



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

Michael H. Holland  
Election Officer

Chicago Office:  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

January 30, 1991

**VIA UPS OVERNIGHT**

Mark Franks  
5851-U Reddman Rd.  
Charlotte, NC 28212

Conrad D. Sides  
President  
IBT Local Union 71  
5000 N. Tryon St.  
Charlotte, NC 28213

**Re: Election Office Case No. P-347-LU71-MID**

Gentlemen:

On January 20, 1991, Mr. Mark Franks protested the change by Local Union 71 of its Florence, South Carolina Local Union meeting from January 26, 1991 to January 19, 1991 without proper notice. The notice of the change in dates was posted in the Darlington South Carolina UPS terminal on January 15, 1991, but not in the Charlotte, North Carolina location. Both locations employ members who would attend meetings in Florence, South Carolina. Mr. Franks is on the Rank and File Teamsters for Reform slate. He alleged that the failure to post a timely notice in North Carolina was designed to confuse opposition candidates.

The Election Office investigation revealed the following facts. Conrad Sides, President of Local Union 71, stated that the regular Local Union meeting is held on the second Saturday of each month in Charlotte, North Carolina. Additionally, Local Union 71 traditionally holds an "informational only" meeting for its members in Florence, South Carolina. The meeting is normally held on the fourth Saturday of the month. At this meeting, Sides spends approximately fifteen minutes bringing the members up to date on the affairs of the Local Union. The members then break into separate craft meetings based on the identity of their respective employers. These craft discussions with the business representatives are the main part of the meeting.

Mr. Sides stated that the date of the January, 1991, "informational only" meeting was changed because he and the Local Union's Secretary-Treasurer anticipated being in Baltimore for Master Freight and Yellow Freight negotiations from January 21 through January 28, 1991, and thus unable to attend a meeting on January 26. Sides stated that in 25 years he had missed but one "informational only" meeting and that was due to his being hospitalized. Sides added that such meetings had been changed before when a holiday fell on the fourth Saturday or Sunday of the month.

Sides estimated that the January 19, 1991 meeting was attended by approximately 40 members. He added that attendance at such meetings normally ranged in the 30's but that the January meeting could attract a larger attendance because no meeting is held in December. The highest attendance he remembered was 50 when "Days of Thunder" was being filmed, many drivers were working on the movie.

Both Mr. Sides and members of the Rank and File Teamsters for Reform slate agreed that the contesting slates freely engaged in campaigning after the meeting.

Mr. Franks stated that, based on his examination of prior meeting announcements, there was no consistent pattern of whether this meeting was held on the third or fourth Saturday of the month. Mr. Franks estimated that 30 members attended the January 19, 1991 meeting. He stated that he did not know whether changes in the date of the South Carolina meeting had ever before been posted in North Carolina. He added that, except for the forthcoming election, he would not be concerned about the posting and that he had not previously attended the South Carolina meeting.

Based on the foregoing investigation, there is no evidence to support the protest that the change of the meeting date was made for illegitimate purposes. The reason for the change was bona fide. Although it would have been preferable to post the notice in both states, there is no evidence of any deviation from past practice. Moreover, there is no evidence that the lack of a North Carolina posting had any adverse impact on the meeting.

Both competing slates had notice of the meeting. Supporters of both slates attended the meeting and were free to campaign and did so after the meeting. Mr. Franks himself attended the meeting solely for that purpose.

For the foregoing reasons, 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

**Mark Franks**  
**Page 3**

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/acm

cc: Frederick B Lacey, Independent Administrator  
Grant Crandall, Regional Coordinator