

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

IN RE: MARK KAMINSKI,)	Protest Decision 2011 ESD 182
)	Issued: March 23, 2011
Protestor.)	OES Case No. P-226-031611-MW
_____)	

Mark Kaminski, member of Local Union 700¹, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Hector Hernandez and other members of the Logan Slate in the Local Union 700 delegate election improperly campaigned outside a Local Union 700 meeting on March 13, 2011.

Election Supervisor representative Joe Childers investigated this protest.

On March 22, 2011, Kaminski requested to withdraw the protest. We find that permitting withdrawal of the protest is consistent with the purposes of the *Rules*. Accordingly, we deem this protest **WITHDRAWN**.

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 Supervisor 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:

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

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L,

¹ The Trustee of Local Union 700, John T. Coli, maintains that protestor Kaminski is not permitted to file a protest because he was not a member of Local Union 700, as defined by our *Rules*, at the time he filed the protest. Coli produced for our investigator a decision of the Executive Board of Joint Council 25, dated March 8, 2011, eight days prior to filing this protest, which suspended Kaminski from membership in Local Union 700. Since pursuant to Article XIII, Section 1 of our *Rules* only “members” may file protests, and because “member” is defined as a “person ...who has [not] been ... suspended from membership after appropriate proceedings consistent with lawful provisions of the IBT Constitution and the by-laws of the Local Union,” Coli’s position is that the protest should not be considered. Kaminski advised our investigator that he has appealed his suspension from membership. Due to the withdrawal of this protest, and because Mr. Kaminski is not a candidate for delegate or alternate delegate, we need not decide whether the *Rules* permit him to file a protest.

Kaminski, 2011 ESD 182
March 23, 2011

Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2011 ESD 182

Kaminski, 2011 ESD 182
March 23, 2011

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