OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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February 8, 1991

VIA UPS OVERNIGHT

Jerry Price
1805 Washington Avenue
Lorain, OH 44052

Edward J. Johns
Secretary-Treasurer
IBT Local Union 571
1929 N. Ridge Road
Lorain, OH 44055

Re: Election Office Case No. P-421-LU571-CLE

Gentlemen:

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The complainant, Mr. Jerry Price, is a candidate for delegate to the 1991 IBT International Convention. His opponent for the Local's delegate position is the current Secretary-Treasurer, Mr. Edward Johns. Mr. Price's protest relates to a mailing recently made by the Local 571 Secretary-Treasurer to all Local members. The mailing informed Local Union members that the Local had recently installed an 800-number and contained the business card of the Secretary-Treasurer with the new 800-number on it.

The Election Officer's investigation revealed the following. The Local installed the 800-number in November, 1990 The Local delayed notifying its members of the 800-number because of pending Local Union elections Those elections were completed in mid-December 1990 After the Local Union's elections were conducted, the Local did not mail the notification of the 800-number until after the delegate nomination meeting in the Local, which took place on January 13, 1991.

Local 571 will elect one delegate to attend the 1991 IBT International Convention. The Local Union Secretary-Treasurer is a candidate for the delegate position The recent mailing on Local stationary, with Mr Johns' name on it, and enclosing his business card, gave Mr. John exposure and enhanced his name recognition, all paid for by the Local.

Given the timing of the notification in relationship to the date the phone service was installed and the date the Local Union officer election was concluded, the Election

Officer concludes that the Local's Secretary-Treasurer, Mr. Edward Johns, used the mailing to support his campaign instead of to conduct regular union business. The Election Officer Rules prohibit the use of Local Union resources to support campaigns. See Rules Article VIII, §7 (a); §10 (c). Accordingly, the protest is GRANTED.

As a remedy for this violation of the Election Rules, the Union shall provide Mr. Price, the only other nominated delegate candidate from Local 571, an equivalent mailing at the Union's expense. This mailing shall consist of 1 page of 8 1/2 by 11 inch paper with no pictures to be mailed as a tri-fold, that is, without a separate envelope. The Union shall ensure that the mailing is accomplished within 48 hours of the submission of the literature to it. The Local Union shall bear all costs associated with duplicating the material and accomplishing the mailing.

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/acm

cc   Frederick B Lacey, Independent Administrator
        Joyce Goldstein, Regional Coordinator