

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Washington, DC 20001  
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Michael H Holland  
Election Officer

Chicago Office  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

December 17, 1990

VIA UPS OVERNIGHT

James E. Tol  
788 Bungalow, SW  
Wyoming, MI 49509

Ken DeVries  
Secretary-Treasurer  
IBT Local 406  
3315 Eastern Ave., S.E.  
Grand Rapids, MI 49508

Re: Election Office Case No. P-098-LU406-MGN

Gentlemen:

A timely 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"). The protest alleges that when the slate of delegates and alternate delegate candidates which included the present Secretary-Treasurer of Local 406 was placed into nomination improper electioneering occurred.

The Election Officer was represented at the nominations meeting for Local 406 by Adjunct Coordinator, Robert Matthews. He was present during the entirety of the nominations process and heard the nominations for delegate and alternate delegate candidates. He later obtained from the Local 406 member and business agent, Garry Case, who placed into nomination the slate which included the present Secretary-Treasurer of Local 406, the document from which Mr. Case was reading when he made such nominations. Mr. Matthews believes that such written statement actually/accurately reflects that which he heard during the nominations meeting.

The statement made when Mr. Case placed into nomination the delegate candidates on the slate with the present Local 406 Secretary-Treasurer he states as follows:

"Mr. Chairman, I, Garry Case, rise to place into nomination a full slate of nine delegates to be elected for the 1991 Teamsters International Convention. **This slate is a**

James E. Tol  
December 17, 1990  
Page 2

team with the experience to represent Local 406 in the trying times ahead. I place into nominations for nine delegates the following experienced Team 406 slate...." (And then he named the nine persons he was nominating.)

With respect to the nominations for alternate delegates, Mr. Case spoke as follows:

"Mr. Chairman, I, Garry Case, rise to place into nominations a full slate of three alternate delegates to be elected for the 1991 Teamsters International Convention. This slate of three alternate delegates joins with the previously nominated experienced Team 406 slate delegates consisting of.... (And then he listed the nine names of the persons he previously nominated as delegates.) I place into nomination for the three alternate delegates the following experienced Team 406 slate... (And then he named the three alternates he was nominating.)"

After the close of nominations for delegates, but prior to the commencement of the nominations for alternate delegates, a complaint was made from the floor by a member who the Election Officer Adjunct Coordinator believes to have been James E. Tol, the protester in this case. Such member stated that Mr. Case's nomination "speech" violated the By-Laws of the Local Union. The Adjunct Coordinator told the member that he could file a protest with the Election Officer.

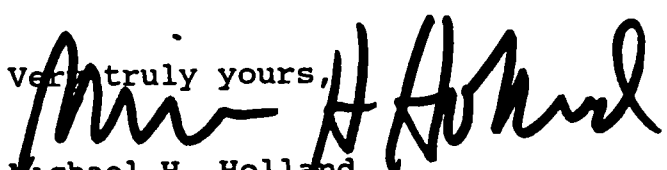
At no time did the member who made the complaint or any other member seek to make statements or a "speech" on behalf of any candidate or potential candidate for delegate or alternate delegate. At no time was any member of Local 406 prevented from making statements in support of a candidate or potential candidate for delegate or alternate delegate.

Mr. Case's statement was short in duration. While his statements were supportive of the members he was nominating, the comments were not extensive and did not unduly extol the virtues of any individual slate member. Further, neither Mr. Tol or any other member of Local 406 was prevented from making similar "speeches" in support of the nominees they supported. Under these circumstances the Election Officer determined that the Rules had not been violated.

James E. Tol  
December 17, 1990  
Page 3

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,

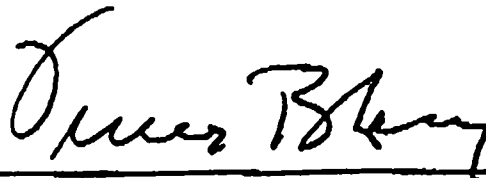
  
Michael H. Holland

cc: Mr. Frederick B. Lacey  
James De Hann, Regional Coordinator



was violated. The Protester read the provision to me and I do not find that Mr. Case's statement violated that provision.

Accordingly, the decision of the Election Officer is affirmed.



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Frederick B. Lacey  
Independent Administrator

Dated: December 21, 1990.

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Michael H. Holland

cc: Mr. Frederick B. Lacey  
James De Hann, Regional Coordinator