

February 5, 1996

VIA UPS OVERNIGHT

Robert A. Hasegawa, Secretary-Treasurer
Teamsters Local Union 174
553 John Street
Seattle, WA 98109

Peter Coates
12233 S.E. 64th Place
Bellevue, WA 98006

**Re: Election Office Case Nos. P-318-LU174-PNW
P-319-LU174-PNW**

Gentlemen:

Bob Hasegawa, secretary-treasurer of Local Union 174 and a candidate for delegate on the "Hasegawa-Carey Slate," filed a protest docketed as P-318-LU174-PNW, pursuant to the ***Rules for the IBT 1995-1996 International Union Delegate and Officer Election ("Rules")***, alleging that at the Local Union 174 nominations meeting, Peter Coates instigated a physical confrontation against and assaulted Local Union 174 member Chris Gomez "deliberately to shake the members' confidence and security during the election process and to possibly invalidate the nominations meeting entirely or the actions taken therein."

Peter Coates, a Local Union 174 member and a candidate for alternate delegate on the "Teamsters 4 Teamsters" slate filed a protest pursuant to the ***Rules***, docketed as P-319-LU174-PNW, alleging that he was assaulted during the nominations meeting.

Because the two protests arise out of the same occurrence and involve similar facts and legal issues, they were consolidated for decision by the Election Officer.

The protests were investigated by Regional Coordinator Christine Mrak.

The Local Union 174 nomination meeting was held as part of a general membership meeting on January 11, 1996 attended by the Regional Coordinator. Nominations for delegate

and alternate delegate were made, seconded and accepted at the outset of the meeting. Following the close of nominations, the Regional Coordinator left the room while the membership debated and voted on a bylaw amendment. She intended to return after the vote to meet with the candidates for delegate and alternate delegate.

As the ballots concerning the bylaw referendum were being counted, the Regional Coordinator reentered the room. Peter Coates suggested that she try to clear the area and separate people with business to transact from people who were socializing. Mr. Coates is a candidate for alternate delegate on the "Teamsters 4 Teamsters" slate.

Chris Gomez was counting bylaw referendum ballots at the podium. Mr. Gomez is a Local Union 124 warden, similar to a sergeant-at-arms, and supports the Hasegawa/Carey slate. Mr. Gomez asserts that Mr. Coates was standing in front of the podium, talking, and bumping the podium with his back. Mr. Gomez states he asked Mr. Coates to step back. Mr. Coates states that Mr. Gomez told him, "Shut up and sit down."

Mr. Coates states that he replied to Mr. Gomez, "You can kiss my ass," to which Mr. Gomez stated, "I'm not going to take that shit off you." Mr. Coates states that he repeated, "Kiss my ass," when Mr. Gomez reached over and slapped him, causing bleeding inside of his mouth.

Mr. Gomez says that he asked Mr. Coates nicely to step back and be quiet so that he could finish the count, when Mr. Coates pushed the podium again and said, "I can stand here and stay in your shit all night long." Mr. Gomez states that Mr. Coates stuck two of his fingers in Mr. Gomez's chest which prompted him to slap him. Mr. Coates came around the podium and the two pushed each other when they were separated.

Article VIII, Section 11(f) of the **Rules** states that "[r]etaliation or threat of retaliation by the International Union, any subordinate body, any member of the IBT, any employer or other person or entity against a Union member, officer or employee for exercising any right guaranteed by this or any other Article of the **Rules** is prohibited."

Alleged violations of this section are sustainable only if there is some evidence that connects the protested conduct with a guaranteed right under the **Rules**. Parisi, Case No. P-1095-LU294-PGH (December 2, 1991). The altercation here took place just after a vote on local union bylaws and involved no mention of the International delegate or officer elections. While Mr. Coates and Mr. Gomez may support opposing slates in the delegate election, there is no evidence that either Mr. Coates or Mr. Gomez acted aggressively toward the other because of that member's protected political activity under the **Rules**. The Election Officer, however, cautions that assaulting another member based on a member's support or activity on behalf of a candidate in the delegate or International officer elections constitutes a gross violation of the **Rules** and will be dealt with accordingly.

Accordingly, 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

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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 and 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 North Capitol Street, Suite 855, Washington, D.C. 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
Christine M. Mrak, Regional Coordinator