

February 8, 1996

**VIA UPS OVERNIGHT**

Mario Ferenac  
7427 Weatherfield Drive  
Orlando, FL 32819

Doug Wilson  
1704 Ison Lane  
Ocoee, FL 34761

**Re: Election Office Case No. P-380-LU385-SEC**

Gentlemen:

Mario Ferenac, a member of Local Union 385 filed a protest pursuant to Article XIV, Section 2(b) of the *Rules for the IBT 1995-1996 International Union Delegate and Officer Election ("Rules")* alleging that Doug Wilson, also a member of Local Union 385, should not be permitted to run for delegate or alternate delegate in the Local Union 385 elections because he accepted nominations for both delegate and alternate delegate.

The protest was investigated by Regional Coordinator J. Griffin Morgan.

Local Union 385 held its nomination meeting for delegate and alternate delegate candidates on January 28, 1996. The meeting was conducted by the Regional Coordinator. During nominations for delegate, Doug Wilson was nominated. Mr. Wilson accepted the nomination. Prior to the close of nominations for delegate, Mr. Wilson withdrew his candidacy for delegate. The Regional Coordinator announced from the podium Mr. Wilson's withdrawal. Delegate nominations continued until closed.

After the close of nominations for delegate, candidates were nominated for alternate delegate, including Mr. Wilson, who accepted his nomination for alternate delegate.

Article II, Section 5(j) provides, "No member may accept nomination for both a delegate and an alternate delegate position." Mr. Wilson did not violate this rule. He unequivocally

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withdrew as a candidate for delegate prior to the close of delegate nominations at the local union nomination meeting, and prior to the opening of alternate delegate nominations. Neither his acceptance of nomination for delegate, in light of his subsequent withdrawal, nor the withdrawal itself is a bar to his acceptance of a nomination for alternate delegate.

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 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  
J. Griffin Morgan, Regional Coordinator