

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 6, 1991

VIA UPS OVERNIGHT

Daniel Torres, Jr.
2484-E Sundial Drive
Chino Hills, CA 91709

Michael J. Riley
President
IBT Joint Council 42
1616 W. Ninth St.
Room 500
Los Angeles, CA 90015

Everett J. Roberts
Trustee
IBT Local Union 63
1616 W. Ninth St.
Room 205
Los Angeles, CA 90015

Re: Election Office Case No. P-883-LU63-CLA

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Daniel Torres, Jr., a member and former Business Agent of Local Union 63. In his protest, Mr. Torres contends that Joint Council 42 President Michael J. Riley, a nominated candidate for IBT International Union Vice President, is attempting to gain political advantage by continuing in effect the trusteeship of Local Union 63.

By letter dated August 16, 1991, a copy of which is enclosed, the Election Officer responding to "charges" filed by Mr. Torres with respect to the trusteeship of Local 63, noted that Local 63 was placed in trusteeship at the instigation of the Independent Administrator Frederick B. Lacey. The Election Officer also noted that the Independent Administrator was continuing to monitor the Local 63 trusteeship.¹ The letter further pointed out that the court appointed Investigations Officer Charles Carberry was investigating the Local 63 situation. The letter concluded that the matters raised in the August 15, 1991 charges fell not within the parameters of the Election Officer's jurisdiction but more appropriately within the jurisdiction of either the Independent Administrator or the Investigations Officer or both.

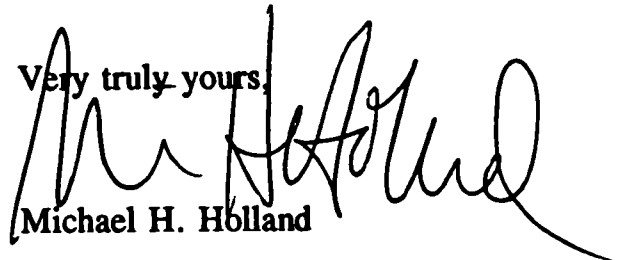
¹ Indeed the Office of the Independent Administrator was represented throughout the hearings recently held on the Local 63 trusteeship.

Daniel Torres, Jr.
September 6, 1991
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For similar reasons the matters raised in the instant protest do not fall within the jurisdiction of the Elections Officer. The protest concerns the continued imposition of the trusteeship on Local 63 and allegations relating to the purpose of such continuation and the purported consequences of the continuation. The trusteeship however was imposed on Local 63 at the instigation of the Independent Administrator who continues to monitor closely its continuation, including the basis and propriety of its continuation. Accordingly, matters raised with respect to the trusteeship are matters which are to be raised with the Independent Administrator and not with the Election Officer. Since the Election Officer has no jurisdiction of the instant protest, the protest is DENIED on that basis.

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

cc: Frederick B. Lacey, Independent Administrator
Geraldine L. Leshin, Regional Coordinator
Charles Carberry, Investigations Officer

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% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

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Michael H. Holland
Election Officer

August 16, 1991

VIA UPS OVERNIGHT

Daniel Torres, Jr.
2484-E Sundial Drive
Chino Hills, CA 91709

Dear Mr. Torres:

I write to acknowledge receipt of your letters dated August 15, 1991 wherein you state you are filing "charges" on behalf of yourself, other Local 63 business agents and the Local 63 office secretary, both with respect to your terminations by Local Union 63 Secretary-Treasurer Robert E. Marciel and the failure of the Local 63 appointed Trustee, Everett Roberts, to hire or rehire. The letters do not deal with matters which are within the jurisdiction of the Election Officer and accordingly will not be treated as protests.

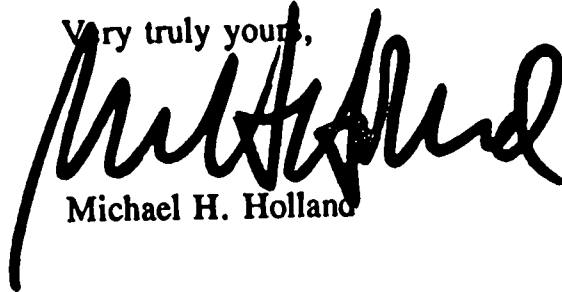
Local Union 63 was placed in trusteeship at the instigation of the Independent Administrator, Frederick B. Lacey. His determination that the Local Union officer should be removed and a trustee placed in charge of the affairs of Local Union 63 was based in large part on the fact that Secretary-Treasurer Marciel had discharged you and many of your fellow Local 63 business agents. The Independent Administrator continues to closely monitor Local 63, the trusteeship imposed on Local 63 and the actions taken by the appointed Trustee. Further, the Court-appointed Investigations Officer, Charles Carberry, is investigating the Local 63 situation.

