



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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January 6, 1992

**VIA UPS OVERNIGHT**

Chris Scott  
R. V. Durham Unity Team  
c/o IBT Local Union 391  
Interstate Highway 40  
Sandy Ridge Road Exit  
Kernersville, NC 27284

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

Walter Shea  
c/o Robert Baptiste, Esquire  
Baptiste & Wilder  
1919 Pennsylvania Avenue, N.W.  
Suite 505  
Washington, D.C. 20006

**Re: Election Office Case No. P-1135-IBT**

Gentlemen:

A pre-election 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 the R. V. Durham Unity Team. In the protest, Chris Scott, the R. V. Durham Unity Team representative, alleges on behalf of the Durham campaign that the second Campaign Contribution and Expenditure Report filed by Daniel Ligurotis, candidate for Secretary-Treasurer on the Shea-Ligurotis Action Team, was inaccurate and confusing and did not comply with the directives of the *Rules*. Specifically, the protest alleges that the second campaign finance report prepared by Rory McGinty, Mr. Ligurotis' campaign representative, listed together all contributions from the first and second reporting period in violation of the Advisory on Campaign Contributions and Disclosure, issued August 14, 1991 ("*Advisory*").

The Election Officer conducted an investigation into the above-referenced protest. A review of the second disclosure report established that although all the required campaign disclosure information was included in the report prepared by Mr. McGinty, some of the information was listed in the wrong sections of the report. A review of the report also established that Mr. McGinty did not distinguish between total contributions received and contributions received during the second reporting period.

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After reviewing the report, the Election Officer contacted Mr. McGinty, Mr. Ligurotis' campaign representative, and advised him of the errors in the presentation of some of the information in the report. Mr. McGinty cooperated fully with the Election Officer and explained that he simply misunderstood the methodology of responding to the questions contained in the form and the mode of properly distinguishing between contributions received or expenditures made during different periods of time. He agreed to prepare an amended report correcting the inadvertent errors.

On December 11, 1991, the Election Officer received a revised Campaign Contribution and Expenditure Report and Supplemental Form #1 "Permitted Employer and Labor Organization Contributions and Associated Expenditures for Legal and Accounting Services" for Pre-Election Reporting Period #2. The revised report fully clarifies and corrects the errors of the earlier report. The revised report also establishes that although some of the disclosure information included in the originally submitted report was listed in the wrong section of the form, all of the information that Mr. Ligurotis was required to submit was in fact contained in the document originally submitted.

Since the originally submitted report did contain all the required information and since the revised report submitted on December 11, 1991 clarifies and corrects the confusion as to the disclosure information submitted in the originally filed report, the Election Officer concludes that the protest is RESOLVED.<sup>1</sup>

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,

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<sup>1</sup> The protestor does not allege that the errors contained in the Second Campaign Contribution and Expenditure Report "affected the outcome of the election" within the meaning of Article XI, § 1(b) of the *Rules*. Moreover, in the post-election protest filed by Mr. Durham, Durham does not allege that the failure of Mr. Ligurotis to comply with the reporting and disclosure requirement of the *Rules* affected the outcome of the election despite his allegations that other protests regarding campaign contributions received by Mr. Ligurotis' slate had an affect on the election outcome. See Post 75-IBT.

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D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Holland", written in a cursive style.

Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Julie Hamos (For Information Only)

Ron Carey  
c/o Richard Gilberg, Esquire