

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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November 21, 1991

VIA UPS OVERNIGHT

William M. Brown, Jr.
12 Sherri Lane
Erial, NJ 08081

William O'Farrell
President
IBT Local Union 500
1100-28 East Lycoming St.
Philadelphia, PA 19124

R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
2033 K Street, NW
Suite 300
Washington, D.C. 20006-1002

Re: Election Office Case No. P-1094-LU500-PHL

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by William M. Brown, Jr., formerly a member of IBT Local Union 500, located in Philadelphia who has recently transferred to Local Union 115, also located in Philadelphia. Mr. Brown protests a piece of campaign literature signed by William O'Farrell Sr. on behalf of the individual members of Local 500's Executive Board. Mr. Brown contends that the document constitutes an inappropriate endorsement by Local Union 500 and that Union resources were used in its reproduction and distribution. This protest was investigated by Regional Coordinator Peter V. Marks, Sr.

The document in question is on the letterhead of "O'Farrell Slate" of Teamsters Local 500 and lists the names of various individuals and their titles who presumably are

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members of the O'Farrell Slate.¹ The three-paragraph letter contains negative comments about candidates on the Shea-Ligurotis Action Team and in particular candidate John Morris. The notice also states, "We strongly endorse the Durham Slate..." As noted above, the letter is signed by William O'Farrell, Sr. on behalf of himself and the individual members of Local 500's Executive Board.

Investigation discloses that approximately 150 copies of this document were posted on bulletin boards at Local 500 worksites. Local 500 Recording Secretary Joseph T. Coughlin stated that he had the copies made at a local print shop and that he and three others distributed the copies on their own time. He states that no Local Union funds were used. Mr. Brown had no specific information concerning the use of Union funds in the reproduction and distribution of the document.

The Election Officer has previously held that an endorsement by individual members of a Local Union's Executive Board, in language quite similar to the language used in the O'Farrell letter, does not violate the *Rules* (Election Office Case Nos. P-1071-LU677-ENG and P-1072-LU24-CLE). The Election Officer concluded that this language does not convey that the Local Union, as an entity, has endorsed a candidate. Thus, the Election Officer finds no violation of the *Rules* with respect to the contents of the O'Farrell letter.

The investigation did not uncover any evidence that Local Union resources were used in the reproduction and distribution of the letter. Substantial evidence indicates that individuals distributed the letter on their own time, and the letter was reproduced at a local print shop without using Union resources. Thus, the Election Officer finds no violation of the *Rules* in the manner in which the O'Farrell letter was produced or disseminated.

Accordingly, this protest is hereby DENIED.

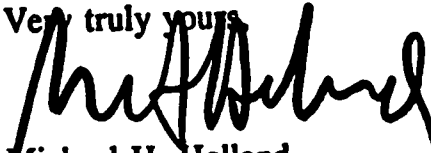
If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was 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

¹ William O'Farrell, Sr. and his slate were recently reelected to their Local Union officer positions at Local Union 500.

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& 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/mjv

cc: Frederick B. Lacey, Independent Administrator

Peter V. Marks, Sr., Regional Coordinator
Willig, Williams, & Davidson
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