

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) 624-8782

September 16, 1991

VIA UPS OVERNIGHT

Allan B. Petre
P.O. Box 322
Purdys, NY 10578

Louis DiDio
c/o IBT Local Union 812
202 Summerfield Street
Scarsdale, NY 10583

Anthony Rumore
President
IBT Local Union 812
202 Summerfield Street
Scarsdale, NY 10583

Re: Election Office Case No. P-874-LU812-NYC

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Allan B. Petre, a member of Local Union 812. In his protest, Mr. Petre contends that on August 16, 1991 Louis DiDio, an Executive Board member and Business Agent of Local 812, removed Ron Carey campaign literature from the bulletin board located at the Staten Island facility of Coca-Cola, an employer of IBT members. Mr. Petre also alleges that Mr. DiDio threatened members, warning them "not to participate in dissident Union activity."

The Regional Coordinator Amy Gladstein has conducted an investigation of this protest. Mr. DiDio states that on August 16, 1991 he attended a meeting at the Coca-Cola facility in Staten Island for the purpose of discussing the collective bargaining agreement between Coca-Cola and the Union. Mr. DiDio states that he did not remove any Ron Carey campaign material nor did he threaten any members concerning their participation in union activities. Joseph Vitta, Recording Secretary of Local 812, states that he was also present at the August 16 meeting described above and remained with Mr. DiDio during the entire period that Mr. DiDio was at the Staten Island facility. Mr. Vitta states that Mr. DiDio neither removed campaign literature nor threatened any member at any time.

When contacted by the Regional Coordinator, Mr. Petre stated that he has no direct knowledge of the conduct described in his protest but states that he was advised of the conduct by another member and filed the protest on such other member's behalf. Mr. Petre provided no further information, instead referring the Regional Coordinator

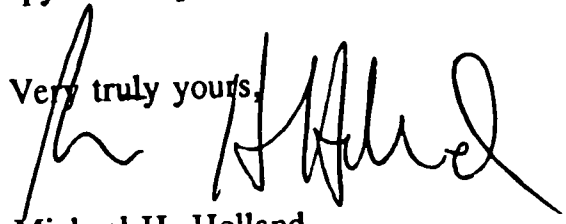
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to an attorney. That attorney was called and stated that a member of Local 812 with knowledge of the allegation would contact the Regional Coordinator with a statement. After repeated requests, the member finally contacted the Regional Coordinator. However, he also had no personal knowledge of the alleged incident, but referred the Regional Coordinator to yet another member of Local 812. When this third member of the Local was finally contacted, he also had no first-hand information. Instead he said that he would have yet another member contact the Regional Coordinator contending that this member could provide actual evidence relating to the allegations of the protest. To date, despite repeated requests, no contact has been made and no statement has been presented to the Election Officer or his representatives concerning the allegations of this protest.

Clearly, removal of campaign literature and threatening members for their participation in the International Union officer election violates the *Rules*. However, absolutely no evidence was presented to indicate that Mr. DiDio or anyone else engaged in this conduct. Accordingly, 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/mjv

cc: Frederick B. Lacey, Independent Administrator

Amy Gladstein, Regional Coordinator