



OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

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January 25, 1991

VIA UPS OVERNIGHT

Ronald C. Schick
11422 26th S.W.
Seattle, WA 98146

Allen McNaughton
Secretary-Treasurer
IBT Local Union 174
553 John St.
Seattle, WA 98109

Jim Oswald
Davies, Roberts, Reid
201 Elliott Ave., West
Suite 500
Seattle, WA 98119

Re: Election Office Case No. P-299-LU174-PNW

Gentlemen:

A pre-election protest was timely filed pursuant to Article X of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In his protest Ronald Schick contends that Local 174 allowed non-member James Oswald, Esq. to attend a Union nominations meeting in violation of the *Rules*.

The investigation shows the following. The Local 174 nominations meeting was held on January 10, 1991. Prior to the meeting, there was some controversy concerning whether or not campaign activity would be permitted by candidates at the nominations meeting. The Election Office Regional Coordinator assisted in resolving the controversy which resulted in an agreement among all parties that speeches could be made by candidates on behalf of all slates under nomination. The resolution of the controversy also involved the undersigned, counsel for the Local Union, and affected delegate candidates, including representatives aligned with Union candidate Ron Carey. After consultation with the Election Officer, the Local Union also agreed that a video tape of a speech by candidate Ron Carey could be shown at the meeting.

Mr. Oswald is an attorney with the law firm representing Local 174. He knew of, or was involved in resolving much of, the controversy surrounding the agenda for the nominations meeting. As attorney for the Local, he was also aware of the fairly

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large number of protests that have been filed with the Election Officer by members of Local 174.

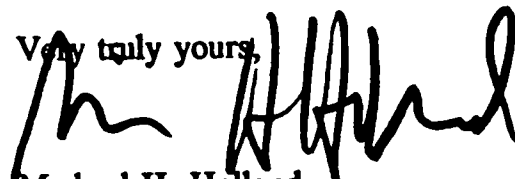
The investigation shows further that Mr Oswald's role at the meeting was primarily that of an observer rather than an advisor.

The Election Officer concludes that under these circumstances, i.e., a history of contention among the parties surrounding the meeting, Mr. Oswald's firm's participation in resolving the "campaigning at the meeting" dispute, and a reasonable expectation that protests could arise out of the meeting, it was reasonable and justifiable for Mr. Oswald to attend the meeting as an observer. The Election Officer notes additionally that Christine Mrak, Regional Coordinator, was in attendance at the meeting and found nothing objectionable about Mr. Oswald's attendance or conduct.

For all of these reasons, there is no violation of the *Rules*. The protest is DENIED.

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

MHH/mca

cc Frederick B. Lacey, Independent Administrator
Christine M Mrak, Regional Coordinator