



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Election Officer

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October 16, 1991

VIA UPS OVERNIGHT

Gordon Teller
22332 17th Place, West
Bothell, WA 98021

Lawrence N. Weldon
Secretary-Treasurer
IBT Local 741
552 Denny Way
Seattle, WA 98109

Re: Election Office Case No. P-980-LU741-PNW

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Gordon Teller, a member of Local Union 741. This protest concerns the conduct of the October 13, 1991 Local Union membership meeting.

Mr. Teller states that at the October 13, 1991 Local Union meeting, a member in attendance at that meeting moved that Local 741 endorse Walter Shea for General President of the IBT. Mr. Teller, a supporter of IBT General President candidate Ron Carey, rose to speak against the motion. His remarks -- centering on alleged conduct of Daniel Ligurotis, the candidate for General Secretary Treasurer on Mr. Shea's slate - - were interrupted by a Local 741 business agent. Local 741's President ruled that the business agent was out of order for interrupting Mr. Teller. According to Mr. Teller, the President "Struck his gavel several times, yelling at [the business agent] 'Sit down you're out of order!'"

The Union Secretary-Treasurer then spoke, saying that he believed that International Union officer endorsement decisions were decisions to be made by Local Union members individually. The membership voted on the motion; the motion was defeated.

All IBT members are entitled to participate in the election for IBT International Union officers, including the right to made endorsements of candidates seeking International Union office. See *Rules*, Article VIII, §10 (a)(b). However, no Union entity may contribute to the campaign of any International Union officer candidate. *Rules*, Article X, § 1(b)(1)&(3) and Article VIII, §10(c). An endorsement is the contribution of

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something of value to a candidate or candidate's campaign, a campaign contribution. See e.g. Election Office Case No. P-651-IBT, affirmed 91-Elec. App.-183. Accordingly, an IBT entity, as an entity, may not endorse or vote to support a particular candidate or slate of candidates.

In accordance with the foregoing, the motion made by the Local 741 member to endorse General President candidate Walter Shea was inappropriate. However, the motion was defeated. Further, whether or not Mr. Teller was improperly interrupted as he attempted to speak against the motion, the Local 741 membership voted in accordance with his position; the Local 741 membership defeated the motion to endorse Walter Shea for IBT General President. The issues raised in the protest were rendered moot by the action taken by the membership on September 13, 1991 and the protest is dismissed on that basis.

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
Christine M. Mrak, Regional Coordinator