

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

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

June 5, 1991

VIA UPS OVERNIGHT

Derek Brown
619 Springfield Way
Mill Valley, CA 94941

Ron Wells
Secretary-Treasurer
459 Fulton Street
Room 100-104
San Francisco, CA 94102

Art Persyko
c/o The New Priorities Slate
1017 Castro Street
San Francisco, CA 94114

Terry Hart
P.O. Box 1755
Daly City, CA 94014

Michael Thelen
2221 Kenry Way
S. San Francisco, CA 94080

Gary Canonica
1004 Sycamore Dr.
Millbrae, CA 94030

Lou Marini
1344 Skyview Dr.
Burlingame, CA 94010

Manuel Neves
215 Teddy Ave.
San Francisco, CA 94134

Re: Election Office Case No. P-789-LU85-CSF

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), a copy of which a protest is enclosed. This matter concerns Derek Brown's protest of the Election Officer's certification of the election results in Local Union 85.

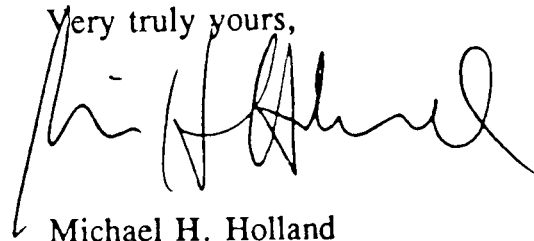
The *Rules* provide in Article XII, §7(a) that the Election Officer shall certify the results of the delegate and alternate delegate election after completion of the election process where no timely objections to the election are raised or, assuming such an objection, upon the completion of the protest and appeal procedure. An objection to the delegate and alternate delegate election in Local Union 85 was filed by Mr. Brown, the protestor here. Election Office Case No. Post-55-LU85-CSF. On April 19, 1991 the

Mr. Derek Brown
Page 2

Election Officer issued his decision denying that protest. The Election Officer decision was affirmed by the Independent Administrator on May 7, 1991. 91-Elec.App.-145 (S.A.). Under these circumstances it was appropriate, and indeed required by the *Rules*, for the Election Officer to certify the results of the delegate and alternate delegate elections with respect to Local Union 85.¹

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/mjv

cc: Frederick B. Lacey, Independent Administrator
Donald E. Twohey, Regional Coordinator

¹There is presently pending before the Independent Administrator an appeal of the Election Officer's decision in Election Office Case No. P-757-LU85-CSF wherein the Election Officer denied Mr. Brown's protest concerning alleged wrongful conduct on the part of Art Persyko, a successful delegate candidate in Local Union 85. That protest however concerns events which occurred after the election. That protest does not involve any objections to the delegate and alternate delegate election process as conducted and completed in Local Union 85.