



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 21, 1991

VIA UPS OVERNIGHT

Gerald Moerler
13104 Glen Court #40
Chino Hills, CA 91709

Jim Santangelo
Secretary-Treasurer
IBT Local 848
9960 Baldwin Place
El Monte, CA 91731

Robert Marciel
Secretary-Treasurer
IBT Local 63
1616 W. Ninth Street
Room 205
Los Angeles, CA 90015

Re: Election Office Case No. P-273-LU63-CLA

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In this protest, Gerald Moerler, a candidate for delegate contends that Robert Marciel, Secretary-Treasurer of Local 63 has sought to transfer 100 members from Local 63 to Local 848 in order to affect the outcome of the Local delegate elections in violation of the *Rules*.

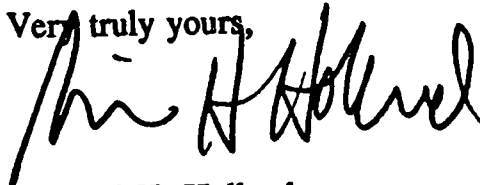
This protest was investigated by Adjunct Michael Franklin. The Secretary-Treasurers of both Local 63 and Local 848 informed Mr Franklin that the transfer of these members will not be occurring. The protest is therefore moot.

If, however, the transfer of Local 63 members should become an issue at any point during the pending IBT election, an additional protest should be filed. In no case will the Election Officer permit a Local's reorganization to disenfranchise a group of members who are involuntarily subject to such reorganization or to affect the seating at the 1991 IBT International Convention of duly elected delegates. *Rules*, Article IV, §2(e).

Gerald Moerler
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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. Holland

MHH/BJH/sst

cc Mr. Frederick B Lacey
Geraldine L Leshin, Regional Coordinator