

May 20, 1999

**VIA FIRST CLASS MAIL**

Doug Mims  
1645 Brantford Drive  
Tucker, GA 30084

Aaron Belk  
6502 Poplar Corner  
Walls, MS 38680

Charlie Gardner Campaign Headquarters  
3224 Highway 67 East,  
Suite 105  
Mesquite, TX 75150

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

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

Patrick J. Szymanski, Esq.  
International Brotherhood of Teamsters  
25 Louisiana Avenue  
Washington, D.C. 20001

**Re: Election Office Case No. SR-24-MG**

Gentlemen:

Doug Mims, a member of IBT Local 728 and a candidate for Southern Region Vice-President, filed a pre-election protest pursuant to Article XIV, § 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* against Charlie Gardner, who is also a Southern Region Vice President candidate. The protester alleges that Charlie Gardner's Campaign Contribution and Expense Report ("CCER") filed on April 29, 1999, fails to report expenditures for legal or accounting services despite the fact that Charlie Gardner's campaign is using the services of Attorney James L. Hicks.

The protest was investigated by Regional Coordinator Maureen Geraghty.

The April 1999 CCER submitted by Charlie Gardner does not contain any in-kind contributions or expenditures for attorney James L. Hicks' legal services. Mr. Hicks is presently finalizing his legal bills for the legal work he performed on Charlie Gardner's campaign. After Attorney Hicks' legal bills are finalized, Mr. Gardner will file an amended CCER reflecting legal expenditures or in kind contributions.

Doug Mims

May 20, 1999

Page 2

The investigator contacted the protester and explained that Mr. Gardner intended to file an amended CCER after he receives attorney Hicks' legal bill. After receiving the explanation, the protester withdrew the charge.

The protest is therefore considered RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within (1) 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  
855 Third Avenue, Suite 1000  
New York, NY 10002  
Fax: (212) 751-4864

Copies of the requests for a hearing must be served on the parties listed above as well as upon the Election Officer, 444 North Capitol Street, NW, Suite 445, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Michael G. Cherkasky  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Maureen Geraghty, Regional Coordinator