



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

January 2, 1991

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VIA UPS OVERNIGHT

Jerry McCown
President
IBT Local Union 577
201 N. Johnson
Amarillo, TX 79105

Jerry Moffitt
5001 Chicago, Apt 208
Lubbock, TX 79414

Raymond Singleterry
3410 Fordham
Lubbock, TX 79415

Ardee Hunt
1706 East 1st
Lubbock, TX 79403

Charles Spears
4626 27th Street
Lubbock, TX 79410

Re: Election Office Case Nos. P-200-LU577-SOU
and E-157-LU557-SOU

P-194

Gentlemen:

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, Jerry McCown, the President of Local Union 577, challenges the nomination of Jerry Moffitt, Raymond Singleterry, Ardee Hunt and Charles Spears for delegate to the 1991 IBT International Convention. McCown alleges that none of these nominees accepted their nomination, in person or in writing, at the time of their nomination. McCown also alleges that Moffitt was ineligible to be nominated for delegate because he was not a member in good standing of the union for the twenty-four months prior to the nomination. The Election Officer's investigation revealed the following.

The nominations for delegates and alternate delegates from Local Union 577 to the 1991 IBT International Convention were conducted at the Local Union hall in Amarillo, TX on December 15, 1990 at 10 00 a m. While Moffitt, Singleterry, Hunt

and Spears were nominated and seconded none of them were present at the meeting to accept their nominations. No written acceptances were offered at the time of the meeting nor were any written acceptances tendered prior to the meeting. When interviewed by the Election Office Adjunct Regional Coordinator conducting the investigation each of these nominees were not present at the meeting and that they did not submit written acceptances to their nominations.

Article II, § 3(h) provides, in pertinent part, that in order to be eligible for nomination a member "must accept his/her nomination at the time made either in person, or, if absent, in writing." Because Moffitt, Singleterry, Hunt and Spears were not present at the nominations meeting to accept their respective nominations, and because they did not do so in writing, they are not eligible to be nominated for the position of delegate.

In order to be eligible to run for delegate to the 1991 IBT International Convention, a member must be in continuous good standing with his Local Union, with his dues timely paid to the Local for a period of twenty-four (24) consecutive months prior to the month of nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. See, *Rules*, Article VI, § 1(a). In order to maintain their good standing, a member must pay their dues in a timely manner.¹

The TITAN record reflects that Mr. Moffitt was on cash dues payment for the twenty-four (24) consecutive months prior to the nomination meeting, i.e., November, 1988 through December, 1990. Throughout that period, Mr. Moffitt consistently made late payments of his dues to the Local Union. For example, Mr. Moffitt made late payments for January, March, April, May, July, August and

¹. The IBT Constitution, Article X, Section 5(c) provides that:

Membership dues to Local Unions 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 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 continuing good status required . . . as a condition of eligibility for office.

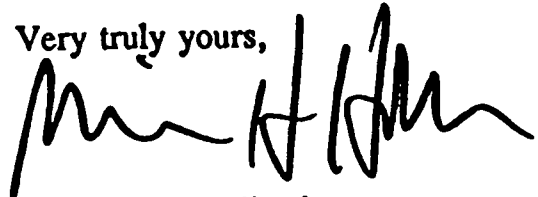
January 2, 1991
Page 3

September, 1988. Similarly, in 1989, Mr Moffitt made late payments for January, February, March, April, May, June July and November. Finally, in 1990, Mr. Moffitt made late payments for every month from January to November.

Accordingly, based upon this record of late payments, it is the determination of the Election Officer that Mr. Moffitt is ineligible to run for delegate to the 1991 IBT International Convention.

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
Larry Daves, Regional Coordinator