



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

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April 10, 1991

VIA UPS OVERNIGHT

Donald C. Tonkel
Chief Steward/Local 896
764 Tipperary Drive
Vacaville, CA 95688

Charles D. Roberts
Secretary-Treasurer
IBT Local Union 896
1616 W. Ninth St.
Room 414
Los Angeles, CA 90015

Claudia Settle
P O Box 872
Napa, CA 94558

Re: Election Office Case No. P-712-LU896-CLA

Gentlemen

A pre-election protest was filed in accordance with Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest was filed by Donald C. Tonkel, who is the chief steward from Local 896 in Vacaville, California and was a candidate in Local 896's delegate election¹ In his protest, Mr. Tonkel alleges that Claudia Settle, who was also a candidate in Local 896's delegate election, used Union funds and facilities to produce campaign literature in violation of Article VIII, § 10 of the *Rules*

An investigation was conducted by Donald Twohey, Election Office Regional Coordinator The investigation disclosed the following facts Mr. Tonkel had no direct evidence to support his allegation that Ms. Settle used Union funds and/or facilities to print her campaign literature Rather, Mr. Tonkel's allegations are based solely on his belief that the typeset print used on Ms. Settle's campaign literature was similar to the typeset print used on official Local Union communications

¹Local 896's delegate election has been concluded However, the protestor specifically states that he does not seek a new or rerun election as a remedy for his protest; "it is not the intent of this appeal to compromise the candidacy of Ms. Settle." Therefore, the Election Officer has reviewed and resolved this matter as a pre-election protest.

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Mr Twohey interviewed the officers of the Local, all of whom denied that Ms Settle had used any Union funds or facilities to produce her campaign literature Mr Twohey also interviewed Ms Settle, who stated that she used her friend's computer to produce the literature and that at no time did she use any funds or facilities provided by Local 896

The investigation further revealed that the Local does not actually use a computer to produce its literature but instead uses a typewriter and is able to enlarge the print on the typewriter A careful review of Ms Settle's literature establishes that the literature was produced on a wordprocessor In conclusion, the evidence did not disclose any facts which would support the allegations raised by Mr Tonkel Accordingly, the protest is DENIED in all respects

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