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Michael H Holland
Election Officer

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March 15, 1991

VIA UPS OVERNIGHT

Dave Liptrap
c/o IBT Local Union 284
555 East Rich Street
Columbus, Ohio 43215

Harold Speakman
President
IBT Local Union 284
555 East Rich Street
Columbus, Ohio 43215

Harold L. Powell
4960 Headleys Mill Road
Pataskala, Ohio 43062

Re: Election Office Case No. P-616-LU284-CLE

Gentlemen

A pre-election protest has been timely filed 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, Dave Liptrap alleges that Harold Powell has taken literature distributed by the Speakman/Rice Slate and thrown it in the trash, contrary to the *Rules*

The protest was investigation by Regional Coordinator Joyce Goldstein The investigation discloses the following On February 26, 1991, Harold Powell and Joe DeWeese visited the Waste Management to campaign for their slate While talking with IBT members in the lunch-room, they noticed a leaflet which had apparently been distributed by supporters of the Speakman/Rice Slate Powell took a copy, as did DeWeese Powell admits that he threw his copy in the trash can after reading it, but DeWeese kept his copy to show to IBT members employed at Big Bear Market

The *Rules* do provide that "no restrictions shall be placed upon candidates or members' pre-existing rights to solicit support, distribute leaflets or literature or engage in similar activities on employer or union premises " *Rules*, Article VIII, Section 10(c) The evidence in this case, however, does not demonstrate conduct that rises to the level of interference with such rights While Powell admits that he threw his copy of the literature he read into the trash can, he took only one copy and in fact read it prior to disposing of it The literature was left for members to take and read, it is not anticipated that members will dispose of the literature after reading it There

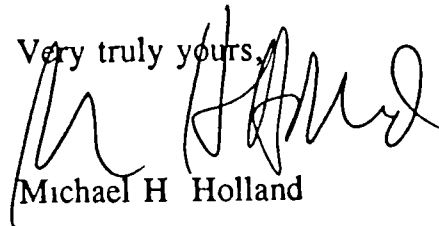
Dave Liptrap
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is no evidence that Powell interfered with other pieces of literature on the tables in the Waste Management cafeteria. Further, DeWeese kept the piece of literature that he obtained at Waste Management to show to other IBT members.

Based on the foregoing, the *Rules* have not been violated. The protest is therefore, **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/ads

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