

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

Michael H. Holland
Election Officer

(202) 624-8778
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October 8, 1991

VIA UPS OVERNIGHT

Gerald Moerler
13104 Glen Court, #40
Chino Hills, CA 91709

R.V. Durham
c/o Hugh J. Beins, Esq.
Beins, Axelrod, Osborne
& Mooney
2033 K Street, NW
Suite 300
Washington, DC 20006-1002

Everett Roberts
Trustee
IBT Local Union 63
1616 West Ninth Street, Room 205

William Rose
Director of Labor Relations
Certified Grocers
2601 South Eastern Avenue
Los Angeles, CA 90040

Re: Election Office Case No. P-940-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 1, 1990 ("Election Rules"). In his protest, Gerald Moerler alleges that the Election Rules were violated by Certified Grocers ("Certified") as a result of its permitting R.V. Durham, and several members and supporters of his slate, to enter the employer's facility, address employees in the lunch area during their lunch break, and to distribute campaign literature. The Election Officer's investigation revealed the following.

Certified employs members of the IBT. On September 20, 1991, Certified permitted R.V. Durham, Chuck Mack, Walter Englebert, Michael Riley and Walter Pettit, all members or supporters of the R. V. Durham Unity Team Slate, to enter its facility at 2601 South Eastern Avenue in Los Angeles. The appearance was advertised two days in advance by a notice posted on the bulletin boards outside of the shipping and warehouse offices. Mack, Riley, Englebert and Pettit entered the facility shortly before the start of the 11 am lunch break. Durham arrived approximately ten minutes after the start of the break.

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Riley addressed Certified employees who were on their lunch break discussing the recent improvements to the Western Conference of Teamsters Pension Plan and asking for the members support for his candidacy for International Vice President. Durham, Mack and Englebert also addressed the members present and solicited support for their candidacies. The candidates also distributed literature in the lunch area. Because Durham had arrived late, Walter Pettit asked the Certified Plant Manager if the employer would extend the lunch period for an additional ten minutes to permit Durham to complete his remarks. The manager permitted an extension of 2 to 3 minutes in the lunch period.

In response to inquiries from the Election Office, Certified has agreed to permit access by other International Officer candidates on the same basis as that afforded to the Durham slate candidates. Upon request, at least 48 hours in advance, Certified shall permit a group of no more than five candidates and/or their supporters, members or supporters of the Ron Carey slate, and the Shea-Ligurotis Action Team slate to enter the employee lunch room at Certified's Eastern Avenue facility and address the day shift employee on their lunch break from 11:00 am to 11:30 am. If any of the candidates or their supporters arrive late, Certified will permit an extension of the lunch period for campaigning until 11:33 am. During their appearance the candidates and their supporters shall be permitted to distribute campaign literature.

Forty eight hours prior to the appearance, Certified shall cause to be posted notices on the bulletin boards outside of the shipping and warehouse offices, notices informing employees of the date, time and place of the appearance and the names of the slate and the slate members and/or supporters who will be present.

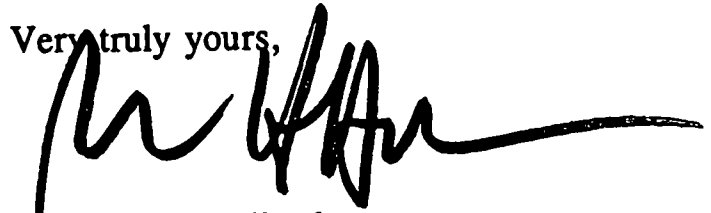
On the basis of the foregoing the Election Officer considers this matter **RESOLVED.**

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,

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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 flourish extending to the right.

Michael H. Holland
Election Officer

cc: Frederick B. Lacey, Independent Administrator
Geraldine Leshin, Regional Coordinator
Walter Shea
c/o Robert Baptiste, Esquire
Baptiste & Wilder
1919 Pennsylvania Avenue, N.W.
Suite 505
Washington, D.C. 20006
Ron Carey
c/o Richard Gilberg, Esquire
Cohen, Weiss & Simon
330 West 42nd Street
New York, NY 10036-6901