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Election Officer

January 7, 1991

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VIA UPS OVERNIGHT

Stanley Lichtman
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German Porrata
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Jack Barman
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Tony Cannestro
President
IBT Local Union 769
8350 N W Seventh Ave.
Miami, FL 33150

Antonio Ignelzi
11926 N W 30th Street
Coral Springs, FL 33065

Re: Election Office Case No. P-150-LU769-SEC

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*") In his protest, the complainant, Stanley Lichtman, alleges that the *Rules* were violated by members of the "Florida Teamsters For Ron Carey" slate of candidates for delegate and alternate delegate to the 1991 IBT International Union Convention The complainant alleges that the *Rules* were violated with respect to the execution of a slate declaration form and the procedure for determining the placement of candidate names on the ballot for the election of delegates and alternate delegates The Election Officer's investigation revealed the following

The Local Union 769 nominations meeting was held on Saturday, December 15, 1990 at the Local Union hall in Miami, Florida Prior to the nominations meeting, a group of Local Union 769 members executed a slate declaration form calling themselves the "Florida Teamsters For Ron Carey". This slate declaration form was signed by all of the members of the slate, including German Porrata and Antonio Ignelzi. At the nominations meeting, Porrata and Ignelzi were properly nominated for the positions of delegate and alternate, respectively However, because of illness and work schedule they were not present at the meeting, they each accepted their nomination in writing

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After the close of nominations, the members of the Florida Teamsters for Ron Carey slate decided to substitute Ben Henize for Frances L. (Sue) Hearn as a candidate for alternate delegate. Rather than scratch out the name of Hearn on the slate declaration form and substitute the name of Henize, a new and amended slate declaration form was prepared and signed by the members of the slate who were present. Because Porrata and Ignelzi were not present at the meeting, they were contacted by phone by another member of the slate, Jack Barmon. Barmon explained the substitution of Henize for Hearn and secured Porrata's and Ignelzi's authorization to sign the amended slate declaration form on their behalf. Barmon placed his initials after the signatures to indicate that he was signing on their behalf.

After the nominations, but before the modification of the Florida Teamsters for Ron Carey slate, a lot drawing was conducted by Election Office Regional Coordinator Don Williams to determine the placement of candidates on the ballot. Under the procedures implemented by the Election Office, independent candidates, i.e., candidates who are not members of a slate, are placed on the ballot after slates. Only two independent candidates, Bud Henize and Tryonne Brewster were nominated for alternate delegate. As a result of the lot drawing, Henize's name was to appear first and Brewster's second on the ballot. After the lot drawing Henize agreed to join the Florida Teamsters for Ron Carey slate and Hearn agreed to withdraw from the slate thereby becoming an independent candidate. Brewster and Hearn agreed that Brewster's name was to appear first on the ballot and Hearn's name would appear second.

Mr. Henize is listed at position number three on the amended slate declaration form. Henize is a candidate for alternate delegate and his name is followed on the declaration form by six candidates for delegate.

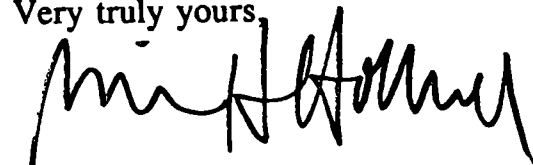
Article VII, § 1(a) of the *Rules* states, *inter alia*, that candidates for delegate and alternate delegate are "permitted to seek nomination, be nominated, campaign and appear on the ballot as a member of a slate of candidates." The *Rules* provide further that "[t]o form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate." In the instant case, all of the members of the Florida Teamsters for Ron Carey signed the original slate declaration form evidencing their desire to run as a slate. The only change between the original slate form and the amended slate form was the substitution of a candidate for one of the alternate delegate positions. The Election Officer finds that the absent members of the slate consented to this substituted and properly authorized Barmon to sign the declaration form on their behalf. The amended slate declaration form evidences the consent of all members of the Florida Teamsters for Ron Carey to run as a slate and is otherwise in conformity with the requirements of the *Rules*.

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The other elements of the protest are easily resolved. With respect to the complainant's contention that Mr Henize, a candidate for alternate delegate, should have signed his name at the end of the list of delegate candidates rather than in the middle of the list, the complainant has failed to alleged a violation of the **Rules** or of any instructions alleged to have been presented by Regional Coordinator Williams. With respect to the placement of Ms Hearn and Mr Brewster on the ballot, it is not violative of the **Rules** for candidates to agree regarding their respective placement on the ballot. As the only two independent candidates for alternate delegate, Hearn and Brewster were free to enter into an agreement regarding their placement on the ballot. Moreover, since both Hearn and Brewster have subsequently withdrawn their candidacies, this aspect of the protest is now moot.

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
Don Williams, Regional Coordinator