

November 21, 1996

VIA UPS OVERNIGHT

Leo Hobson
1562 S. Vandeventer Avenue
St. Louis, MO 63110

Ronald J. Wurst
Teamsters Local Union 682
5730 Elizabeth Avenue
St. Louis, MO 63110

William Ferris, Secretary-Treasurer
Teamsters Local Union 682
5730 Elizabeth Avenue
St. Louis, MO 63110

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

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

Re: Election Office Case No. P-1194-LU682-MOI

Gentlemen:

Leo Hobson, a member of Local Union 600, 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 Ronald J. Wurst, a business representative of Local Union 682, Local Union 682 and the Hoffa campaign. Mr. Hobson alleges that Mr. Wurst was present at the Hoffa's campaign office in St. Louis, Missouri during working hours on November 5, 1996, representing a contribution of local union resources to the campaign, in violation of the *Rules*.

Mr. Wurst responds that he went to the campaign facility for a very brief time on November 5 in order to retrieve a jacket for a volunteer with whom he was eating lunch on that date. The Hoffa campaign states that it has no knowledge of the facts alleged by Mr. Hobson, and has no reason to believe that Mr. Wurst campaigned for Mr. Hoffa on union time.

Regional Coordinator Michael D. Gordon investigated this protest.

Mr. Hobson states that on November 5, 1996, he and Ron Aboussie, a member of Local Union 600 and an organizer for the IBT, drove in Mr. Hobson's truck past a storefront in St. Louis that is serving as the Hoffa campaign's local headquarters.¹ Mr. Hobson and Mr. Aboussie observed Mr. Wurst exiting the storefront carrying what Mr. Hobson describes as "paraphernalia."² According to Mr. Hobson, Mr. Wurst saw him and ducked back inside the building. At that point, Mr. Hobson made a U-turn and drove by the storefront again, where he observed Mr. Wurst and another man leaving the facility. Mr. Wurst, Mr. Hobson states, carried nothing in his hands. Mr. Hobson made another U-turn and drove by the headquarters a third time, at which point he noticed Mr. Wurst standing near the doorway. Mr. Hobson states that he honked his horn at that point and waved at Mr. Wurst who acknowledged this gesture by smiling and waving at Mr. Hobson. The protester estimates that his observations of Mr. Wurst took less than five minutes.

Mr. Hobson then drove a short distance from the storefront and called Local Union 682 from his car telephone. Using the name of his cousin, Mr. Hobson told the person who answered his call that he was a member of Local Union 682 from Salem, Missouri and wished to speak to Mr. Wurst. The receptionist told Mr. Hobson that Mr. Wurst was expected to return around 3:30 or 4:00 p.m. and that she would page him. Soon thereafter, the receptionist stated that Mr. Wurst had not answered her page.

Mr. Aboussie corroborated Mr. Hobson's statements, but estimated that his and Mr. Hobson's observations of Mr. Wurst lasted about 15 minutes. According to Mr. Aboussie, as Mr. Wurst was leaving the storefront, he carried "a big handful of material" that resembled fliers.

Mr. Wurst is employed by Local Union 682 as a business representative. The investigation conducted by the Election Officer reveals that Mr. Wurst has no set hours or lunch times and the local union does not maintain time records for him.

Mr. Wurst states that on November 5, 1996, he began work late and decided to eat a late lunch with Local Union 682 Business Agents John Larocco and Tom Renaud because he had to attend a 6:00 p.m. meeting. Messrs. Wurst, Larocco and Renaud drove in

¹At the time he filed his protest, Mr. Hobson was on leave from his job and working for the International union on its voter registration project known as DRIVE (Democratic Republican Independent Voter Education).

²Mr. Hobson could not identify this material but stated that it was the size of fliers.

Mr. Larocco's car to pick up Mr. Renaud's father, Paul Renaud, a retired member of Local Union 682 who was volunteering at the Hoffa campaign's St. Louis headquarters. The senior Mr. Renaud was finished with his duties for the day and the four gentlemen went to have lunch at a restaurant about a block away from the headquarters.

According to Mr. Wurst, while they were eating Paul Renaud stated that he had left his jacket at the headquarters. Mr. Wurst states that he offered to retrieve the jacket for Mr. Renaud, as the latter was still eating and has a bad leg. Mr. Wurst states that he walked to the storefront, found Mr. Renaud's jacket, and quickly left with it, spending only a few minutes inside the facility.

Mr. Wurst states that Mr. Hobson and another person whom he could not identify drove past him twice in Mr. Hobson's truck around 2:30 p.m. On the first occasion, which occurred when Mr. Wurst was entering the headquarters, Mr. Wurst waved at Mr. Hobson. Mr. Wurst states that he saw Mr. Hobson again as he left the facility, carrying Paul Renaud's jacket. Mr. Wurst, Mr. Larocco and Tom Renaud returned to Local Union 682 after dropping the senior Mr. Renaud off near his car.

Mr. Larocco and Tom Renaud verified Mr. Wurst's account of their lunch on November 5 and the reason why Mr. Wurst went to the Hoffa campaign's headquarters on that date.

The Hoffa campaign states that it has no knowledge of Mr. Wurst's actions on November 5 and no reason to believe that he campaigned on union time. Local Union 682, through its attorney, contends that Mr. Wurst was on his lunch break when he was observed at Hoffa headquarters and did not campaign during his time there.

Article VIII, Section 11(b) of the *Rules* states as follows:

All Union officer and employees, if members, retain the right to participate in campaign activities, including the right to . . . openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. Accordingly, officers and employees . . . of the Union may not campaign on time that is paid for by the Union. Campaigning incidental to regular Union business is not, however, violative of this section. Further, campaigning during paid vacations, paid lunch hours or breaks, or similar paid time off is also not violative of this section.

The Election Officer credits Mr. Wurst's explanation, which was supported by his colleagues, of the reason he went to the Hoffa campaign headquarters on November 5, 1996. While it is

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undisputed that Mr. Hobson saw Mr. Wurst outside the headquarters on that date, the protester himself estimates that his observations of Mr. Wurst lasted less than five minutes. Other than seeing Mr. Wurst outside the building, Mr. Hobson has presented no evidence to support his claim that Mr. Wurst was campaigning for Mr. Hoffa on November 5.

For the reasons set forth above, 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 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
Michael D. Gordon, Regional Coordinator