



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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July 11, 1991

VIA UPS OVERNIGHT

Robert Stuver
14610 Apple Valley Road
Apple Valley, CA 92308

John R Cetinske
15764 Arbolada Lane
Victorville, CA 92391-1802

Robert E Marciel
Secretary-Treasurer
IBT Local Union 63
1616 W Ninth St , Room 205
Los Angeles, CA 90015

Re: Election Office Case No. Conv-3-LU63-CLA

Gentlemen

A protest, a copy of which is enclosed, was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by John Cetinske, a member of Local 63 and a delegate from Local 63 (affiliated with the delegates for Carey Slate) to the IBT International Convention. Mr Cetinske alleges that Robert Stuver, a candidate for delegate on an opposing slate from Local 63 (the Informed Teamsters for the Good of All Slate) threatened to kill him and other delegate candidates on the Carey Slate. Mr Cetinske states that these alleged threats were reported to him by Don Vanater, another Local 63 member.

The Election Office conducted an investigation of the protest. Don Vanater stated that he was present at a Union meeting on June 17, 1991. Approximately seven other Local 63 members were also present, including Bob Stuver. Mr Stuver had just received a copy of the determination of the Election Officer in Election Office Case No. POST-73-LU63-CLA and said generally to those present that he was so mad he could kill someone. Mr Vanater stated that this comment was not directed to any particular person and that Mr Vanater did not believe Mr Stuver was making a threat but rather expressing his anger. Mr Vanater also stated that he told Mr Cetinske that "Bobby" was so mad he said he could kill someone. Mr Cetinske filed this protest based upon Mr Vanater's report to him.

Article VIII, Section 1 of the *Rules* prohibits any form of retaliation for participation in the election process, including threats of violence or physical harm. The Election Officer does not find, however, that the comments of Mr. Stuver constituted a threat but rather were an expression of anger. Thus, the Election Officer does not find that the *Rules* have been violated and denies this protest.

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/grh

cc Frederick B. Lacey, Independent Administrator
cc Geraldine L. Leshin, Regional Coordinator