

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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September 25, 1991

VIA UPS OVERNIGHT

Daniel Torres, Jr.
2484-E Sundial Drive
Chino Hills, CA 91709

Michael J. Riley
President
IBT Joint Council 42
1616 W. Ninth St.
Room 500
Los Angeles, CA 90015

Everett J. Roberts
Trustee
IBT Local Union 63
1616 W. Ninth St.
Room 205
Los Angeles, CA 90015

Re: Election Office Case No. P-912-LU63-CLA

Gentlemen:

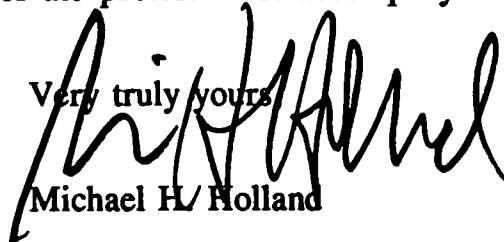
A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Daniel Torres, Jr., a member of Local Union 63. Mr. Torres contends that Michael J. Riley, a candidate for International Vice President, utilized the services of an attorney, George Pappy, counsel for Joint Council 42, during a hearing on a previous protest filed by Mr. Torres, Election Office Case No. P-883-LU63-CLA. Mr. Torres contends that the use by Mr. Riley of counsel for Joint Council 42, George Pappy, constitutes a misuse of Union resources and thus is violative of the *Rules*.

There is no dispute that George Pappy is and has been legal counsel for Joint Council 42. In addition, there is no dispute that Mr. Pappy appeared, via a telephone conference, in the hearing before the Independent Administrator in Election Office Case No. P-883-LU63-CLA and identified himself as counsel for Michael Riley, a candidate for International officer. Nothing in the *Rules* bars Mr. Pappy from representing Mr. Riley as a candidate for International office as long as the Union does not bear the cost of Mr. Pappy's services for said representation. In a letter dated September 20, 1991, Mr. Pappy advised the Election Officer that Mr. Riley will in fact be billed personally for the time expended by Mr. Pappy in connection with Election Office Case No. P-883-LU63-CLA as well as this protest. Accordingly, the protest is DENIED. However, the Election Officer directs that Mr. Riley submit to the Election Officer a copy of the bill received by him from Mr. Pappy in connection with Mr. Pappy's services in these two protests as well as documentation demonstrating that he, Mr. Riley, paid such billing no later than October 15, 1991.

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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

Geraldine L. Leshin, Regional Coordinator

George A. Pappy, Esq.
Pappy & Davis
3424 Wilshire Blvd., Suite 1100
Los Angeles, CA 90010-2258