



OFFICE OF THE ELECTION OFFICER  
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March 8, 1991

**VIA UPS OVERNIGHT**

Barry L Clark  
5893 Crescent Avenue  
Buena Park, California 90620

Pete Gallegos  
President  
Local Union 420  
1221 North Peck Road  
South El Monte, California 91733

Richard Martino  
Secretary-Treasurer  
Teamsters Local 420  
1221 North Peck Road  
South El Monte, California 91733

**Re: Election Office Case No. P-599-LU420-CLA**

Gentlemen

Protester Barry Clark filed a pre-election protest pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Mr Clark alleges that while on Union paid time, Richard Martino, Secretary-Treasurer of Local Union 420, and Pete Gallegos, President of the Local, came to the work site of United Rock and Concrete Products at 4127 West MacArthur Boulevard, Costa Mesa, California for the express purpose of campaigning for the upcoming election for delegates to the 1991 IBT International Convention

The Election Officer investigation reveals that Mr Martino and Mr Gallegos were at United Rock They stated that they went to such site for the purpose of posting the results of the nominations meeting which has been held the preceeding week While there, Mr Martino recalls speaking with a Union member who had a question regarding the Election, which conversation was initiated by the member

An Election Officer representative also spoke to the member whom the protestor indicted had witnessed the alleged improper campaigning The member, Mr Ayala, stated that he spoke to Mr Martino He asked him to bring some "Union hats" with him next time he came to the worksite Mr Ayala did not see Mr Martino post the nominations meeting results on the Union bulletin board, but he did note that there was an official posting shortly after Mr Martino left Mr Ayala further stated that he was very much in a hurry when he had the conversation with Mr Martino and that it did not

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last very long He specifically denies talking to Mr Martino about any particular candidate for the delegate election

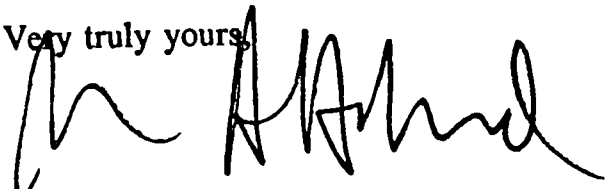
Article VIII, Section 10(b) of the *Rules* provides in pertinent part as follows "Members, officers and employees of the Union may not campaign on time that is paid for by the Union Campaigning incidental to regular Union business is not, however, violative of this Section."

Mr Martino and Mr. Gallegos were at the work-site on Union business. Any conversation Mr Martino had with Mr Ayala was initiated by Mr. Ayala, and was very brief Mr Ayala denied that it had any campaign content If any campaigning occurred, it was at most "incidental to regular Union business" and thus, was not a violation of the *Rules*.

For the above-stated reasons, 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/mca

cc Mr Frederick B Lacey, Independent Administrator  
Geraldine L Leshin, Regional Coordinator