



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

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December 27, 1991

VIA UPS OVERNIGHT

Chris Scott
IBT Unity Team
508 Third Street, SE
Washington, DC 20003

John P. Morris
c/o Committee to Elect John Morris
IBT Local Union 115
2833 Cottman Avenue
Philadelphia, PA 19149

Re: Election Office Case No. P-1107-IBT

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Chris Scott on behalf of the R. V. Durham Unity Team. The protest contends that ten individuals whose names were disclosed by International Union Vice President Candidate John Morris on his Campaign Contribution and Expenditure Report: Pre-Election Report #2, were employers, not entitled to make campaign contributions under the *Rules*. The protest was investigated by Regional Coordinator Peter V. Marks, Sr. and Adjunct Regional Coordinator Julius Uehlein.

Other than listing the names and employers as reflected on Mr. Morris' disclosure form, Mr. Scott had no additional information about the individuals whose campaign contributions he claims are improper. The Election Officer's investigation revealed that four of the individuals (Terrence J. McGlinn, Jr.; John F. McGlinn, II; Michael J. McGlinn; and John J. Haile, Jr.) work together at McGlinn Capital Management, aka, McGlinn Investments which is managed by Terrence McGlinn, Sr. Michael McGlinn and John Haile identified themselves as employees of Terrence McGlinn, Sr. at McGlinn Capital Management. During the investigation, phone calls made to Terrence McGlinn, Jr. and John McGlinn, II were returned by Terrence McGlinn, Sr. who stated that he could "speak for" Terrence Jr. and John regarding the campaign contributions.

The *Rules* prohibit employer campaign contributions, including contributions which pass through a third-party conduit. See Advisory on Campaign Contributions and Disclosure, issued August 14, 1991 ("*Advisory*") at pages 11-14. Terrence McGlinn, Sr. and McGlinn Capital Management are employers. Terrence McGlinn, Sr. exercised

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his authority to speak for Terrence Jr. and John McGlinn regarding the campaign contributions in question. There is a close family relationship of the four McGlinns at McGlinn Capital Management. Terrence McGlinn, Jr., Michael McGlinn, John F. McGlinn, II and John J. Haile all made identical contributions of \$1,000 on October 2, 1991. Accordingly, it is found that these contributions were contributions made by or on behalf of Terrence McGlinn, Sr. and/or McGlinn Capital Management.

Since Terrence McGlinn, Sr. and McGlinn Capital Management are employers, they are prohibited from making campaign contributions under the *Rules*. Contributions made on their behalf are similarly prohibited. *Advisory*, pages 11-14.

Regarding the other six individuals named in the protest, the Election Officer's investigation revealed the following:

- (1) Lisa M. McDevitt is a self-employed optometrist, and an independent contractor with Lens Lab. She has no employees.
- (2) Thomas P. McDevitt purports to work for radio station WFAL. According to his mother he now lives in Florida. There is no WFAL radio station in Reading, Pennsylvania. It is unknown if there is such a station in Florida. The investigation failed to locate any evidence that he is an employer.
- (3) Gilbert M. Mancuso is an associate in the law firm of Brubaker, Mancuso & Fegley. His father is a partner in the firm. Gilbert Mancuso exercised no supervisory or managerial responsibility for the firm, but instead is an employee of the firm.
- (4) Michael J. Cammarano is a sole practitioner attorney with no employees. He shares office space and contracts with the other attorney for secretarial services.
- (5) Randee W. Sekol is employed as an investment counselor at Bayer Barber Investment Co. He has no managerial or supervisory responsibility.
- (6) Judith A. Pritel is a secretary for Sol Vinokar. She is not a manager or a supervisor. She states that the contribution was made on behalf of her retired husband.

Mr. Morris's receipt of campaign contributions from the six individuals listed above is not a violation of the *Rules*. The protest as to these individuals is DENIED.

The protest is GRANTED with respect to the contributions of Terrence J. McGlinn, Jr., John F. McGlinn, II, Michael J. McGlinn and John J. Haile, Jr. Within seven (7) days of the date of this letter, Mr. Morris is to return to each such individual

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the campaign contributions received from each and to simultaneously file an affidavit with the Election Officer demonstrating that such contributions have been so returned.

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/mjv

cc: Frederick B. Lacey, Independent Administrator

Peter V. Marks, Sr., Regional Coordinator

Ron Carey
c/o Richard Gilberg, Esquire

R. V. Durham
c/o Hugh J. Beins, Esquire

Walter Shea
c/o Robert Baptiste, Esquire