

**OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: JESUS MAQUEIRA,)	Protest Decision 2001 EAD 227
)	Issued: March 12, 2001
Protestor.)	OEA Case No. PR020915WE
)	

Jesus Maqueira, a member of Local Union 572 and candidate for delegate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“*Rules*”). His protest alleges that Luis Ramos improperly removed campaign literature from a bulletin board at his worksite.

Election Administrator representative Dolly Gee investigated the protest.

Findings of Fact and Analysis

Maqueira states he was informed that Ramos removed unspecified campaign literature from a union bulletin board at Maqueira’s worksite, Gate Gourmet, and that Ramos admitted the act at an organizational meeting for contract negotiations held February 6. Maqueira produced no eyewitness to substantiate either the act or the admission.

Ramos denied removing literature or admitting doing so. Moreover, Luis Rosales stated that Ramos did not admit the conduct at the February 6 meeting.

Article VII, Section 11(d) of the *Rules* preserves for candidates and members the preexisting rights they enjoyed “to use employer or Union bulletin boards for campaign publicity.” Campaign postings have historically been permitted on the Gate Gourmet bulletin board.

We find insufficient evidence that Ramos violated this provision of the *Rules* and therefore DENY the protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Maqueira, 2001 EAD 227
March 12, 2001

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
2001 EAD 227

Maqueira, 2001 EAD 227
March 12, 2001

DISTRIBUTION LIST VIA UPS NEXT DAY AIR:

Patrick Szymanski
IBT General Counsel
25 Louisiana Ave. NW
Washington, DC 20001

Bradley T. Raymond
Finkel, Whitefield, Selik,
Raymond, Ferrara & Feldman
32300 Northwestern Highway
Suite 200
Farmington Hills, MI 48334

J. Douglas Korney
Korney & Heldt
30700 Telegraph Road
Suite 1551
Bingham Farms, MI 48025

Barbara Harvey
Penobscot Building
Suite 1800
645 Griswold
Detroit, MI 48226

Betty Grdina
Yablonski, Both & Edelman
Suite 800
1140 Connecticut Ave. NW
Washington, D.C. 20036

Tom Leedham c/o Stefan Ostrach
110 Mayfair
Eugene, OR 97404

Jesus Maqueira
4833 W. 118st A
Hawthorne, CA 90250

IBT Local 572
450 Carson Plaza Drive
Carson, CA 90746

Luis Ramos
3941½ W. 105th Street
Englewood, CA 90303

Dolly Gee
Schwartz, Steinsapir,
Dohrmann & Sommers
6300 Wilshire Blvd., Suite 2000
Los Angeles, CA 90048