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Michael H Holland
Election Officer

March 15, 1991

VIA UPS OVERNIGHT

Dennis A Shaw
Secretary-Treasurer
IBT Local Union 186
1534 Eastman Avenue, Suite B
Ventura, California 93103

Ray Gonzales
c/o Oxnard Carburetor
226 East Fifth Street
Oxnard, California 93031

Re: Election Office Case No. P-596-LU186-CLA

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 Dennis A Shaw, Secretary-Treasurer of IBT Local 186. In his protest, Mr Shaw alleges that Edward Leighton, Sarah Zuniga, Gil Trejo, Juan Miramontez, David Mora and Michael Gonzales, all of whom are candidates in Local 186's upcoming delegate and alternate delegate elections, accepted campaign contributions from an employer in violation of Article X, Section 1(a) of the *Rules*.

The investigation conducted by the Election Officer Representative, William Demers disclosed the following facts: Messrs Leighton, Trejo, Miramontez, Gonzales, and Ms Zuniga are all members of the "Teamsters Tired of Corruption and Incompetence Slate" and are running against Mr Dennis Shaw's slate in Local 186's upcoming delegate election. Mr David Mora is an independent delegate candidate. Mr Ray Gonzalez, a former member of Local 186, is actively advising the "Teamsters Tired of Corruption and Incompetence" slate on campaign and protest strategies.¹ Mr Gonzalez owns Oxnard Carburetor and Jet Set Printing. Mr Gonzalez states that he employs one individual part-time to come in and clean up the carburetor shop approximately three times a day. Mr Gonzalez states that most of the printing orders

¹At several points during the course of this investigation, various members of the "Teamsters Tired of Corruption and Incompetence" slate have declined to answer questions and have instead referred the Election Office investigators to Mr Gonzalez, stating that he had authority to speak on their behalf.

received by Jet Set Printing are subcontracted to smaller companies that do the typesetting

The investigation further revealed that various members of the "Teamsters Tired of Corruption and Incompetence" slate used Mr Gonzalez's fax machine and telephone to communicate with the Election Officer representatives concerning protests. The Slate also used the Jet Set Printing facilities to print campaign literature, which was distributed to the membership of Local 186

Pursuant to this investigation, "Teamsters Tired of Corruption and Incompetence" slate members submitted receipts which indicated that the slate's campaign paid Mr Gonzalez \$24 91 for the use of his telephone, fax machine and for the cost of typing a protest. The receipt is dated February 15, 1991. An additional receipt indicates that Sarah Zuniga, a member of the slate, paid Mr Gonzalez \$67 84 for 1000 two-sided slate cards and additional faxes and telephone calls

Article X, Section 1(a) of the *Rules* provides that

No candidate for election shall accept or use any contributions or other things of value received from any employers, representatives of an employer, foundation, trust, or similar entity. Nothing herein shall be interpreted to prohibit receipt from fellow employees and members of this International Union. This prohibition extends beyond strict monetary contributions made by a labor organization to include a ban on the contribution and use of the organization's stationery, equipment, facilities and personnel

Article X, Section 1(b)(6) of the *Rules* further provides that

Nothing herein shall prohibit the donation of services by an individual to a candidate rendered on the individual's personal free time without compensation in any form by an employer or labor organization and without accompanying contributions of supplies or of services of others who are compensated by an employer or labor organization for such services

Article X, Section 1(b)(6) permits individuals, who may otherwise be employers, to donate their own personal free-time without compensation, to support a candidate or group of candidates. The evidence establishes that Mr Gonzalez has donated his own personal time assisting the candidates in developing campaigning strategies and offering interpretations on the various provisions of the *Rules*

The receipts submitted by the "Teamsters Tired of Corruption and Incompetence" slate, establish that the campaign paid for the use of Mr Gonzalez's facilities, including his telephone, fax machine, and type-writer. The submitted receipts also demonstrate

Dennis A Shaw
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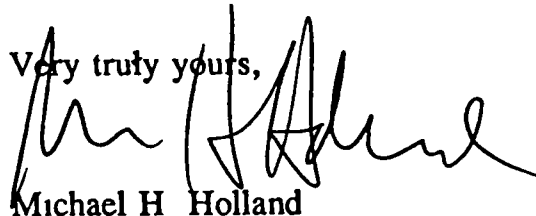
that the campaign paid Mr Gonzalez for the printing of the slate cards Since Mr. Gonzales has been compensated for the use of his facilities and since he has donated his own personal free time to the "Teamsters Tired of Corruption and Incompetence" slate's campaign, it is unnecessary to decide whether Mr Gonzalez is an employer within the meaning of Article X of the *Rules*

In conclusion, I find that the Teamsters Tired of Corruption and Incompetence Slate's use of Mr Gonzalez's facilities does not violate Article X of the *Rules* because Mr Gonzalez was fully compensated for the use of his facilities I further find that Mr Gonzalez's donation of his personal time to assist the slate's campaign is permissible under Article X, Section 1(b)(6) of the *Rules*

Accordingly, the above-described 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 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
Geraldine L Leshin, Regional Coordinator