



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

January 7, 1991

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

Michael H Holland  
Election Officer

**VIA UPS OVERNIGHT**

Bradley Yeakel  
620 N Jefferson Street  
Allentown, PA 18102

Steve Banus  
Al Abruzzi  
Don Hartzell  
Ed Tonkay  
N ("Chuck") Berhard  
Bob Seng  
Harold Tracey  
Ray "Biggie" Heiser  
Al Seeley  
Clint Miller  
Tony LaLuz  
Members of the Action Team  
c/o IBT Local Union 773  
1345 Hamilton Street  
Allentown, PA 18102

Charles Branigan  
William H Rockel  
James K Reichenbach  
Edmund T Schuster  
John Hrycko  
Clifford Fatzinger  
Michael J Turzanski  
James M Cavage  
Willie L Rockmore  
Kim Corman  
Kenneth J Kratovic  
Eugene Hardy Sr  
Members of the Ron Carey Team  
1035 Yourkshire Road  
Bethlehem, PA 18017

**Re: Election Office Case Nos. P-145-LU773-PHL & E-135-LU773-PHL**

Gentlemen and Madam

A pre-election protest has been 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 the complainant, Bradley Yeakel, challenges the nomination of all of the members of the "Action Team" and the "Ron Carey Slate" because each of the candidates who are members of these slates was nominated and seconded in writing by members of the Local Union who were not eligible to do so The complainant also challenges the eligibility of Kim Corman under Article VI of the ***Rules*** The Election Officer's investigation revealed the following

The nominations meeting for Local Union 773 took place on December 10, 1990 at 7 00 p m at the Allentown Italian Club on 823 North Jordan Street, Allentown, Pennsylvania Approximately 50 members of the Local Union were nominated and seconded for seven delegate and four alternate delegate positions Candidates were

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grouped in three competing slates, as well as a number of independent candidates for delegate

Because of the large number of nominations several of the slates made their nominations, seconds and acceptances in writing and were read out at the meeting by the Election Office Regional Coordinator who conducted the nominations meeting. No objection was raised to this procedure at the time of the meeting. In fact, many of the members who nominated and seconded delegates and alternate delegates in writing, as well as the candidates who accepted in writing, were actually present at the nominations meeting.

The following nominations and seconds were made for the members of the Action Team slate

- 1 Al Abruzzi was nominated by Steve Banus and Angeline Mugar, seconded by Bob Seng and Sara Clewell
- 2 Steve Banus was nominated by Al Abruzzi and Angeline Mugar, seconded by Bob Seng and Sara Clewell
- 3 Don Hartzell was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell
- 4 Ed Tonkay was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell
- 5 N. ("Chuck") Bernard was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell
- 6 Bob Seng was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Sara Clewell
- 7 Harold Tracey was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell
- 8 Ray "Biggie" Heiser was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell
- 9 Al Seeley was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell
- 10 Clint Miller was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewell

11 Tony LaLuz was nominated by Al Abruzzi, Angeline Mugar and Steve Banus, seconded by Bob Seng and Sara Clewel

Each of the Action Team candidates accepted their nominations at the time of the meeting in writing. Nominators Al Abruzzi and Steve Banus were present at the meeting as was seconder Bob Seng. With one exception, all of the candidates received a valid nomination and second by a member who was present at the meeting. The exception was Bob Seng who received two valid nominations but no valid second. Sara Clewel was not present at the meeting and was not eligible to second a candidate in writing.

The member of the Ron Carey Team received the following nominations and seconds

1 Charles Branigan was nominated by William Rockel and seconded by James Reichenbach

2 Edmund Schuster was nominated by William Rockel and seconded by James Reichenbach

3 John Hrycko was nominated by William Rucker and seconded by James Reichenbach

4 Clifford Fatzinger was nominated by William Rockel and seconded by James Reichenbach

5 James Reichenbach was nominated by William Rucker and seconded by Michael Turzanski

6 William Rockel was nominated by Thomas Miller and Seconded by James Reichenbach

7 James M Cavage was nominated by William Rockel and seconded by James Reichenbach

8 Willie Rockmore was nominated by William Rockel and seconded by James Reichenbach

9 Kim Corman was nominated by James Reichenbach and seconded by William Rockel

10 Kenneth Kratovic was nominated by William Rockel and seconded by James Reichenbach

11 Eugene Hardy Sr. was nominated by William Rockel and seconded by James Reichenbach

Each of the members of the Ron Carey Team accepted their nomination in writing at the time of the nomination meeting. Each of the nominators and seconders, i.e., Rockel, Reichenbach, Turzanski and Miller are employed by St. Johnsbury Trucking and were working at the time of the nominations meeting.

Article II, § 3 (f) of the *Rules* provides that any member eligible to nominate or second may do so in writing if, inter alia, "[s]uch member is unable to attend the nominations meeting in person due to his/her work or vacation schedule, illness, injury, obligation to serve jury duty or fulfill military obligations." In the instant case, each of the nominators and seconders for the Action Team, with the exception of Sara Clewel, were present at the nominations meeting. Each of the nominators and seconders of the Ron Carey Team were working at the time of the nominations meeting and were, therefore, eligible to nominate and second candidates in writing.

Article II, § 3 (e) provides that "[n]omination shall be made by a member in good standing other than the nominee, by motion seconded by a member in good standing other than the nominee." The case of Mr. Seng, a candidate for delegate on the Action Team, involves a situation where a candidate received two valid nominations but no valid seconds. In such a case the Election Officer will consider the second nomination as a second and hold that Mr. Seng was properly nominated, notwithstanding Ms. Clewell's ineligibility to second in writing.

The complainant has challenged the eligibility of Kim Corman to run for delegate because she was not a member of the Local Union in good standing for a period of 24 months prior to her nomination.

In order to be eligible to run for delegate or alternate delegate to the IBT International Convention, a member must be in continuous good standing with their Local Union, with their dues paid to the Local for a period of twenty-four consecutive months prior to the month of nomination with not interruptions in active membership due to suspension, expulsion, withdrawal, transfers or failure to pay fines or assessments. *Rules*, Article VI, § 1(a)(1)

In addition, Article X, § 5(c) of the IBT Constitution provides as follows:

Membership dues to Local Union are due on or before the first day of the month and must be paid on or before the last business day of that month. Any member failing to pay his dues at such time shall not be in good standing for such month but may restore good standing for such month for the purpose of attending

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meetings, nominating, voting and participating in affairs of the Local Union by payment of his delinquent dues prior to said meeting. Payment of such dues after their due date shall not restore good standing status for such month or months in computing the continuous good status required as a condition of eligibility for office.

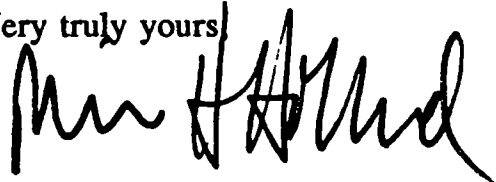
The TITAN record reflects that Ms. Corman, who was on check-off dues payment, had late dues payments for the months of December, 1988 (paid January 29, 1989), December 1989 (paid January 23, 1990), and, January, 1990 (paid February 16, 1990).

Ms. Corman's employer has confirmed that Ms. Corman had earnings in each month for which her dues were paid late. She would, therefore, not lose good standing for these months. IBT Constitution, Article X, § 5(c).

Since Ms. Corman paid her dues in a timely fashion for each month from December 1988 through November 1990, it follows that she meets the eligibility requirements to run for delegate.

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  
Election Officer

cc Frederick B. Lacey, Independent Administrator, IBT  
Peter V. Marks, Sr., Regional Coordinator