



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624 8778  
1 800 828 6496  
Fax (202) 624 8792

Michael H Holland  
Election Officer

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

December 21, 1990

VIA UPS OVERNIGHT

Edward D. Richison  
P.O. Box 153864  
Irving, TX 75015  
tel. (214) 790-0704

T.C. Stone  
Secretary-Treasurer  
IBT Local 745  
1007 Jonelle Street  
Dallas, TX 75217

Johnny C. Chappell  
7324 Martha Lane  
Ft. Worth, TX 76112

Stephen A. Lair  
1462 Westwick  
Ft. Worth, TX 76114

Howard Neel  
Route One  
Wolfe City, TX 75496

Orval H. Sadler  
3709 Pimlico Drive  
Arlington, TX 76017

Arnold Samaniego, Jr.  
1916 Savoy Drive  
Apt. #105  
Arlington, TX 76006

Re: Election Office Case No. P-132-LU745-SOU

Gentlemen:

A protest was timely filed<sup>1</sup> under Article XI, §1 of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Rules"). The protestors, Edward D. Richison and Johnny C. Chappell contend that T.C. Stone, Secretary

---

<sup>1</sup>Mr. Stone has challenged the protest as untimely. However, the investigation shows that Mr. Chappell did not learn of his omission from the nominations list until December 12, 1990, and Mr. Richison did not learn until December 13, 1990. The protest was filed within 48 hours of the date there was knowledge of the problem by the protestors, and is thus timely filed.

Edward D. Richison  
December 21, 1990  
Page 2

-Treasurer of IBT Local Union 745 omitted their names from the list announcing nomination of candidates for the position of delegate and alternate delegate to the 1991 IBT Convention.

The investigation shows the following: Mr. Richison, was nominated in writing by Stephen Lair and seconded in writing by Arnold Samaniego for the position of alternate delegate. Mr. Richison's written acceptance was tendered at the meeting. In that document he accepted nomination for the position of delegate. Both Mr. Lair's and Mr. Samaniego's written nominations and seconds were permissible under the Rules. Both Samaniego and Lair were working on December 2, 1990 and could not attend the nominations meeting. Rules, Article II, §3(e).

Mr. Chappell was nominated in writing by Orval Sadler for the position of alternate delegate. He was seconded in writing by Howard Neel whose written second states that he is seconding Mr. Chappell for the position of delegate. Mr. Chappell accepted nomination for the position of delegate. His acceptance was in writing.

Mr. Sadler's and Mr. Neel's written nomination and second were permissible under the Rules for the reason that Mr. Neel was working and Mr. Sadler was ill.

Mr. Stone states that he did not include Richison's and Chappell's name on the nomination list, because he considered the paper work to be improperly submitted, and the positions accepted for were not the positions that each was nominated and seconded for.

It does appear to the Election Officer that the written nomination, second, and acceptance of Chappell and Richison were not consistent. However, the Election Officer has confirmed that it was Mr. Richison's intent to accept nomination for the position of Alternate Delegate, and it was Mr. Chappell's intent to accept nomination for the position of Delegate. Disqualification of these nominees for reason of "unclear 'paperwork'" will not promote the interest of administering your election, since the stated intentions of these candidates with respect to the positions each seeks to fill have been verified. The inconsistency, in the paper work in both cases was not intentional but rather mistaken and inadvertent.

Accordingly, the names of Johnny C. Chappell, who accepted nomination for the position of Delegate to the IBT Convention and Edward Richison who has accepted nomination for the position of

Edward D. Richison  
December 21, 1990  
Page 3

Alternate Delegate to the IBT Convention should be added to the list of nominees within seven days of receipt of this letter and shall appear on the ballot.

The Election Officer does not, however, find a violation of the Rules. The paperwork involved in the instant nominations process was indeed confusing. Furthermore, the Regional Coordinator for the Election Officer attended the meeting, and he also failed to notice the omission of Chappell's and Richison's names from the list of nominees, or bring this problem to Mr. Stone's attention. Under these circumstances, Mr. Stone drew up a list of nominees which he believed to be proper and his belief.

Accordingly, the protest is denied, and the names of Johnny C. Chappell and Edward M. Richison shall be added to the list of nominees within seven (7) days of receipt of this decision, and their names shall appear on the ballot.

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. Hollans

MHH/MJC/sst

cc: Mr. Frederick B. Lacey  
Larry Daves, Regional Coordinator