

April 29, 1999

VIA FIRST-CLASS MAIL

Doug Mims
1645 Brantford Drive
Tucker, GA 30084

Charlie Gardner
c/o Charlie Gardner Campaign
1007 Jonelle Street
Dallas, TX 75217

Hoffa Unity Slate
c/o Bradley T. Raymond, Esq.
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

James P. Hoffa, General President
International Brotherhood of Teamsters
25 Louisiana Avenue
Washington, DC 20001

Paul Alan Levy, Esq.
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009

James L. Hicks Jr., P.C.
Suite 1100
2777 N. Stemmons Freeway
Dallas, TX XXX-XX-XXXX

Patrick J. Szymanski, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue
Washington, DC 20001

Re: Election Office Case Nos. SR-13-BCD

Gentlemen:

Doug Mims, a member of Local Union 728 and a candidate for Southern Region Vice-President, 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 Charlie Gardner, a candidate for Southern Region Vice-President, and the Hoffa Slate. The protester alleges that Mr. Gardner mailed tickets for the Dallas-Fort Worth Hoffa Rerun fundraising event to local union officers

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with a request to sell the tickets and remit the money to the Hoffa campaign.

The protest was investigated by Election Officer Representative Barbara C. Deinhardt.

After the protest was filed, James Hicks, counsel for Mr. Gardner, contacted the Election Officer and stated that the campaign agreed that the conduct violated the *Rules* and would work with the Election Office on an appropriate remedy. The Election Officer Representative contacted Mr. Hicks, on April 28 to obtain more details and attempt to arrive at a remedy. Mr. Hicks acknowledged that Mr. Gardner had sent five tickets to each of about 40 locals in the Southern Region. He agreed on behalf of Mr. Gardner immediately to send letters drafted by the Election Officer Representative to each of the locals, advising that any unsold tickets should be returned to the Gardner Campaign and any money received for tickets already sold should be returned to the member, with a copy of the letter explaining the action. Mr. Hicks advised the Election Officer Representative on April 29 that the letters had been sent.

The protest is therefore considered RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one (1) 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, Esquire
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, 444 North Capitol Street, NW, Suite 445, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

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Sincerely,

Michael G. Cherkasky
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Barbara C. Deinhardt, Esq.