The issues raised in your letters appear to be related to intra-Union politics at the Local or perhaps Conference level. The matters raised do not implicate the election process for IBT International Union officers and thus do not fall within the parameters of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990, or the jurisdiction of the Election Officer under the March 14, 1989 Consent Order. The matters raised in your letters are more appropriately addressed to the Independent Administrator or the Investigations Officer. I have already forwarded your letters to the Independent Administrator and urge you and the other Local 63

Daniel Torres, Jr.
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members on whose behalf you wrote the letters to contact him and the Investigations Officer about your concerns.

Very truly yours,



Michael H. Hollander

MHH/mjv

cc: Geraldine L. Leshin, Regional Coordinator
P.O. Box 10956
Burbank, CA 91510
Tel: 818-769-3041
Fax: 818-769-2890

Everett J. Roberts
IBT Local Union 63
1616 West Ninth St., Room 205
Los Angeles, CA 90015

63/CCA
P-883

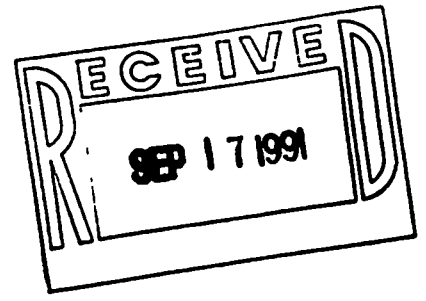
XMH
BH
JJS
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IN RE:

DANIEL TORRES, JR.
and
MICHAEL J. RILEY
and
EVERETT J. ROBERTS, Trustee
IBT Local Union No. 63

91 - Elec. App. - 185 (SA)

DECISION OF THE
INDEPENDENT
ADMINISTRATOR



This matter arises out of an appeal from a decision of the Election Officer in Case No. P-883-LU63-CLA. A hearing was held before me at which the following persons were heard by way of telephone conference: the complainant, Daniel Torres; Bob Acquino, former President of Local 63; George Pappy, attorney for Michael J. Riley, President of IBT Joint Council 42; Everett "Jim" Roberts, Temporary Trustee of Local 63; and John Sullivan, on behalf of the Election Officer.

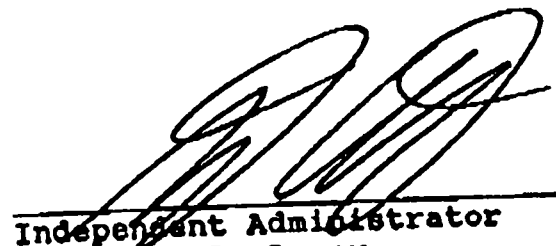
Mr. Torres filed a protest with the Election Officer alleging that Michael Riley, President of IBT Joint Council 42, was controlling and manipulating, to his own political advantage, the Trusteeship imposed over Local 63. Mr. Torres suggested that since "politics" were involved, the matter should be considered and remedied by the Election Officer.

The Local 63 Trusteeship was prompted by the Independent Administrator. The Independent Administrator is continuing to

monitor the Local 63 Trusteeship. The Court Appointed Investigations Officer, Charles Carberry, is also conducting an investigation into Local 63.

Given all this, the Election Officer found that the protest filed by Mr. Torres did not fall "within the parameters of the Election Officer's jurisdiction but more appropriately [fell] within the jurisdiction of either the Independent Administrator or the Investigations Officer or both."

The Election Officer reached the proper conclusion. The Local 63 Trusteeship is being monitored by the Independent Administrator and pursuant to the powers granted the Independent Administrator under the Consent Order, the Independent Administrator reserves the right to "modify any aspect" of that Trusteeship. See Consent Order at p. 8. If the Trusteeship is being abused for political reasons, it is the Independent Administrator who will address the situation.



Independent Administrator
Frederick B. Lacey
By: Stuart Alderoty, Designee

Date: September 16, 1991