



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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S. VETKEY

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Election Officer

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VIA UPS OVERNIGHT

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David R Dalton
Election Consultant
IBT Joint Council 32
3001 University Ave , S E
Minneapolis, MN 55414

Stephen Gordon
c/o IBT Joint Council 32
3001 University Ave , S E
Minneapolis, MN 55414

Re: Election Office Case No. P-711-LU1145-NCE

Gentlemen and Ms Furst

The above referenced protest was filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In her protest Gillian Furst alleges that Joint Council 32 and its Local Union affiliates have spent Union funds to retain election consultant David Dalton to represent the political or campaign interests of the Local Union officers with respect to the 1991 International Union delegate and officer election

The protest was investigated by Regional Coordinator Barbara Quindel The investigation discloses the following facts Since 1987 Dalton has been retained by Joint Council 32 as an independent consultant to provide technical assistance and advice to the Locals affiliated with the Joint Conference on internal Union elections Commencing in

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January, 1990, Dalton's role was expanded to provide advice and assistance relative to the IBT International Union delegate and officer election process. The investigation established that the services provided by Dalton in furtherance of this process have included 1) challenges to the eligibility of certain candidates for delegate, 2) investigation and recommendations to resolve pre-election related protests, 3) the actual filing of certain pre-election protests, and 4) advising and assisting with post-election protests filed by the losing slates of candidates in Local Unions 2747 and 1145.

As to Dalton's involvement in challenging the eligibility of candidates for delegate, or providing assistance relative to investigation of protests, the Election Officer finds no violation of the *Rules*. The role played by Dalton was no different than that undertaken by Local Union officers outside of Joint Council 32 where Local Union officers or attorneys have initiated protests or filed eligibility challenges during the election process. For example in P-314-LU320-NCE, Dalton protested the nomination of a delegate candidate arguing that the candidate failed to properly accept his nomination in writing. In P-397-LU1145-NCE, Dalton protested the furnishing by General President candidate Ron Carey of Local Union membership lists to IBT members who supported Mr. Carey's candidacy.

Protests raising these identical issues have been pursued by other Local Unions by Union officials or attorneys who, like Dalton, were paid with Union funds. The Union has a demonstrated institutional interest in the issues such as the availability and distribution of its membership list or the eligibility of candidates to seek a delegate or officer position. Thus the Union, whether the International or a subordinate body, may properly use its funds to file and pursue such protests. It may do so by paying for the time spent by its officers in handling such protests, by hiring legal counsel or, as in this case, by paying a consultant. Dalton's participation in these types of activities was in support of the institutional interests of the Joint Council and its affiliated Locals and thus Union funds could properly be expended for these services.

However, Dalton's participation in the post-election protests was not similarly in the service of the Union as an institution. While Dalton states that he provided purely technical advice to the losing slates of candidates in Local 2747 (Flight Attendants for a Secure Future) and Local 1145 (Local 1145 Democracy Slate), the evidence establishes that he clearly engaged in advocacy on behalf of the candidates who were members of these two slates. The evidence shows that the losing candidates contacted Dalton for advice concerning how to prepare a post-election protest. Dalton then prepared a memo for the Joint Council outlining the arguments that the slates could use to formulate their protests. This memo was forwarded to the slate representatives and subsequently formed the basis of the post-election protests filed by each slate. The financing by the IBT or any subordinate body of the IBT, such as Joint Council 32, of such advocacy efforts is prohibited by the *Rules*, See In Re Robert McGinnis, 91-Elec App -150, May 16, 1991.

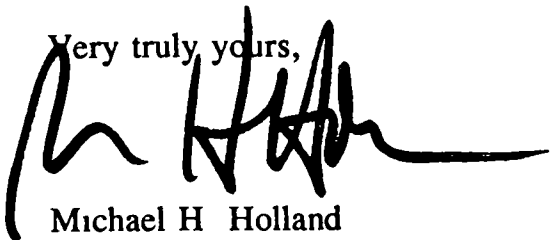
To remedy this violation, the Election Officer directs the Flight Attendants for a Secure Future and the Local 1145 Democracy Slate to reimburse the Joint Council for monies spent by it in compensating Dalton for the time he spent in furtherance of their

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post-election protests The Election Officer's investigation determined that Dalton spent 23 hours performing services in furtherance of the interests of these two slates Mr Dalton's hourly fee is \$25 00 per hour The total cost improperly borne by the Joint Council is thus \$575 00 Each of the slates, the 1145 Democracy Slate and the Flight Attendants for a Secure Future Slate, is to reimburse Joint Council 32 for one-half of that amount or \$287 50 Affidavits shall be submitted within ten (10) days of the date of this decision to the Election Officer by a representative of each slate demonstrating compliance with this order and including documentation that the repayment has been made

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,

A handwritten signature in black ink, appearing to read "Michael H. Holland", with a long horizontal flourish extending to the right.

Michael H Holland

MHH/mjv

cc Frederick B Lacey, Independent Administrator

Barbara Z Quindel, Regional Coordinator

All Candidates on 1145 Democracy Slate and
Flight Attendants for a Secure Future Slate (Local 2747)