



OFFICE OF THE ELECTION OFFICER
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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May 21, 1991

VIA UPS OVERNIGHT

Lawrence Earwood
2429 Danube Court
Dayton, OH 45420

Charles R. Sasser, Sr
President
IBT Local Union 957
2719 Armstrong Lane
Dayton, OH 45414

Re: Election Office Case No. P-308-LU957-CLE

Gentlemen

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Lawrence Earwood alleges that the *Rules* were violated by the distribution of the "Teamster Election News" by two unidentified men at the Local Union 957 nominations meeting The Election Officer's investigation revealed the following

The "Teamster Election News" is a four-page tabloid published by RL Communications of Detroit, Michigan The publication is critical of Ron Carey and his candidacy for General President of the IBT.

Mr Earwood alleges that the "Teamster Election News" was distributed outside of the Local Union 957 hall prior to the Local Union's nomination meeting That meeting was conducted on the morning of January 13, 1991 The meeting was attended by Election Office Regional Coordinator Joyce Goldstein and Adjunct Regional Coordinator Tom Meyers. Ms Goldstein and Mr Meyers arrived at the Local Hall at approximately 9 20 am for the nomination meeting which was scheduled to begin at 10 00 am Prior to the start of the meeting members of the Local Union complained to Local Union President Chuck Sasser that two individuals, who were not members of the Union, were handing out literature on Union property.

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Sasser, Goldstein and Meyers went outside the Local Union Hall and observed two individuals handing out the "Teamster Election News" Sasser asked the two if they were members of the Union and when they said no, Sasser asked them to leave. The two individuals complied, leaving the area at approximately 9 55 am. Based upon the observation of the Regional Coordinator it appears that the Local Union had no involvement with the distribution of the literature and Local Union officials responded promptly to the members' complaints about the distribution of the literature. The distribution of the literature lasted no longer than 35 minutes, i e , 9 20 am to 9 50 am.

The Election Officer investigation was unable to ascertain the identities of the two individuals distributing the literature. No evidence was produced or uncovered, however, which demonstrated that the two individuals were employers or distributed the "Teamster Election News" on time that was paid for by either an employer or the Union.

Based on the forgoing, the instant protest is **DENIED** ¹

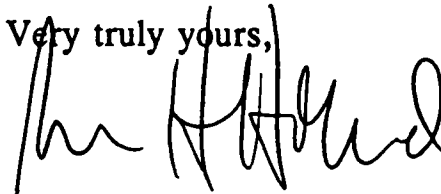
If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was 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.

¹ Although not raised in this protest, the Election Officer, in the investigation of this protest, and other protests concerning the "Teamster Election News", is examining the sources of funding of the publication and distribution of Teamster Election News by RL Communications. The Election Officer has concluded that if the publication and distribution of the "Teamster Election News" involved the use of union or employer contributions in violation of the *Rules*, such violation can and will be remedied by a reimbursement, with interest, of the prohibited contributions. Such remedy and, if appropriate other remedies directed to RL Communications and the Union and/or employers making improper contributions are sufficient under the *Rules* to eradicate the effect of any such violation. See, e.g. Election Office Case No P-249-LU283-MGN

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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,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is written in a cursive style with a large initial "M" and "H".

Michael H Holland

MHH/pjm

cc. Frederick B Lacey, Independent Administrator, IBT
Joyce Goldstein, Election Office Regional Coordinator
Ron Carey Campaign, c/o Richard Gilberg, Esquire