



OFFICE OF THE ELECTION OFFICER
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

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343 South Dearborn Street
Chicago IL 60604
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December 7 1990

VIA UPS OVERNIGHT

Rudy Hernandez
32276 Valient Way
Union City CA 94587

Chuck Mack
President
IBT Joint Council 7
Executive Park Blvd
Suite 2900
San Francisco CA 94134

Re Election Office Case No P-054-JC7-CSF

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election* revised August 1 1990 (Election Rules) In his protest Rudy Hernandez alleges that the Election Rules were violated by the publication in the November 1990 issue of *Northern California Teamster* (Volume 35 No 8) an announcement of the Executive Board endorsement of R V Durham one of four announced candidates for the office of General President of the IBT The protest alleges that the pictures and endorsement announcements of other candidates campaigns have not been publicized by the newspaper

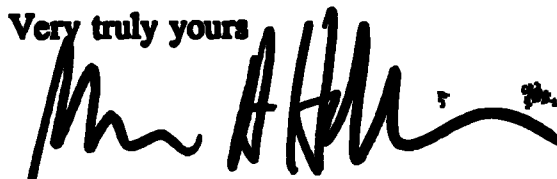
This case has been investigated by the Election Officer During the investigation, the Respondent informed the Election Officer by letter dated December 5 1990 that Joint Council 7 would provide coverage of the all other announced candidates for IBT General President in its January 1991 issue of the *Northern California Teamster* The article(s) will be comparable to the article that appeared covering R V Durham s candidacy and will be accompanied by photographs of the same dimensions as the photograph of Mr Durham Further the article(s) will receive placement in the publication similar in prominence to the placement of the article here at issue and will appear on the front page of the publication Accordingly I am unilaterally accepting the Joint Council 7 s plan to publicize the candidacies of Walter Shea Louis Riga and Ron Carey as a settlement of this protest since I find that such a proposal effectuates the purpose of the Rules

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I am however retaining jurisdiction of the protest pending publication of the January 1991 issue of the *Northern California Teamster*. If the article(s) as agreed to should not appear in that issue the protest will be reinstated.

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
Election Officer

cc Frederick B Lacey Independent Administrator IBT

John F Henning Jr Regional Coordinator
100 Bush Street Suite 440
San Francisco CA 94104
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Duane Beeson