

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

September 9, 1991

**VIA UPS OVERNIGHT**

Richard A. Hammond  
President  
IBT Local Union 988  
3100 Katy Freeway  
Houston, TX 77270

L. Doug Mims  
Vice President  
IBT Local Union 728  
2540 Lakewood Avenue, S.W.  
Atlanta, GA 30315

T. C. Stone  
Secretary-Treasurer  
IBT Local Union 745  
1007 Jonelle St.  
Dallas, TX 75217

Jerry Burnthorn  
Secretary-Treasurer  
IBT Local Union 991  
112 South Broad Street  
Mobile, Alabama 36602-1109

**Re: Election Office Case No. P-866-LU728-SEC**

Gentlemen:

Protests were filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") contending that L. Doug Mims, a candidate for International Union Vice President from the Southern Conference, violated the *Rules* by his utilization of Local Union funds to send a letter to the principal officers of various Local Unions within the Southern Conference. The protests contend that the letter constitutes campaigning on Mr. Mims behalf and since the letter were prepared and distributed with Union funds the *Rules* have been violated. The protest was investigated by Regional Coordinator Donald H. Williams.

On or about August 1, 1991, Mr. Mims, who is the Vice President of Local Union 728 and a nominated candidate for International Union Vice President from the Southern Conference, sent identical letters to the principal officers of various Local Unions within the Conference. The letter was on Local Union 728 letterhead and was prepared and distributed at the cost of Local Union 728. The body of the letter read as follows:

As a courtesy I am informing you that I will be in your vicinity during the week of August 5, 1991 through August 10, 1991 for the purpose of campaigning.

If you have any questions concerning my schedule, please do not hesitate to contact me.

Mr. Mims took a "campaign swing" through the Southern Conference during the period of August 5 through August 10, 1991 traveling within the geographical jurisdiction of the Local Unions to whose principal officers he wrote. The protestors do not allege that the costs of this trip were borne by Mr. Mims' Local Union.<sup>1</sup> Mr. Mims states that prior to his campaign trip he notified the principal officers of all Locals in whose jurisdiction he would be campaigning of such fact. He claims he sent the letters both as a courtesy and because he had received prior criticism for failing to do so at the time of an earlier campaign trip.

The Election Officer notes that it is not uncommon for a union official to notify fellow union officers of travel which extends into the areas over which such fellow officers have jurisdiction. The letter in question here does exactly that. While Mr. Mims notified his fellow union officers of the purpose of his trip, i.e. that he would be in their vicinity for the "purpose of campaigning", the letter is otherwise devoid of any campaign content. Mr. Mims' letter does not ask the officers to whom it is addressed to notify their members of Mr. Mims' campaign appearances, to post Mr. Mims' letter for the reference of their members or anything of like nature; Mr. Mims' letter does not even inform his fellow officers of the exact date or location of his campaign appearances.

On the basis of the foregoing, the Election Officer concludes that the letter of August 1, 1991 signed by Mr. Mims and addressed to the principal officers of Local Unions within the Southern Conference does not constitute campaigning. Rather, the letter only advises these Local Union officers that Mr. Mims, an officer of another Local within the Southern Conference, will be within the geographical jurisdiction of these Locals during the period of August 5 to August 10, 1991. Since the letter is not campaign material with respect to Mr. Mims' campaign for International office or with respect to the campaign of any other candidate for International office, its preparation and distribution

---

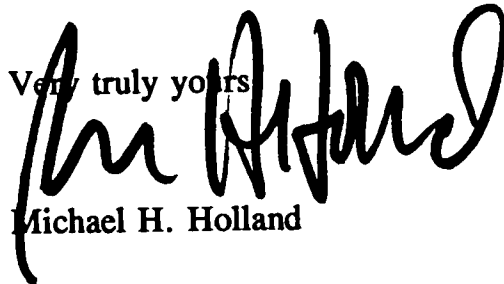
<sup>1</sup> By letter dated August 23, 1991 Jerry R. Burnthorn, one of the protestors in the instant case whose protest was filed by letter dated August 12, 1991, stated that "[d]ue to L. Doug Mim's flagrant violation of the election rules, . . . it has occurred to me that he might possibly be using Local Union funds to cover his campaign travel expenses." Mr. Burnthorn therefore asks that the Election Officer require verification of the financial details of Mr. Mims' campaign travel. The Election Officer finds no violation here as set forth *infra*. Mr. Burnthorn sets forth no basis for concluding that Mr. Mims may have violated the *Rules* with respect to the financing of his campaign travel expenses. Given that Mr. Mims, as all other candidates, will be filing a report on or about September 11, 1991 setting forth all campaign income and expenditures, the Election Officer declines to delay issuance of his decision based on Mr. Burnthorn's suppositions.

Richard A. Hammond  
September 9, 1991  
Page 3

with the funds of Local Union 728 does not violate the *Rules*. It should be noted specifically that the Election Officer's decision in this case is driven by the contents of Mr. Mims' letter, that the letter seeks nothing from the Local Union officers to whom it is addressed, provides no information with respect to Mr. Mims' or any other candidates' campaign appearances and contains no substantive comments with respect to the candidacy of any member for International Union office or their respective campaigns.

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/cdk

cc: Frederick B. Lacey, Independent Administrator  
Donald H. Williams, Regional Coordinator  
Larry Daves, Regional Coordinator