



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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343 South Dearborn Street
Chicago, IL 60604
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January 18, 1991

VIA UPS OVERNIGHT

Ken Mee
42356 Greenbrier Park Dr.
Fremont, CA 94538

Mario Gullo
Secretary-Treasurer
IBT Local 287
1452 N. 4th St
San Jose, CA 95112

Re: Election Office Case No. P-283-LU287-CSF

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election¹. In his protest Mr Ken Mee alleges that Local Union finances and resources have been used by Business Agent Ray Corrie to campaign against Ron Carey, candidate for IBT General President.

The investigation shows the following: On January 10, 1991, Business Agent Ray Corrie used the Union's copy machine to copy a publication entitled "Teamster Election News." The publication carries numerous articles aimed against International Union General President candidate Ron Carey. The investigation shows that Secretary-Treasurer Mario Gullo was present during the copying, and told the Business Agent that using the machine for this purpose was contrary to Election Rules. The evidence shows that Mr. Corrie continued copying². There is no evidence that Secretary-Treasurer Gullo condoned Mr. Corrie's use of the copy machine.

The Rules clearly prohibit union and/or employer financing of campaign materials, Rules, Article X

The Local Union has agreed to post the attached Notice on all Local Union bulletin boards, and to distribute the Notice to all office staff and Business Agents. The Local Union will also bill Business Agent Corrie for the use of the copy machine. A

¹This case was originally consolidated with P-284-IBT. This decision severs this protest from all other protest docketed under P-284-IBT.

²The evidence shows that he made only one copy of the newspaper

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copy of such billing should be submitted to the Election Officer as well as documentation that the bill has been paid. ~~The Election Officer notes that should Corrie fail to pay for the cost of the copying, and additional protest can be filed and additional action will be taken by the Election Officer. This protest is settled in accordance with the foregoing.~~

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

cc Mr. Frederick B. Lacey

 Donald Twohey, Regional Coordinator

 Richard N. Gilberg
 Cohen, Weiss & Simon
 330 West 42nd Street
 New York, NY 10036-6901

IN RE:

KEN MEE,

Complainant,

and

IBT LOCAL UNION NO. 287,
et. al.,

Respondents.

91 - Elec. App. - 52 (SA)

DECISION OF THE
INDEPENDENT ADMINISTRATOR

This matter arises out of an appeal from a January 18, 1991, decision of the Election Officer regarding a pre-election protest in Case No. P-283-LU287-CSF. A hearing was held by way of teleconference before me on January 28, 1991, at which the following persons were heard: John Sullivan, on behalf of the Election Officer; Donald Towhey, the Regional Coordinator; Ken Mee, the complainant; and Mario Gullo, Secretary-Treasurer of Local 287.

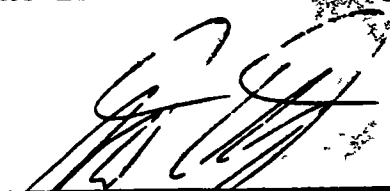
The facts underlying this matter are undisputed. On January 10, 1991, Business Agent Ray Corrie used Local 287's copy machine to make one copy of a publication entitled "Teamster Election News." Mr. Corrie gave the copy of the "Teamster Election News" to another member of Local 287. The publication carries numerous articles aimed against Ron Carey, an accredited candidate for International General President. Local 287's Secretary-Treasurer, Mario Gullo, was present during the copying and told Mr. Corrie

that using the machine for this purpose was contrary to the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules"). Despite this admonition, Mr. Corrie continued copying. Mr. Gullo did not condone Mr. Corrie's use of the copy machine.

Article X, Section 1.a.(3) of the Election Rules prohibits, in pertinent part, the use of union "equipment [and] facilities . . . in connection with any campaign . . . unless the Union is compensated for such by the candidate and unless all candidates are provided equal access to such goods and services." Recognizing a violation of this provision, the Local agreed to post a Notice on all Local Union bulletin boards which "directed" all "business agents and office staff," "not to use the copy machine or any other Union property to duplicate or distribute material promoting or discrediting any candidate for delegate or international office." That Notice was also distributed to all business agents and office staff. The Local also billed Mr. Corrie for the use of the copy machine. The Election Officer has also requested documentation that the bill has been paid.

Dissatisfied with the remedy, Mr. Mee filed this appeal requesting that he be allowed to mail a response to three articles that have been published in Teamsters Election News to all members of the Local at the Local's expense. Mr. Mee also wants Mr. Corrie to reimburse the Local for the time he spent making copies. Mr. Mee's request goes far beyond remedying the transgression of the

Election Rules at issue here. Thus, the Election Officer properly rejected Mr. Mee's request.



Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Dated: January 29, 1991.