



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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December 12, 1990

VIA UPS OVERNIGHT

Dan R. Eby
600 Tuygate Drive
St Louis, MO 63129-2612

Tyrone Henderson
James Jackson
c/o IBT Local Union 705
300 South Ashland Ave.
Chicago, IL 60607

Daniel C. Ligurotis
Secretary-Treasurer
IBT Local Union 705
300 South Ashland Avenue
Chicago, IL 60607

Re: Election Office Case No. P-075-LU705-MOI

Gentlemen:

A pre-election protest was filed under Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 (*Rules*). In his protest Daniel Eby alleges that Tyrone Henderson and James Jackson made substantial misrepresentations in soliciting petition signatures for the International Union Secretary-Treasurer candidacy of Daniel C. Ligurotis by representing that Ligurotis is affiliated politically with International Union General President Ron Carey. He also alleges that Henderson and Jackson solicited a signature from an office clerical who is not represented by the IBT.

The investigation conducted by the Election Office shows as follows. James Jackson is employed as a business agent for Local Union 705 Tyrone Henderson is his son-in-law and also a member of Local Union 705. On November 29, 1990, Jackson and Henderson traveled from Chicago and commenced soliciting signatures for the Ligurotis petition beginning at 2.00 p.m. from employees at United Parcel Service's site in Earth City, Missouri. The petitioning continued through 6:30 a.m.

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on November 30, 1990. On the same date, the 29th, Ron Carey supporters, including Mr. Eby, the protestor, opened a campaign to solicit signatures for the "Ron Carey Slate." The Carey solicitors commenced signing employees at around 5:00 p.m. Thus between 2:00 p.m. and 5:00 p.m. on November 29, there were no Carey supporters at the gates soliciting signatures; Jackson and Henderson were soliciting alone. During all other time periods that are material to this protest, both campaigns were represented.

During the solicitation period Carey supporters and Jackson and Henderson were frequently located in close proximity to each other. In fact during some of the time there was debate between the campaign representatives about the merits of each candidate. For example, the protestor Mr. Eby states that some employees refused to sign the Ligurotis petition when he told them that "their dues supported a Ligurotis salary of \$538,000 per year."

At about 5:00 p.m., one of the Carey supporters confronted Jackson at the back gate location, asking about whether he was telling people that Ligurotis was on Carey's slate. Jackson denied telling employees such a thing. This conversation was overheard by other employees.

The evidence also shows that many employees who signed, signed petitions for both Carey and Ligurotis. For example, at 1:50 a.m. on November 30, 1990, Mr. Eby went to the area of the guard shack to collect signatures for Carey. He believes that perhaps 100 employees said they already signed the Ligurotis petition. He estimates that about 75 of the 100 then signed the Carey petition. Under the *Election Rules* employees are permitted to sign more than one petition.

There is some evidence from employees, disputed by Jackson and Henderson, that Jackson and Henderson implied that Ligurotis was affiliated with Carey in response to questioning from employees. Thus, one employee indicated to the Election Office representative that Jackson made the statement "this is the only guy running for Secretary-Treasurer so I guess he is running with Ron Carey." There is also evidence of one statement made by Henderson that Ligurotis was on the Carey slate.

Based upon my own review of this office's investigation, I do not believe it necessary to resolve the credibility dispute. This appears to be a case of vigorous campaigning for both candidates Carey and Ligurotis.

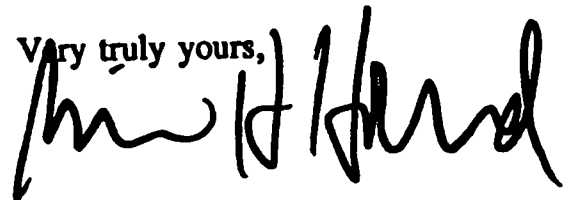
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While some misrepresentation may have occurred, it was neither pervasive nor sufficiently egregious to support a finding that the Election Rules have been violated. Evidence was presented of only two affirmative statements, both delineated above. Indeed the sum of the evidence shows that during 17 hours of signing, both campaigns were represented for most of that time. Carey representatives appear to have monitored the solicitation of Jackson and Henderson, and members of the Union had access to both sets of petitions. Accordingly, this portion of the protest is denied.¹

The protest contains one allegation that a non-member was solicited to, and did, sign the Ligurotis petition. However, if any non-member did sign Ligurotis petitions, that will become evident to the Election Officer when the petition is checked for validity. At that time the Election officer can void any such signature or group of signatures.

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

¹ The Election Officer, however, notes for all parties that misrepresentation in the petition process is serious. Should further information be presented demonstrating a pattern of inaccurate statements by members soliciting for a particular candidate or slate of candidates, the Election Officer will not hesitate to impose an appropriate remedy which could include invalidation of petition signatures.

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MHH/mjv

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