

May 28, 1999

VIA FIRST-CLASS MAIL

Donald S. Scott, President
Teamsters Local Union 728
2540 Lakewood Ave. SW
Atlanta, GA 30315

Earl Parker
129 Fletcher Ford Rd.
Fayetteville, GA 30214

Charlie Gardner Campaign Headquarters
3224 Highway 67 East
Suite 105
Mesquite, TX 75217

Aaron Belk
6502 Poplar Corner
Walls, MS 38680

Doug Mims
1645 Brantford Drive
Tucker, GA 30084

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

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

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

Re: Election Office Case Nos. SR-29-LU728-NYC

Gentlemen:

Don Scott, president of Local Union 728, 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 Earl Parker, a member of Local 728. The protester alleges that Mr. Parker distributed and posted election campaign material in the Local 728 office and on a bulletin board.

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

The Election Officer Representative contacted Mr. Parker on May 26. Without admitting that his distribution and posting of campaign materials was improper, Mr. Parker agreed that he would not distribute or post any additional campaign

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materials in the Union office, other than leaving materials on the table designated for that purpose, so long as all other campaign materials were similarly restricted.

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.

Sincerely,

Michael G. Cherkasky
Election Officer

cc: Kenneth Conboy, Election Appeals Master

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Barbara C. Deinhardt, Election Office Representative