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March 4, 1991

VIA UPS OVERNIGHT

Archie J. Cook
4508 Balmoral Drive
Richton Park, Illinois 60471

Daniel Ligurotis
Secretary-Treasurer
IBT Local Union 705
300 South Ashland Avenue
Chicago, Illinois 60607

Re: Election Office Case No. P-579-LU705-CHI

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Archie J. Cook, a member of Local 705. Mr. Cook contends that Daniel J. Ligurotis, Secretary-Treasurer of Local 705, violated the *Rules* by filing an allegedly false protest and by using Union funds to fax the protest to the Election Officer. Mr. Cook contends that the filing of the protest by Mr. Ligurotis constitutes harassment and intimidation of the Membership Slate, whose members are the subject of Mr. Ligurotis's protest.

The protest process is an integral part of the *Rules*. Utilization of that process is essential for insuring free, honest and open elections. The *Rules* encourage that the protest process be used to resolve issues and problems. Thus, the Election Officer does not normally investigate or inquire into the motivation of any IBT member when he/she files a protest.

The protests filed by Mr. Ligurotis concern the eligibility of certain candidates nominated at Local 705's nomination meeting. The protest was based on the dues records of these members which records appear to reflect that they were not in continuous and consecutive good standing with Local 705 for the full twenty-four month eligibility period.

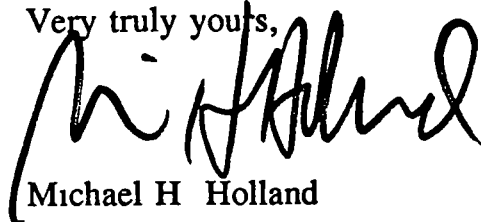
For similar reasons, the Election Officer has determined that utilization of employer or Union facilities for filing or responding to protests does not violate the *Rules*. See P-166-LU783-SCE, affirmed 91 - Elec App - 36. Provided such facilities are available non-discriminatorily, and there is no allegation of discrimination here -- using a Union fax machine to file a protest is not violative of the *Rules*.

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Accordingly, the Election Officer does not find any violation of the *Rules*. The protest is **DENIED**.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N J 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. 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.

Very truly yours,



Michael H Holland

MHH/ads

cc Frederick B Lacey, Independent Administrator
Julie E Hamos, Regional Coordinator