

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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July 15, 1991

VIA UPS OVERNIGHT

Everett S. Owens
7901 Baymeadows Circle E.
#470
Jacksonville, FL 32256

Frank E. Pendleton
Secretary-Treasurer
IBT Local Union 512
1210 Lane Avenue, North
Jacksonville, FL 32205

Re: Election Office Case No. P-785-LU512-SEC

Gentlemen:

A protest has been 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 Everett S. Owens alleges that Frank Pendleton, Secretary-Treasurer of Local 512, failed to notify the members of the results of the delegate election, and further that Pendleton has been appointed to a delegate position even though he and his slate were defeated in the recent election for delegates to the 1991 IBT International Convention from Local 512.

The protest was investigated by Regional Coordinator Don Williams. Subsequent to the filing of the protest, Owens informed the Regional Coordinator that he did not wish to pursue his allegation with respect to the alleged failure to post the election results. The Regional Coordinator confirmed, however, with the Local that in fact the election results were mailed to all job stewards and business agents on May 29, 1991, with instructions to post on all Local bulletin boards.

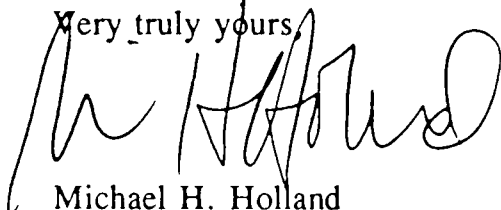
The investigation discloses that Pendleton attended the 1991 IBT International Convention as the alternate delegate from the Georgia-Florida Conference of Teamsters. See IBT Constitution, Article III, §5(e). Further, General President McCarthy appointed Pendleton to the Appeals and Grievance Committee for the Convention. Thus Pendleton was in attendance at the Convention with official Union responsibilities as described. However, since Pendleton was not an elected delegate to the Convention, he was not eligible to participate in the nomination of

Everett S. Owens
Page 2

candidates for International office or the nomination and election of International Union Trustees. Only those delegates selected in elections certified by the Election Officer and who are issued credentials by him were entitled to nominate candidates for International office or nominate or elect Trustees at the June 1991 Convention.

In accordance with the foregoing, 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/mjv

cc: Frederick B. Lacey, Independent Administrator

Donald H. Williams, Regional Coordinator