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March 15, 1991

VIA UPS OVERNIGHT

Ronnie Greene
7201 Mimosa Grove Place
Jacksonville, Florida 32210

Frank E Pendelton
Secretary-Treasurer
IBT Local Union 512
1210 Lane Avenue, North
Jacksonville, Florida 32205

Re: Election Office Case No. P-650-LU512-SEC

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 Ronnie Greene, a member of Local 512. Mr. Greene complains of a mailing sent by the "Leadership Team" Slate, contending that the mailing violates Article VIII, Section 6(e)(3) of the *Rules* by its use of a bulk-rate permit without a disclaimer.

A review of the literature, which is the basis of the protest, shows that the Leadership Team sent a tri-fold mailing using the Union non-profit bulk-rate postage permit, which includes the return address of IBT Local 512. No disclaimer is printed on the face of the mailing or on any part of the mailing stating that the mailing is campaign literature, the contents of which are not endorsed by the Union.

Article VIII, Section 6(e)(3) of the *Rules* requires that all literature distributed through use of the non-profit organization bulk-rate permit shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union. The purpose of the disclosure requirement is to ensure that recipients of the mailing are not misled as to the nature of the mailing. By use of the non-profit bulk-rate permit, which requires the Local Union's return address, members may be led to believe that the information contained in the mailing is official Union correspondence, rather than campaign material, if the disclosure as required by the *Rules* is not placed on the mailing.

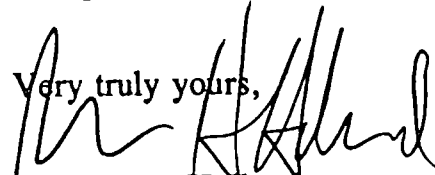
It is clear that in the instant protest the Leadership Team's mailing was in technical violation of the *Rules*. However, the mailing was in the form of a tri-fold leaflet, the mailing was not enclosed in an envelope. The leaflet was clearly campaign literature and, since a tri-fold, immediately discernable as such. A member reviewing

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the leaflet would immediately recognize it as campaign literature and not an official Local Union mailing. Therefore, although the Election Officer finds that there is a technical violation of the *Rules*, it is determined that a remedy is not required. The Election Officer would caution the "Leadership Team" to insure that future mailings contain the required disclaimer if the "Leadership Team" again uses the non-profit bulk-rate mailing permit. Accordingly, the protest is GRANTED to the extent set forth above.

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
Donald H. Williams, Regional Coordinator