

July 29, 1996

VIA UPS OVERNIGHT

Timothy Lynch
66-11 Woodhaven Boulevard
Rego Park, NY 11374

Jerry Rourke, Jr.
Avis Rent-A-Car
48-05 Grand Avenue
Maspeth, NY 11378

James P. Hoffa
2593 Hounds Chase
Troy, MI 48098

Richard Brook
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

Re: Election Office Case No. P-853-LU807-NYC

Gentlemen:

Timothy Lynch, a member of Local Union 819, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* against Avis Rent-A-Car in Maspeth, New York ("Avis" or "the employer") and the campaign of James P. Hoffa (the "Hoffa campaign"), candidate for general president. The protester alleges that Avis made a campaign contribution, in violation of the *Rules*, by posting a memorandum from the employer on a union bulletin board so that the memorandum concealed a sticker for the campaign of Ron Carey, while allowing a sticker for the campaign of Mr. Hoffa to remain on the board in full view. The protester further alleges that Mr. Hoffa should be held strictly liable for the unlawful campaign contribution.

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Avis Fleet Distribution Manager Jerry Rourke, Jr. admits that the employer posted its memorandum on the union bulletin board in the manner alleged and states that the employer's placement of its memorandum on the board was "accidental." He advises that on the next morning, when the incident was brought to his attention, he moved the memorandum so that it did not hide the Carey sticker.

New York City Protest Coordinator Barbara C. Deinhardt investigated the protest.

Local Union 807 has a collective bargaining agreement with Avis requiring the employer to provide a bulletin board on its property for the use of the union. The employer retains the only key to the bulletin board.

Prior to, on or about, Monday, July 8, 1996, the employer permitted campaign stickers for the campaigns of Mr. Hoffa and Mr. Carey to be posted on the union bulletin board upon requests by employees. On or about July 8, the employer posted a memorandum, unrelated to the International officer election, on the bulletin board. The memorandum was placed in such a way as to conceal a Carey sticker, although a Hoffa sticker was left visible. Mr. Rourke states that the Carey sticker had been posted on the board for several weeks prior to the posting of the memorandum. When the placement of the memorandum on the bulletin board was brought to his attention approximately one day later, Mr. Rourke moved the memorandum to uncover the Carey sticker.

The evidence discloses that an Avis manager inadvertently posted a memorandum so that the posting concealed a Carey sticker, while a Hoffa sticker was not similarly concealed. When Avis received a complaint about the manner in which the memorandum was posted, the employer promptly moved the memorandum to uncover the Carey sticker.

Under these circumstances, the Election Officer concludes that further processing of this protest is unwarranted. The protester's complaint as stated in this protest has been addressed and remedied.

Accordingly, this protest is now RESOLVED.

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

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885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

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Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 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
Barbara C. Deinhardt, New York City Protest Coordinator