

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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September 9, 1991

**VIA UPS OVERNIGHT**

Frederick B. Lacey  
Independent Administrator  
LeBoeuf, Lamb, Leiby & MacRae  
Gateway Center I, Suite 603  
Newark, New Jersey 07102

Roadway Express  
17401 Adelanto Road  
Adelanto, CA 92301

John Cetinske  
15764 Arbolada Lane  
Victorville, CA 92392

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

Margaret Peterson  
14327 Jicarilla Road  
Apple Valley, CA 92307

**RE: Election Office Case No. P-884-LU63-CLA**

Gentlemen:

A protest was filed with the Election Office pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer election, revised August 1990 ("Election Rules"). In his protest Mr. Cetinske alleges that the Election Rules were violated as a result of the removal from the bulletin board at the Roadway Express facility in Adelanto, California and destruction of a photograph of two delegates from Local Union 63 pictured with Ron Carey. Mr. Cetinske also alleges that the Election Rules were violated a result of a political attack on Teamsters for a Democratic Union ("TDU") and on Mr. Cetinske and Terry Mangrum, allegedly signed and posted on the bulletin board by Margaret Peterson and/or another member of the Local Union. The Election Officer's investigation of this protest revealed the following.

Mr. Cetinske alleges that the photograph of Carey and the Local Union 63 delegates was removed from the bulletin board between the hours of 10:00 am Friday August 23, 1991 and 8:00 pm Sunday August 25, 1991. He does not make any allegations concerning who removed or destroyed the photograph. The bulletin board was unlocked during the time the picture was removed, the lock being inoperable. The Election Officer's investigation was unable to identify the person who removed and destroyed the picture. As all the parties to this protest are well aware, the bulletin board

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at the Adelanto Roadway Express facility has been the subject of a number of decisions of the Election Officer and of the Independent Administrator. In each of these cases the Election Officer has ordered remedies designed to insure that the bulletin board is available for the posting of campaign literature -- and that such literature is not defaced or destroyed.

Recently, the Independent Administrator reviewed and remanded an order of the Election Officer concerning the enforcement of an order concerning the responsibility of individuals with custody of the keys to a locked bulletin board for campaign posting. In his decision in that appeal, 91-Elec. App.-176 (SA), the Independent Administrator's designee ruled that it was inequitable to hold the two individual members of the Local Union who were the custodians of the keys personally liable for the misuse of the bulletin board and the destruction of the lock of the glass door covering the board. The Election Officer was directed "to devise a mechanism by which the use of this bulletin board may be fully protected." In accordance with that decision the Election Office proposed the following to the Independent Administrator:

A new bulletin board shall be installed in the break room of the Adelanto facility. This bulletin board shall have three segments. Each segment shall be glass enclosed and shall have its own door. Each door shall have its own lock. The segments shall be identified as "Durham", "Shea" and "Carey". The keys to each segment shall be given to supporters of the respective slates or groupings of candidates for International Office. Such individuals shall be responsible for the keys and their segment of the board. The installation of the board and the distribution of the keys will occur on or before September 18, 1991.

It is the Election Officer's determination that the installation of this new board resolves the issues in this protest; it is also his fervent hope that these new procedures will insure that no future disputes will arise with respect to the use of the bulletin board at this facility.

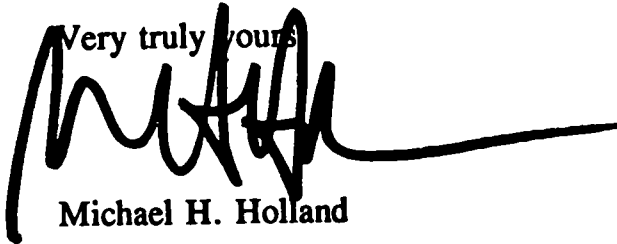
Mr. Cetinske's protest regarding the statement allegedly signed by Ms. Peterson and posted on the bulletin board is denied. The Election Officer has ruled in numerous protests, including at least one filed by one of Mr. Cetinske's opponents about a piece of literature distributed by Mr. Cetinske's slate of candidates for delegate and alternate delegates, Election Officer Case No. P-769-LU63-CLA, that he will not regulate the content of campaign literature. He will not depart from that rule in this case.

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

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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

A handwritten signature in black ink, appearing to read "Michael H. Holland", with a long horizontal line extending to the right.

Michael H. Holland

cc: Geraldine Leshin, Regional Coordinator