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January 11, 1991

VIA UPS OVERNIGHT

Steven Silverman
Secretary-Treasurer
IBT Local 810
10 East 15th St.
New York, NY 10003

Anthony Veltry
c/o NYU Medical Center
550 First Ave.
New York, NY 10016

Patrick McGrath
c/o NYU Medical Center
550 First Ave.
New York, NY 10016

Fred Cubero
c/o NYU Medical Center
550 First Ave.
New York, NY 10016

Richard Lund
c/o NYU Medical Center
550 First Ave.
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Mariano Ramos
c/o NYU Medical Center
550 First Ave.
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Peter J. Lunde
c/o NYU Medical Center
550 First Ave.
New York, NY 10016

Irvin Johnson
c/o NYU Medical Center
550 First Ave.
New York, NY 10016

Re: Election Office Case No. P-141-LU810-NYC

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest Steven Silverman contends that the *Rules* have been violated because the Declaration of Affiliation with a slate by Rank and File Representation was not properly filled out, and because Patrick McGrath, Mariano Ramos, Peter J. Lunde, and Irvin Johnson failed to submit original signed acceptance of nomination.

The investigation shows the following. At the time of the Local Union 810 nominations meeting member Patrick McGrath Mariano Ramos, Peter J. Lunde, and Irvin Johnson submitted letters of acceptance that contained photocopy signatures. The members were not in attendance at the meeting. The Election Officer representative accepted the letters, but requested originals to be submitted. The *Rules* permit written acceptance of nomination. *Rules*, Article II, § 3 (h). Subsequent to the meeting, Messrs. McGrath, Ramos, Lunde, and Johnson tendered original acceptances to the Regional Coordinator, Amy Gladstein, rather than to Mr. Silverman. The Election Officer has confirmed that each of these members intended to accept nomination for the position of delegate.¹ Thus there is no violation of the *Rules* as to this aspect of the protest. The protest is DENIED.

Mr. Silverman also contends that the slate was improperly filled out. The slate form was inspected by the Election Officer representative. It does not contain a number in the part of the form styled Number of Candidates, although the number is required. Further, Mr. McGrath originally signed his name under the heading "Name of Candidate" as well as "Signature." Subsequently, his signature was removed in his presence under the column "Name of Candidate" and his name was re-entered in that column in printed form. The Election Officer has confirmed that the intent of the slate members was to field seven candidates and their failure to indicate this in the requisite portion of the form was inadvertent. Further the white-out changes were made in an effort to comply with the slate request that slate member names be designated in type or print and also by signature. For all the foregoing reasons, there has been no misrepresentation on the slate form which would violate the *Rules*. This aspect of the protest is 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 & 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

¹Patrick McGrath has now informed the Election Officer representative that he may withdraw as a candidate.

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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/mca

cc Frederick B Lacey, Independent Administrator
Amy Gladstein, Regional Coordinator