

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
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September 17, 1991

VIA UPS OVERNIGHT

Dan R. Eby
600 Ivygate Drive
St. Louis, MO 63129

John Cooney
Secretary-Treasurer
IBT Local Union 688
300 S. Grand
St. Louis, MO 63103

Claude Brown
IBT Local Union 688
300 S. Grand
St. Louis, MO 63103

Re: Election Office Case No. P-870-LU688-MOI

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Dan R. Eby, a member of Local Union 688. Mr. Eby an active supporter of the candidacy of Mr. Carey and the other members of the Ron Carey Slate.

Mr. Eby's protest concerns a letter dated August 9, 1991 signed by Claude Brown, also a member of Local 688, inviting the members to whom the letter was addressed to attend a campaign meeting for Robert Sansone, a nominated candidate for International Vice-President from the Central Conference and a member of the Durham Unity Team slate. Mr. Eby contends that the letter was prepared and distributed with Union resources. He further contends a list of the names and addresses of all Local Union stewards was provided by Local Union 688, which list was utilized to provide the names and mailing addresses of the recipients of the letter.

The protest was investigated by Regional Coordinator Michael Gordon. The August 9, 1991 letter was prepared at the suggestion and direction of Mr. Sansone's campaign. Marvel Printing printed stationary, containing the Allied Printing Trades

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label, and provided it to the Sansone campaign. The investigation determined that bills for such printing were sent to the Sansone campaign; no Union funds were utilized for the printing of stationary.

Mr. Brown drafted the letter and provided the text to the Sansone campaign. The Sansone campaign processed the letter thereafter and bore all costs associated with its processing, duplication and distribution, including all postage costs.

At the time Mr. Brown supplied the text of his letter to Sansone campaign, he also supplied a list of Local Union 688 steward's. Although Mr. Brown contended that the list had been obtained by him approximately one year earlier in connection with his duties at that time as the Educational Director for Local 688, the Election Officer investigation determined that the list was a recent one, obtained on July 30, 1991. The list has been supplied to and is in the possession of the Election Officer.

The *Rules* do not require any Local Union to provide a membership list, or a partial membership list such as the stewards list, to any candidate or the supporter of any candidate. However, the *Rules* specifically provide in Article VIII §2 that the Union may not discriminate in any way in favor of or against any candidate with respect to the use of the membership list. Accordingly to the extent that a Local permits any candidate or candidate's supporter to obtain the Local's membership list, or portion of that list, all other candidates and their supporters have the same right to the list.

The investigation of this protest demonstrates that no Union funds were utilized in the preparation, duplication or distribution of the August 9, 1991 letter. Thus, this aspect of Mr. Eby's protest is DENIED.

The investigation also discloses, however, that the Local Union's steward list was utilized in the distribution of the letter. Accordingly, Mr. Eby as well as all other members of Local 688 are entitled to utilize the Local's stewards list in connection with the 1991 IBT International Union officer election.

The Election Officer would note however that requesting IBT International Union officer candidates including Messrs. Carey and Durham, have received from the Election Officer, under and in accordance with the *Rules* as modified by the United States District Court for the Southern District of New York, a copy of the membership list for all IBT Local Unions including Local Union 688. The list so provided permits identification of sub-groupings within each Local Union, including identifying the stewards within each Local Union. Thus, Mr. Eby is able to obtain from Mr. Carey's campaign a list of Local Union 688's stewards.

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As noted above, however, the Local 688 stewards list, as obtained from the Local, was used for the mailing of campaign material on behalf of a particular candidate for International Union office. Mr. Eby and all other members of the Local are entitled to obtain directly from the Local a copy of such stewards list upon two (2) day notice. Given that the stewards list is and was also obtainable through the International Union officer candidates, the Election Officer finds that no further relief is required with respect to this aspect of the protest.

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/cb

cc: Frederick B. Lacey, Independent Administrator

Michael D. Gordon, Regional Coordinator

Ron Carey Campaign
c/o Eddie Burke
26 Bradford Street
Main Front Door
Charleston, WV 25301

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Michael H. Holland
Election Officer

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September 19, 1991

VIA UPS OVERNIGHT MAIL AND FACSIMILE WHERE INDICATED

Dan R. Eby
600 Ivygate Drive
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TEL: 314-892-6226
(Delivered verbally)

John Cooney
Secretary-Treasurer
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FAX: 314-658-5799

Claude Brown
IBT Local Union 688
300 S. Grand
St. Louis, MO 63103
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**Re: Election Office Case No. P-870-LU688-MOI
(Supplementary Decision)**

Gentlemen:

The Election Officer issued his decision in the above entitled case on September 17, 1991. On September 18, 1991, Local Union 688 appealed the Election Officer's decision to the Independent Administrator by requesting a hearing before the Independent Administrator.

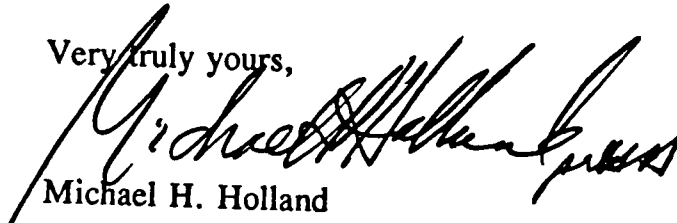
During his investigation of the instant protest, the Election Officer learned that the protestor, Dan Eby, was seeking a copy of the stewards list for utilization by him for campaigning purposes; the Election Officer's investigation revealed that receipt by Mr. Eby of that list after September 21, 1991 would materially adversely affect his planned use of the list. Given the presently pending appeal of the Election Officer's decision - - and the likelihood that no decision on appeal can be rendered by the Independent Administrator in sufficient time to enable Mr. Eby to receive the list as the Election Officer held he was entitled to do prior to September 21, 1991 -- the Election Officer determines that upon appropriate oral or written request by Mr. Eby, the Election Officer will furnish Mr. Eby a copy of the stewards list obtained by the Election Officer in the investigation of this protest. Any appeal of this supplementary decision by the

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Election Officer will not stay the effect of the Election Officer's ruling, *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990, Article XI, §2(z).

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/pjm

cc: Frederick B. Lacey, Independent Administrator
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Michael Gordon
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Robert K. Sweeney, Esquire
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