

OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

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Chicago, IL 60604
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October 24, 1991

VIA UPS OVERNIGHT

Steven M. Baudo
2750 South 72nd Street
West Allis, WI 53219

Robert E. Strzelecki
Secretary-Treasurer
IBT Local Union 344
10020 W. Greenfield Ave.
Milwaukee, WI 53214

Ron Carey
c/o Richard Gilberg, Esquire
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330 West 42nd Street
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Walter Shea
c/o Robert Baptiste, Esquire
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Suite 505
Washington, D.C. 20006

Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
2033 K St., NW
Suite 300
Washington, D.C. 20006-1002

Re: Election Office Case No. P-857-IBT

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Steve M. Baudo, a member of Local Union 344 and a certified delegate to the 1991 IBT International Union Convention from Local 344. His protest alleges that Union entities may have made a financial contribution to the R. V. Durham Unity Team by reimbursing delegates and alternate delegates to the 1991 IBT International Union Convention -- as Convention-related expenses -- the monies expended by such delegates and alternate delegates for attending an R. V. Durham Unity Team fundraiser held at the Convention site.

The protest was investigated by the Washington, D.C. office of the Election Officer. During the period of the 1991 IBT International Union Convention, the R. V.

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Durham Unity Team held a fundraising breakfast, the contribution for which was \$100.00 per person. Mr. Baudo alleges that the breakfast was attended by approximately 800 delegates, alternate delegates and guests. The Campaign Contribution and Expenditure Report filed by the R. V. Durham Unity Team reports that it received \$32,806.00 from this event.

Mr. Baudo has no information indicating or demonstrating that any Union entity reimbursed any delegate or alternate delegate -- as a Convention-related expense or otherwise -- for monies expended by such delegate or alternate delegate as a contribution to or for the purpose of attending the fundraising breakfast of the R. V. Durham Unity Team. When contacted by the Office of the Election Officer, Mr. Baudo stated that his protest was based upon his suspicions, that he suspected that delegates or alternate delegates may have included their \$100.00 breakfast payment contribution as part of their per diem for which they sought and received reimbursement from their various Local Unions. Mr. Baudo stated that he had no evidence other than his suspicions.

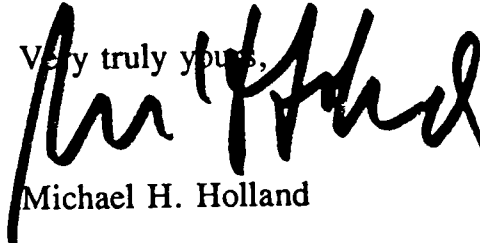
Mr. Baudo has presented no evidence suggesting that a violation occurred. See *Rules*, Article XI, § 1(c). Further, the Election Officer has reviewed a multitude of delegate and alternate delegate expense reports submitted for reimbursement to and/or reimbursed by a large number of IBT Local Unions. Such review has occurred both on connection with protests filed by either delegates, alternate delegates or the Local Union entity -- see, e.g. Election Office Case Nos. P-893-LU104-RMT, P-888-LU769-SEC - - as well as in written response to requests for information, clarification and guidance from delegates, alternate delegates, Union entities and/or their counsel. In no case has the Election Officer found that a delegate or alternate delegate requested reimbursement as part of his/her per diem expenses, or a Union entity provided reimbursement, for the monies expended by such delegate or alternate delegate in attending the R. V. Durham Unity Team breakfast fundraiser. Accordingly, 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

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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
Barbara Z. Quindel, Regional Coordinator (For Information Only)