



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

Michael H. Holland  
Election Officer

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April 4, 1991

**VIA UPS OVERNIGHT**

Joseph DiPrisco  
Secretary-Treasurer  
IBT Local Union 302  
492 C Street, Suite A  
Hayward, CA 94541

David P. Perry  
820 Lawn Court  
Tracy, CA 95376

**Re: Election Office Case No. P-696-LU302-CSF**

Gentlemen

A pre-election protest has been timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Joseph DiPrisco alleges that David Perry, a candidate for delegate to the 1991 IBT International Convention and a full-time employee of the Union, has engaged in campaign activity on Union paid time and with Union funds in violation of the *Rules*

The protest was investigated by Regional Coordinator Donald Twohey The investigation discloses the following facts On March 2, 1991, David Perry, an elected business agent of Local Union 302, held a meeting in Novato, California with IBT members who had been transferred from the jurisdiction of Local 302 to Local 624 Perry states that he was requested to meet with the members because they had received notices from Local 624 that their dues were in arrearages and that they were about to be suspended from membership Ten of the members who met with Perry submitted a statement to the Election Officer explaining that they requested such a meeting to "explain everything that is going on with the transfer to Local 624 " Following the meeting at Denny's restaurant, Perry submitted an expense voucher, his Visa bill, for the members' and his lunch expenses, approximately \$59.00 for 13 members

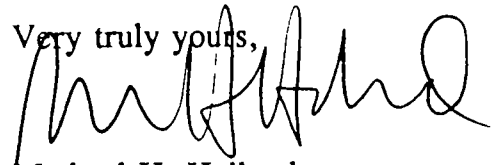
DiPrisco believes that Perry's stated reason for the meeting is only a pretext because the transfer was effective on February 1, 1991, and it is unlikely that the affected members would have transfer issues pending as late as March, 1991 Further, the Secretary-Treasurer of Local 624 denies that he authorized Perry to conduct the meeting The Election Officer's investigation found that the affected members confirmed Perry's statements as to the genesis and purpose of the meeting The Election Officer

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concludes, under these circumstances, that the evidence is insufficient to show that Perry used the March 2, 1991 meeting for campaign purposes in violation of the *Rules*<sup>1</sup> 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  
Donald E. Twohey, Regional Coordinator

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<sup>1</sup>The delegate and alternate delegate election for Local 302 has now been concluded. Only one of the members transferred from Local 302 who attempted to vote was found eligible to do so. Thus, given the margin of Perry's victory in Local 302, even if Perry's activities were found to have violated the *Rules*, there would be no effect on the outcome of the election.