



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

(202) 624 8778
1 800-828 6496
Fax (202) 624 8792

May 22, 1991

George A. Pappy, Esq.
c/o Pappy & Davis
3424 Wilshire Blvd
Suite 1100
Los Angeles, CA 90010-2258

Michael J. Riley
President
IBT Joint Council 42
1616 West 9th Street
Los Angeles, CA 90015

Committee to Elect Ron Carey
c/o Susan Davis, Esq.
Cohen, Weiss and Simon
330 West 42nd Street
New York, N.Y. 10036-6901

William F. Genoese
15 East 26th Street
Suite 1508
New York, New York 10010

Re. Election Office Case No. P-642-JC42-CLA

Dear Gentlemen and Ms. Davis

A pre-election protest was filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). This protest, filed on behalf of Joint Council 42, alleges that Ron Carey failed to attend a special meeting called by the Joint Council for the purpose of hearing presentations by announced candidates for IBT International Office. The Election Officer's investigation revealed the following:

In his determination in Case Nos. P-326-LU572-CLA and P-333-JC42-CLA, dated January 28, 1991, the Election Officer held that the Election Rules were violated when Joint Council 42 invited R. V. Durham to address the January meeting of the Joint Council 42 delegates. To remedy this violation of the Election Rules, the Election Officer ordered, *inter alia*, the Joint Council to invite the other announced candidates for IBT General President to its February 1, 1991 meeting¹. The Election Officer also ordered that if, because of their schedules and prior commitments, a candidate was not able to attend the February 1, 1991 meeting, they should be invited to the March

¹ The Election Officer also ordered Joint Council 42 to send two TITAN messages to all Local Unions affiliated with the Joint Council announcing the meeting and encouraging delegates to attend. The Election Officer also directed the International Union to pay the reasonable travel and related expenses of the International Officer candidates incurred in attending the meeting.

meeting of delegates

After receipt of the Election Officer's determination, the Joint Council sent a TITAN message to all announced candidates for IBT General President inviting them to address the regular delegate meeting on February 1, 1991. The message also informed the candidates that if they were unable to attend the February 1 meeting a "special delegates mtg" would be held on March 1, 1991. The Joint Council requested an acknowledgement of the message and a reply to the invitation.

Announced candidates Walter Shea and Louis Riga accepted the Joint Council's invitation to attend the February 1, 1991 meeting. Both Shea and Riga in fact attended and addressed the February 1 meeting. Ron Carey responded to the Joint Council TITAN message stating that he had other commitments which prevented him from attending the February meeting. Carey accepted the invitation to the March meeting asking to be kept informed of any change in the date, time or location of the meeting.

On or about February 20, 1991 the Joint Council extended an invitation to William Genoese to attend the special meeting scheduled for March 1, 1991. Genoese, who had announced his intent to seek the office of IBT General President after the issuance of the Joint Council's initial invitations to the other announced candidates, accepted the invitation to make a presentation to the March meeting. However, in his acceptance Mr. Genoese indicated that he might not be able to attend the meeting because of his schedule but that he would make every effort to attend.

On February 14, 1991, and again on February 27, 1991, the Joint Council sent TITAN messages to all Local Unions affiliated with Joint Council 42 announcing the special delegate meeting. The sole order of business for that meeting was the presentations by the two announced candidates who did not attend the February 1, 1991 meeting. Neither Carey nor Genoese attended the March 1 special delegate meeting. The meeting, which was attended by approximately 20 to 25 individuals, including the Election Office Regional Coordinator, began on time and was adjourned approximately 20 minutes later when it became obvious that the candidates were not coming.

Mr. Genoese contacted the Joint Council on March 2, 1991 apologizing for "missing" the meeting. Mr. Carey, who was at a campaign appearance in St. Louis on the day of the meeting, did not contact the Joint Council. The Joint Council expended \$125.00 for the rent of the meeting room. In addition, the Election Officer finds that the TITAN messages announcing the March 1, 1991 meeting caused the Joint Council to expend resources having an economic value of approximately \$50.00.

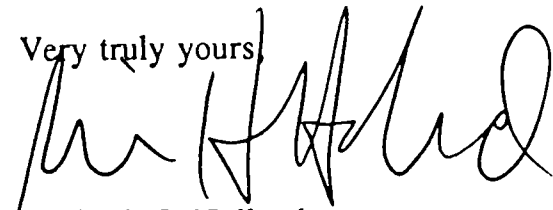
The Election Officer finds that the failure of Ron Carey to attend the special Joint Council 42 delegate meeting caused the Joint Council to needlessly expend union resources. While Mr. Genoese was also scheduled to address the meeting his acceptance of the Joint Council's invitation, in contrast to Mr. Carey's, was conditional and indefinite. Therefore, the Election Officer directs Ron Carey to reimburse the Joint Council for the expenses associated with the holding of the meeting, i.e., \$175.00. Mr.

George A Pappy, Esq
Page 3

Carey shall reimburse the Joint Council within ten (10) days of the date of this determination and shall file an affidavit describing his compliance with this order with the Election Office

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
Election Officer

MHH/mjv

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