

February 21, 1996

**VIA UPS OVERNIGHT**

W. Christopher Courter  
2538 29th Avenue  
San Francisco, CA 94116

Jack Bookter, Secretary-Treasurer  
Teamsters Local Union 278  
150 Executive Park Boulevard  
Suite 4500  
San Francisco, CA 94134

**Re: Election Office Case No. P-412-LU278-CSF**

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* by W. Christopher Courter, a member of Local Union 278 and a candidate for delegate, against Jack Bookter, secretary-treasurer of the local union and a candidate for delegate on an opposing slate. The protester asserts that Mr. Bookter changed the location of the local union's general membership meeting scheduled for February 20, 1996 without properly informing the membership. This action, the protester claims, will result in denying his slate access to the meeting, in violation of the *Rules*.

The charged party responds that he posted a notice on all union bulletin boards on February 8, 1996 notifying the membership of the correct time, date and location of the February 20 meeting.

The protest was investigated by Regional Coordinator Matthew D. Ross.

In accordance with its bylaws, Local Union 278 holds its general membership meetings on the third Tuesday of each month, beginning at 7:30 p.m. Through November of 1995, these meetings took place in a facility owned by the Archdiocese of San Francisco. Due to the closing of this facility in December 1995, the December meeting was held at 150 Executive Park

Boulevard, Suite 3200,<sup>1</sup> a vacant space in the office building where the local union is located, while the January 1996 nomination meeting took place at the Machinists union hall in Burlingame, California.

The protester states that the local union distributed a pocket calendar for 1996 which contained the dates for the general membership meetings throughout the year, but gave a start time of 7:00 p.m. and failed to provide the location of said meetings. Mr. Bookter acknowledges that the pocket calendar provided an incorrect start time, but contends that this was an honest mistake and the local union will distribute a new pocket calendar with the appropriate correction.

In regard to a location for the general membership meetings, Mr. Bookter states that he placed a notice in the February issue of the *Northern California Teamster* which provides that the general membership meetings for February and March 1996 will be held at 150 Executive Park Boulevard, Suite 3200, beginning at 7:30 p.m.

Subsequent to this publication, Mr. Bookter posted a notice on February 8, 1996 on all union bulletin boards which stated that the general membership meeting will be held at 7:30 p.m. on February 20, 1996 at 250 Executive Park Boulevard, Suite 4500. Mr. Bookter states that he did not include information about the March meeting in this notice because he would prefer to hold this meeting in the local union's building if construction is completed in time in Suite 3200.<sup>2</sup>

Article VIII, Section 5(a)(1) of the **Rules** states that "[n]o candidate may be denied access to any meeting of the Local Union to which he/she belongs as a member." The protester contends that Mr. Bookter changed the location of the February 20 meeting in a deliberate attempt to deny his slate of delegates access to the members present at the meeting.

It is obvious that there has been some confusion in Local Union 278 about the location as well as the time of the February 20, 1996 general membership meeting. However, the investigation conducted by the Election Officer indicates that the confusion resulted from an inadvertent error in the 1996 pocket calendars distributed by the local union and the fact that construction in Suite 3200 at 150 Executive Park Boulevard would not be completed in time to hold the meeting at that site.

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<sup>1</sup>In his protest, Mr. Courter strenuously objected to the fact that Suite 3200 was under construction at the time of the December meeting, causing, he states, confusion over the exact location and resulting in 90 percent of the attendees standing for the entire meeting while the remainder "sat on slabs of sheet rocks." Any such contention is untimely.

<sup>2</sup>Both the February and March general membership meetings will take place prior to the election of delegates in Local Union 278.

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In a letter dated February 15, 1996 to the Regional Coordinator, Mr. Courter enclosed a copy of the notice posted by Mr. Bookter on February 8. The protester states that the location at 250 Executive Park Boulevard "was inspected on February 14, 1996. It is a vacant office suite . . . It appears possible that a meeting could be held at this location." Mr. Courter also enclosed a copy of a letter he sent to Mr. Bookter in which he requested "a candidate forum and an opportunity to address the membership" at the February 20 meeting, as provided by the **Rules**.<sup>3</sup> Mr. Courter stated: "On the basis of the most recent posting, it is my understanding the location is 250 Executive Park Blvd., Suite 4500."

As Mr. Courter clearly is aware of the correct time and location for the February 20, 1996 general membership meeting, the Election Officer finds that his slate will not be denied access to the meeting in violation of the **Rules**. Accordingly, the protest is DENIED.

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  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Matthew D. Ross, Regional Coordinator

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<sup>3</sup>This letter is undated but Mr. Courter states that it was received by Mr. Bookter on February 14, 1996.