

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

August 14, 1991

VIA UPS OVERNIGHT

Brian C. Palmer
270 Fairwood Drive
Tiverton, RI 02878

Alfred Andrade
Secretary-Treasurer
IBT Local Union 526
4 Anawan Street
Fall River, MA 02722

Re: Election Office Case No. P-859-LU526-ENG

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Brian C. Palmer, a member of Local Union 526 and a certified delegate to the 1991 IBT International Union Convention from Local Union 526. A copy of the protest is enclosed. The protest concerns the demand made on Mr. Palmer by Local Union 526 that Mr. Palmer turn over to Local Union 526 any and all materials he received at the 1991 IBT International Union Convention.

On August 8, 1991 Mr. Palmer was given a copy of Article XIX, §8 of the IBT International Union Constitution which prohibits IBT members from wrongfully taking or retaining any money, books, papers or other property of the IBT or destroying any such books, bills, receipts, vouchers or other property of the IBT. That portion of the IBT International Union Constitution, a portion of the Article relating to internal Union discipline, relates to material, with respect to which an IBT member is the temporary custodian, such as material entrusted to the member by reason of his office or other position in the IBT. The article also relates to material that an IBT member obtains inappropriately from the IBT or a subordinate body of the IBT. The section of the article does not relate to material given to an IBT member for his own use.

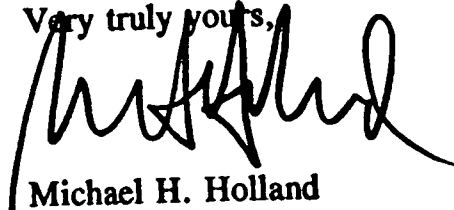
The Election Officer finds that all material distributed at the 1991 IBT International Union Convention, and all material available to delegates at the 1991 International Union Convention, was material given to the delegates unconditionally, in their capacity as duly-elected delegates, without any requirement that the delegates subsequently relinquish such materials to their Local Unions, to the IBT or to any other

Brian C. Palmer
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IBT subordinate body, IBT officer or member. Accordingly Mr. Palmer has no duty or obligation to give to Local Union 526 any material he received while in attendance at the 1991 IBT International Union Convention or any material given to him prior to or after said Convention regarding the 1991 IBT International Union Convention. It would be violative of the March 14, 1989 Consent Order and the *Rules* for disciplinary action to be taken against Mr. Palmer for his refusal to transfer any such material to Local Union 526 or any officer or member of Local Union 526.

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,

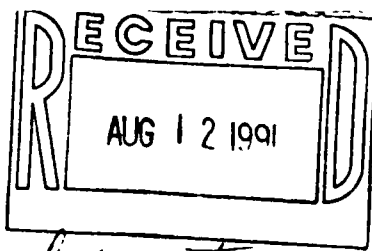


Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator
Elizabeth A. Rodgers, Regional Coordinator
David F. Reilly, Adjunct Regional Coordinator

Dear Sir:-
P-859-LW526-ENG



XMHH
BJH
TO: PRO 526/ENG

At this time I want to protest the demand of Mr Fred Andrade that I turn over to him all document I received at the I.B.T. convention
At 805 A.M. Aug 8 1991 I was handed a copy of artical ~~XIX~~ sec 8 (copy enclosed) on which Mr Andrade makes his demand, by Mr Andrade secretary. The artical is self explanatory. It hereas I was an elected delegate to the convention and whereas the International gave this material to me of their own free will I do not believe this section does or should apply to me. I do believe this to be the first step by Mr Andrade to try to bring me in front of an exec Board, of which he is in control of, for trial at a later date. I feel as an elected delegate to the convent I am well within my rights

to keep said material. Mr
Andrade and the union are
still in possession of a telephone
and can have any questions
he might need answered, answered
by the International. Therefore
there is no need for him to
have my material. I
hereby ask you to rule on this
protest to head off a trail in
the future

Sincerely

Brian C. Palmer
Delegate Local
526

Fall River, Mass
S/S 031-40-5378

ART. XIX, SEC. 7-9

unfair list or whose employees are on strike or locked out, or whose employees are trying to secure an agreement or an improvement in their working conditions, or whose employees are trying to prevent an increase in hours of labor or a decrease in wages, for the purpose of assisting such employer, or for any gain or promise of gain, or who (3) knowingly goes to work or remains in the employment of any person, firm or corporation on an unfair list of the International Union without permission from the International Union, the Joint Council or his Local Union, may be tried in the manner provided for the trial of other offenses.

Refusal to Return Records

Section 8. Any member (1) who wrongfully takes or retains any money, books, papers or any other property belonging to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, any Joint Council, Local Union, or other subordinate body or (2) who destroys any books, bills, receipts, vouchers, or other property of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, any Joint Council, Local Union or other subordinate body, may be tried in the manner provided for the trial of other offenses.

Decisions and Penalties

Section 9 (a). Decisions and penalties imposed upon individual members, officers, elected Business Agents, Local Unions, Joint Councils or other subordinate bodies found guilty of charges may consist of reprimands, fines, suspensions, expulsions, revocations, denial to hold any office permanently or for a fixed period, or commands to do or perform, or refrain from