

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  
443 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

February 11, 1991

**VIA UPS OVERNIGHT**

Dick Spurgeon  
6115 Augusta Dr. N.  
Indianapolis, IN 46224

John Neal  
President  
IBT Local Union 135  
1233 Shelby Street  
Indianapolis, IN 46203

Steve Chestnut  
IBT Local Union 135  
1233 Shelby Street  
Indianapolis, IN 46203

Re: Election Office Case No. P-441-LU135-SCE

Gentlemen:

A pre-election protest was filed by Dick Spurgeon, a member of Local 135, pursuant to Article XI, § 1 (a)(1) of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The protest alleges that Mr. Steve Chestnut, purportedly employed as an attorney by Local 135, improperly nominated and/or seconded the nominations of candidates for delegate and/or alternate delegate to the IBT International Convention at the nomination meeting held in Indianapolis.

The nomination meetings of Local 135 took place on January 19, 1991. Ten such meetings were held throughout the jurisdiction of the Local on that date. Mr. Spurgeon filed his protest on February 4, 1991.

The investigation conducted by the Election Officer has revealed that Mr. Steve Chestnut is in fact an employee of Local Union 135. He did nominate and second the nomination for several delegate and/or alternate delegate candidates running on what is known as the John Neal slate at the Indianapolis nominations meeting. The nominations and/or seconds challenged by the protest as made by Mr. Chestnut at the Indianapolis meeting were also made at at least four of the remaining nine meetings held throughout the jurisdiction of the Local. Thus, each candidate nominated or seconded by Mr.

Dick Spurgeon  
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Chestnut was also nominated and seconded by other Local 135 members. There has been no protest filed as to the validity of those nominations.

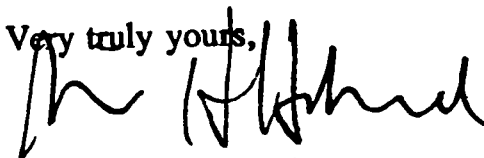
Article XI, § 1 of the *Rules* provides that protests regarding nominations of candidates for delegate and/or alternate delegate must be filed within forty-eight (48) hours of the time the nominations occurred. Mr. Spurgeon did not file his protest until fifteen (15) days after the nominations meeting and therefore the protest is not timely.

Mr. Spurgeon contends that Mr. Chestnut was not eligible to make nominations in that he is employed as an attorney by Local 135 which Mr. Spurgeon states he only learned at a membership meeting which occurred on February 3, 1991. Mr. Spurgeon correctly points out that Article II, § 4 (e) of the IBT Constitution would prohibit Mr. Chestnut from nominating and/or seconding the nomination of any candidate if he is employed solely as a licensed professional for the Local and has no other employment at the craft within the jurisdiction of Local 135. However, due to the fact that the John Neal slate of candidates were nominated and seconded at other meetings by other members, none of whom are challenged, the validity of Mr. Chestnut's nominations and seconds is irrelevant.

Accordingly, the protest is DISMISSED.

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  
Peggy A. Hillman, Regional Coordinator