

January 31, 1996

**VIA UPS OVERNIGHT**

Kurt Larsen, President  
Teamsters Local Union 630  
750 S. Stanford Ave  
Los Angeles, CA 90021

Ontario, CA 91764

Jerome L. Vercruse, Secretary-Treasurer  
Teamsters Local Union 630  
750 S. Stanford Ave  
Los Angeles, CA 90021

John K. Child  
1502 Normandy Terrace  
Corona, CA 91720

Frederick H. Harris  
1239 Crestspring Lane  
Riverside, CA 92506

Francisco X. Granillo  
40425 Tesoro Lane  
Palmdale, CA 93551

Raul S. Hernandez  
1673 La Paz Avenue

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Benjamin T. Lucero  
410 E. Mesa Drive  
Rialto, CA 92376

Daniel Moreno  
2533 Greenwood Place  
Ontario, CA 91761

Benny B. Morales  
2550 Cucamonga Avenue  
Ontario, CA 91761

David L. Reaves  
1472 Downing Court  
Corona, CA 91720

Maurilio Maldonado  
2012 South Electric Avenue  
Alhambra, CA 91803

Daniel E. Valentine  
9558 Bert  
Pico Rivera, CA 90660

**Re: Election Office Case No. E-047-LU630-EOH**

Gentlemen:

Kurt Larsen, President of Local Union 630, protested the eligibility of John K. Child, Francisco X. Granillo, Frederick H. Harris, Raul S. Hernandez, Benjamin T. Lucero, Maurilio Maldonado, Benny B. Morales, Daniel Moreno, David L. Reaves and Daniel E. Valentine to run for delegate as defined in the *Rules for the IBT 1995-1996 International Union Delegate and Officer Election ("Rules")*, each nominated as a candidate for delegate at the Local Union 630 nominations meeting on January 19, 1996. Each nominee is discussed in turn below.

Eligibility of John K. Child

Article VII, Section 1(a) provides:

(a) To be eligible to run for any Convention delegate, alternate delegate or International Officer position, one must:

(1) Be a member in continuous good standing of the Local Union, with one's dues paid to the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments;

(2) Be employed at the craft within the jurisdiction of the Local

Union for a period of twenty-four (24) consecutive months prior to the month of nomination; and

(3) Be eligible to hold office if elected.

Based on a pre-nomination meeting request for eligibility verification, on January 16, 1996, the Election Officer found that John K. Child, a cash-dues payer, was not eligible to run for delegate or alternate delegate. This finding was based on records showing that Mr. Child had paid his August 1995 dues late and thus lacked the good standing as required above. During the investigation of this protest, the local union produced the envelope in which Mr. Child sent his August 1995 dues payment to the local union, and which bears a September 4, 1995 postmark.

Accordingly, it is the determination of the Election Officer that Mr. Child is not eligible to run for delegate.

#### Eligibility of Francisco Granillo

Based on a pre-nomination meeting request for eligibility verification, on January 15, 1996, the Election Officer found that Francisco Granillo was ineligible to run for delegate or alternate delegate due to late cash payments of dues in January and February 1995. The investigation of this protest further disclosed that Mr. Granillo also made late payments in July, August, October and November 1994, and April, May, July, October and November 1995.

Mr. Granillo made his cash payments on a quarterly basis. Article X, Section 5(d) of the IBT Constitution provides:

In any instance where a Local Union has provided for the payment of quarterly dues . . . a member, to be in good standing for each month of the quarter, must pay his dues for each quarter on or before the last business day of the first month of the quarter.

Mr. Granillo admits that he regularly paid his quarterly dues in the last month of the quarter.

It is the determination of the Election Officer that Mr. Granillo is not eligible to run for delegate.

#### Eligibility of Frederick Harris

Based on a pre-nomination meeting request for eligibility verification, on January 17, 1996, the Election Officer found that Frederick Harris was ineligible because he made a late cash payment

for October 1994. Mr. Harris was a member of Local Union 848 until October 1994 when he was involuntarily transferred to Local Union 630.

Article XVIII, Section 2(d) of the IBT Constitution provides that when a member transfers from one local union to another, the member "shall not be responsible for payment of dues or assessments which accrue in the Local Union from which transfer is requested after the month in which application for transfer is made." Thus, Mr. Harris owed his last dues to Local Union 848 for October 1994. Mr. Harris claims, however, that a Local Union 848 employee advised him that having transferred, he need not make any payments to the local union for October 1994 and that he would be billed by Local Union 848. Mr. Harris made no payment in October 1994. On November 4, 1994, Local Union 848 did in fact bill Mr. Harris for the October 1994 payment as well as his November 1994 dues and transfer fee. Mr. Harris paid the bill on November 8, 1994.

