least seven days after that time. Thus, the Election Officer finds that Mr. Barmon, Ms. Gasman, Ms. Wooten, Mr. Henize and Mr. Ignelze did violate the Advisory and thus the *Rules*.

Since the submission of expense receipts by the delegates and alternate delegates named above, several issues have arisen concerning the appropriateness of the expenses charged and the completeness of the documentation. The Local Union had initially advised each of the delegates and alternate delegates that they would be required to appear at the Union office to discuss these issues. During a telephone conversation of July 29, 1991 between Don Williams, Regional Coordinator, and the principal Local union officers and their attorney, the Local has agreed to communicate in writing with each delegate and alternate delegate where the Local has specific questions regarding the expenses for which reimbursement is sought, in lieu of requiring the delegate or alternate delegate to appear at the Local's office. The Local has further agreed to furnish copies of such letters to the Regional Coordinator. Since the Election Officer has found that these delegates and alternate delegates have violated the *Rules* by their tardy submission of expense receipts, the Election Officer directs that each of the delegates and alternate delegates named herein who receive such a communication shall respond to the questions raised by the Local within five days from the receipt of the letter from the Local.

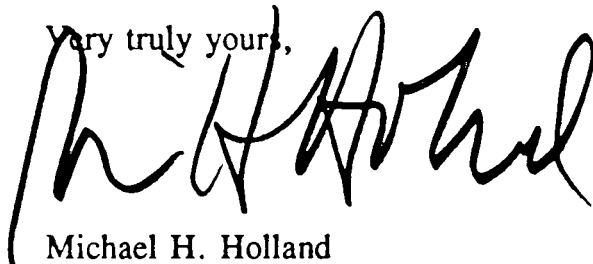
In order to assist in resolving Convention expense related issues, the Election Officer would remind all parties that the Advisory requires the Local to pay for actual hotel expenses as long as such costs do not exceed the expense the Local had arranged to incur on behalf of the delegate and alternate delegates. In the event the actual hotel expense is less than the amount the Local had agreed to incur, the reimbursable amount is only the amount actually expended. In the event the actual hotel expense is greater than the amount the Local arranged to pay for hotel accommodations, the excess amount is not reimbursable as a hotel expense but may be reimbursed as part of the daily \$130.00 per diem expense each delegate and alternate delegate was entitled to receive. To the extent the Local is not satisfied with the expense documentation and explanation provided by any delegate or alternate delegate, the Local may initiate a new protest with the Election Officer. Likewise, to the extent any delegate or alternate delegate has not received reimbursement for Convention expenses from the Local, said delegate or

Stanley Lichtman
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alternate delegate may initiate a protest with the Election Officer. Accordingly, the protest is GRANTED. Mr. Barmon, Ms. Gasman, Ms. Wooten, Mr. Henize and Mr. Ignelze are directed to forward a copy of any responses they submit to the Local's communications to them regarding Convention expenses to the Regional Coordinator.

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,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Donald H. Williams, Regional Coordinator