

November 25, 1996

**VIA UPS OVERNIGHT**

Frank Mendes  
18401 S. McKinnley Avenue  
Manteca, CA 95337

Cari Perras  
1570 Alabama Avenue  
West Sacramento, CA 95691

Tim McDaniel  
10038 Biscanewoods Way  
Sacramento, CA 95827

**Re: Election Office Case No. P-1225-LU150-CSF**

Gentlepersons:

Frank Mendes, a member of Local Union 150, 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")*** alleging that Local Union 150 members Tim McDaniel and Cari Perras removed campaign signs from a utility pole across the street from the entrance of Fleming Foods, Inc. in West Sacramento, California.

Mr. McDaniel and Ms. Perras deny the allegation, stating that the only signs they removed from the utility pole were their own signs which had been defaced by their opposition. In addition, the signs in question were only related to the Local Union 150 election, not the International election.

Adjunct Regional Coordinator Victoria Chin investigated this protest.

The investigation revealed that on the afternoon of November 7, 1996, Mr. Mendes saw Mr. McDaniel and Ms. Perras in front of Fleming Foods. Mr. Mendes alleges that they were removing campaign signs supporting both Mr. Hoffa and "Team 150." Ms. Perras states that they were removing their own signs which had originally said, "Dump Webb/Lowman" and that someone had put the word "Re-Elect" over the word "Dump." Ms. Perras stated that the only signs they took down were related to the local union election and not the International election.

Mr. Mendes watched Mr. McDaniel and Ms. Perras as they took the signs down and then drove up to the pickup truck they were driving and confronted them. A discussion ensued, after which the parties agreed to "leave each other alone." Both Mr. Mendes and Mr. McDaniel state

that they saw more signs from their opposing parties posted after their discussion.

The Election Officer has found that the posting of campaign signs and other materials in the public right-of-way is not regulated by the **Rules**. Hoffa, P-1034-JC1-CLE (October 17, 1996); Braga, P-795-LU439-CSF (June 19, 1996). “Union members who choose to post campaign materials on public utility poles or public signs existing along public streets or sidewalks are not engaging in conduct which is either protected or sanctioned by the **Rules**.” Hoffa; Braga. For the same reason, tearing down signs which have been posted on public utility poles or other structures in the public right-of-way, is not within the jurisdiction of the **Rules**. Therefore, it is unnecessary to find whether Ms. Perras and Mr. McDaniel tore down campaign posters related to a local union election or the International officer election. The Election Officer finds that the **Rules** have not been violated in this instance.

For the foregoing reasons, this 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  
Victoria Chin, Adjunct Regional Coordinator