In this situation, the Election Officer will not penalize Mr. Harris for relying on instructions from his local union as to how dues payments should be transmitted upon his transfer. Accordingly, the Election Officer will not consider Mr. Harris to have lost good standing during the month of October 1994, for which he paid all dues owed pursuant to the instruction of his local union. Mr. Harris is therefore eligible to run for delegate.

#### Eligibility of Raul S. Hernandez

Based on a pre-nomination meeting request for eligibility verification, on January 15, 1996, the Election Officer found that Raul S. Hernandez was not eligible. This finding of ineligibility was based on late cash payments in January and February 1994. The investigation of this protest further disclosed that Mr. Hernandez made additional late payments in April, May, July, August, September and October 1994, and January, February, April, May, August and September 1995.

It is the determination of the Election Officer that Mr. Hernandez is not eligible to run for delegate.

#### Eligibility of Benjamin Lucero

Based on a pre-nomination meeting request for eligibility verification, on January 15, 1996, the Election Officer found that Benjamin Lucero was not eligible because he made late cash payments in April and October 1995. Mr. Lucero was a member of Local Union 848 until October 1994 when he was involuntarily transferred to Local Union 630. The investigation of this protest disclosed that Mr. Lucero was also late in making his cash payments for April, July and October 1994 to Local Union 848, and in January, March, and May 1995 to Local Union 630. Mr. Lucero confirmed that he paid his dues quarterly, but made many of his payments in the last month of the quarter, contrary to

Article X, Section 5 of the IBT Constitution.

It is the determination of the Election Officer that Mr. Lucero is not eligible to run for delegate.

Eligibility of Maurilio E. Maldonado

The investigation of this protest disclosed that Mr. Maldonado made late cash payments for January, February, April, May, July, August, October, and November 1994 and January, February, April, May, July, August, October and November 1995. Mr. Maldonado confirmed that he paid his dues quarterly, but made many of his payments in the last month of the quarter, contrary to Article X, Section 5 of the IBT Constitution.

It is the determination of the Election Officer that Mr. Maldonado is not eligible to run for delegate.

Eligibility of Benny Morales

Based on a pre-nomination meeting request for eligibility verification, on January 24, 1996, the Election Officer determined that Mr. Morales had failed to maintain the necessary good standing because his April and May 1995 cash dues were paid late. The investigation of this protest disclosed that Mr. Morales made additional late cash payments in January,

February, April, May, July, August, October and November 1994, and January and February 1995. Mr. Morales has confirmed that he paid quarterly dues in the last month of the quarter.

It is the determination of the Election Officer that Mr. Morales is not eligible to run for delegate.

Eligibility of Daniel Moreno

Daniel Moreno's TITAN record shows late cash dues payments for the months of January, February, April, May, July, August, October and November 1994, and January, February, April, May, July, August, October, November, and December 1995. Mr. Moreno confirmed that he has paid his quarterly dues in the last month of the quarter.

It is the determination of the Election Officer that Mr. Moreno is ineligible to run for delegate.

Eligibility of David L. Reaves

Based on a pre-nomination meeting request for eligibility verification, on January 15, 1996,

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the Election Officer found that Mr. Reaves was not eligible to run for delegate or alternate delegate because he made late cash payments for January and February 1994.

Mr. Reaves was a member of Local Union 848 until October 1994 when he was involuntarily transferred to Local Union 630. The investigation of this protest disclosed that Mr. Reaves made additional late cash payments in March, April, May, and October 1994, and January, February, July and August 1995. Mr. Reaves has confirmed that he made late cash payments.

Accordingly, Mr. Reaves is not eligible to run for delegate.

Eligibility of Daniel Valentine

The investigation of this protest revealed that Mr. Valentine made late cash payments for January, February, April, May, July, August, October, and November 1994, and January, February, April, May and July 1995.

Accordingly, it is the determination of the Election Officer that Mr. Valentine is not eligible to run for delegate.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.  
Latham & Watkins  
885 Third Avenue, Suite 1000  
New York, NY 10022  
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel

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Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Dolly Gee, Regional Coordinator