



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

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December 30, 1991

VIA UPS OVERNIGHT

Larry Gibson
224 Brandenburg Dr.
Loveland, OH 45140

James A. Beck
3548 Turkeyfoot Road
Erlanger, KY 41018

Michael H. Dickens, President
Duane Wilson, Business Agent
IBT Local Union 100
2100 Oak Road
Cincinnati, OH 45241

Re: Election Office Case No. P-1141-LU100-SCE

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 IBT Local 100 Business Agent Larry Gibson and Local 100 Recording Secretary and Business Agent James A. Beck. In their protest, Messrs. Gibson and Beck allege that another Local 100 Business Agent, Duane Wilson, threatened and attempted to physically assault Mr. Beck during a Local Union executive board meeting held on November 26, 1991.

Subsequent to the filing of the protest, on December 23, 1991, the Independent Administrator issued his decision in the matter of Investigations Officer v. Duane Wilson, Michael H. Dickens and Jack Weber. The decision resolved charges brought by Charles Carberry, the Independent Investigations Officer based, in part, on an assault by Mr. Wilson of Anthony Hooks, a Business Agent and the Vice President of Local 100 and a political ally of Mr. Beck.¹ (See Election Office Case No. P-702-LU100-SCE).

The Independent Administrator found Mr. Wilson guilty of the alleged assault, suspended Mr. Wilson for a period of five years from the IBT and directed that Mr. Wilson "shall not in any way, directly or indirectly, harass, interfere with, assault, threaten or take any other action in any way detrimental to the rights, employment, IBT

¹ Mr. Beck testified on behalf of Mr. Hooks in connection with the charges brought by the Investigations Officer against Mr. Wilson.

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membership, benefits or other interests of Hooks or any other person involved on behalf of Hooks in this matter." The Independent Administrator further ordered that "Wilson shall not participate in any way, in any grievance, disciplinary matter, arbitration or any other union matter or employment matter pertaining to Hooks, or any other person involved on behalf of Hooks, in this matter at any time in the future." While the Independent Administrator stayed that portion of his decision suspending Mr. Wilson from the IBT pending Court review of his decision, the Independent Administrator ordered that the other provisions of his decision against Mr. Wilson be immediately effective.

By reasons of the foregoing, the allegations of the instant protest--the allegation that Mr. Wilson threatened and attempted to physically assault Mr. Beck, an ally of Mr. Hooks--have been fully remedied by the Independent Administrator's decision of December 23, 1991. Assuming that the allegations in the instant protest are true, the Independent Administrator's decision, by imposing cease and desist orders on Mr. Wilson in favor of Mr. Hooks and his allies such as Mr. Beck, has provided the full measure of relief that could be provided by the Election Officer in his determination of this protest. There is no necessity for any further action to be taken by the Election Officer. On this basis, the Election Officer concludes that the instant protest has become has become moot, and it is DISMISSED on that basis.

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

Peggy A. Hillman, Regional Coordinator