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Michael H. Holland  
Election Officer

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March 18, 1991

**VIA UPS OVERNIGHT**

Kevin E. Williams  
1756 South Mountain Avenue  
Ontario, California 92404

Jerome L. Verbrug  
Secretary-Treasurer  
IBT Local Union 630  
730 South Stanford Avenue  
Los Angeles, California 90021

**Re: Election Office Case No. P-653-LU630-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 Kevin E. Williams, a member of Local 630. Mr. Williams complains that based on the *Rules*, he had determined that he would not be eligible to run as a candidate for delegate to the 1991 IBT International Convention, and therefore did not participate in the nomination process. Mr. Williams states that with the ruling made by the Election Officer in Case No. E-243-LU630-CLA and P-500-LU630-CLA, issued on March 4, 1991, he would now be eligible to run as a delegate. Mr. Williams contends that there should be a new nominations meeting so that he could participate as a candidate.

The determination made by the Election Officer in the cases numbered above by letter dated March 4, 1991 was based upon the requirements for eligibility as set forth in the *Rules* and the IBT International Constitution. In summary, that determination found that members who paid quarterly dues met the eligibility requirements of timely payment of dues by payment within the quarter.<sup>1</sup> The TITAN record of Mr. Williams reflects that using the method of determining eligibility he would have been eligible to run as a candidate for delegate.

In accordance with Article VI, Section 4 of the *Rules*, Mr. Williams at any point prior to the nomination meeting could have requested a review of his eligibility, or filed

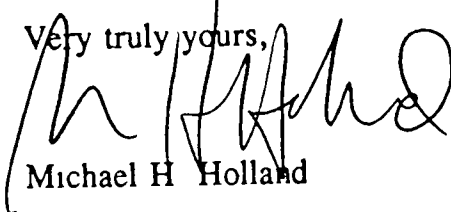
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<sup>1</sup>The determination of the Election Officer on this issue was appealed to the Independent Administrator who affirmed the Election Officer in a decision dated March 13, 1991 in Case No. 91-Elec App -94(SA)

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a protest as to the Local's method of dues collection. Mr Williams did not do so. Clearly, Mr Williams could have availed himself of the procedures set forth in the *Rules*, or in the alternative, chosen to participate in the nominations process, thereby allowing other members to challenge his eligibility if they so desired, as did the members in Case No E-243-LU630-CLA<sup>2</sup>. Since Mr Williams did neither, and there is no violation of the *Rules* by the Election Officer interpreting the *Rules*, as he is required to do pursuant to the Consent Order, the 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

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<sup>2</sup>The Local raised the argument of disenfranchisement during the hearing before the Independent Administrator. As the Independent Administrator noted that the argument is without merit given the number of members of Local 630 who participated in the nomination process and who did pursue their eligibility under the methodology set forth in the *Rules*.