



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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September 23, 1991

VIA UPS OVERNIGHT

D. H. Crum
Secretary-Treasurer
IBT Local Union 776
2552 Jefferson St.
Harrisburg, PA 17110

R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
2033 K St., NW
Suite 300
Washington, D.C. 20006-1002

Re: Election Office Case No. P-907-LU776-PHL

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by D. H. Crum, Secretary-Treasurer of IBT Local Union 776. In his protest, Mr. Crum states that he received a thank-you letter from R. V. Durham thanking him for his contribution to Mr. Durham's candidacy and the campaign of the R. V. Durham Unity Team when, in fact, Mr. Crum made no such contribution and does not support Mr. Durham for General President of the IBT or the other candidates on Mr. Durham's slate. Mr. Crum contends that the purpose of this letter was to mislead the members of Local Union 776 and/or other IBT members into believing that Mr. Crum supported the candidacy of Mr. Durham and the other members of the R. V. Durham Unity Team with the expectation that such members - - knowing of Mr. Crum's support -- would vote for Mr. Durham and the other members of his slate.

The Election Officer's investigation determined that the letter to Mr. Crum resulted from an inadvertent clerical error by the campaign staff of the R. V. Durham Unity Team. The letter was sent to no one other than Mr. Crum, nor has it been distributed among IBT members. Further the R. V. Durham Unity Team slate has not "advertized" in any manner that Mr. Crum supports the members of that slate or made a contribution to their election campaigns. The Election Officer's review of the Pre-Election Report #1: Campaign Contribution Expenditure Report submitted by the R. V. Durham Unity Team pursuant to the *Rules* and the Advisory on Campaign Contributions and Disclosure issued August 14, 1991, ("*Advisory*"), performed for the purposes of investigating this protest, verifies that the Durham campaign does not list Mr. Crum as a contributor.

Under the circumstances of this case -- an inadvertent clerical error and no public dissemination -- the Election Officer is unable to find that the *Rules* have been violated.

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According 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/ca

cc: Frederick B. Lacey, Independent Administrator

Peter V. Marks, Sr., Regional Coordinator

Ron Carey
c/o Richard Gilberg, Esquire
Cohen, Weiss & Simon
330 West 42nd Street
New York, NY 10036-6901

Walter Shea
c/o Robert Baptiste, Esquire
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