

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
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Michael H Holland
Election Officer

October 18, 1991

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

Chris Scott
R. V. Durham Unity Team
508 Third Street, N.E.
Washington, D.C. 20003

Michigan/Ohio Carey Committee
Box 19541
Detroit, MI 48219

Re: Election Office Case No. P-966-IBT

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Chris Scott on behalf of the International Union officer candidates on the R. V. Durham Unity Team. He claims that the Michigan/Ohio Carey Committee has failed to file a financial disclosure report as required by the *Rules* and the Advisory on Campaign Contributions and Disclosure, issued August 14, 1991 ("Advisory").

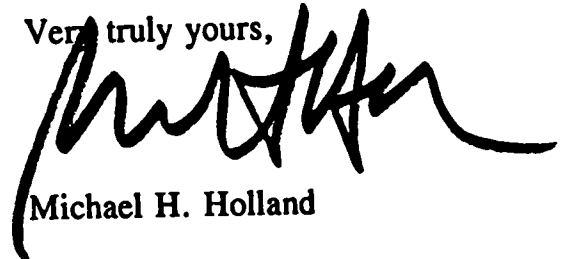
Independent committees are required to file pre, post, and final campaign contribution and expenditure reports with the Election Officer if (1) the committee is indeed independent, not controlled by a candidate or slate and (2) the committee receives contributions or makes expenditures in excess of \$1,000.00. Advisory at pages 26-27. Accordingly, a committee which is not independent but is controlled by a candidate or slate and whose receipts and expenditures are reported by the candidate or slate is not required to file. Similarly, a committee who has not - on a cumulative basis - either received contributions in excess of \$1,000.00 or made expenditures in excess of \$1,000.00 need not file.

The Election Officer's investigation has revealed that the Michigan/Ohio Carey Committee had not, for the period through and including September 1, 1991, either received contributions or made expenditures in excess of \$1,000.00. Accordingly, it was not required to file the September 11, 1991 Campaign Contribution Expenditure Report and Supplemental Form No. 1. Accordingly, the protest is DENIED.¹

¹ If the Committee is an independent committee within the definitions contained in the Advisory and on a cumulative basis receives contributions or makes expenditures subsequent to September 1, 1991, such that its total contributions or expenditures are in excess of \$1,000.00, the Committee is required to file reports for all reporting periods thereafter.

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/mjv

cc: Frederick B. Lacey, Independent Administrator

James De Haan, Regional Coordinator

Ron Carey
c/o Richard Gilberg, Esquire
Cohen, Weiss & Simon
330 West 42nd Street
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Chris Scott
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MHH/cb