

February 29, 1996

**VIA UPS OVERNIGHT**

Albert Martinez  
741 W. Glenn  
San Antonio, TX 78225

Rick Glasebrook, President  
Teamsters Local Union 657  
8214 Roughrider  
San Antonio, TX 78239

**Re: Election Office Case No. P-454-LU657-SOU**

Gentlemen:

Albert Martinez, a member of Local Union 657, filed this protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*. The protester alleges that Local Union 657 President Rick Glasebrook used union funds in violation of the *Rules* to support his candidacy for delegate by by "knowingly" purchasing and mailing pocket calendars displaying his name and title to members. The protester also objects to the cover letter Mr. Glasebrook sent out with the calendars because it states his name and title. To support his protest, the protester relies on the fact that the mailing of the calendars occurred during the week including the local union's nomination meeting on February 3, 1996, and the fact that the 1996 calendar, unlike previous calendars, included the names of the entire local union executive board, and displayed the names and titles of the Local Union 657 president and secretary-treasurer.

Mr. Glasebrook denies that the local union purchased and distributed the calendars in order to support his candidacy for delegate. He asserts that the annual distribution of calendars has taken place for some years in the local union. He also states that the calendars were ordered in August 1995, but that the mailing was delayed until January 24, 1996, because the local union was trying "to run in the black for 1995" and because it learned in January that it needed to order additional calendars

for its retirees. The local union did not receive its complete order until January 23, and thereafter delivered the calendars to the members. Mr. Glasebrook argues that if the union wanted to influence the delegate election, a better time for the mailing would have been closer to March 4, 1996, when the ballots are mailed to the members. Local Union 657 Secretary-Treasurer Frank Perkins argues that if the local union were required to distribute its calendars at a time unrelated to its delegate election, which concludes with the ballot count on March 30, the local would have to wait until the end of March to mail its calendars, an unreasonable date for the distribution of 1996 calendars. They assert that both the president's and secretary-treasurer's names are on the calendar because the calendar allowed space for the names of two officers and they are the principal officers of the local union. Mr. Perkins, the other officer whose name is displayed on the calendar, is not a candidate for delegate.

Regional Coordinator Dolores Hall investigated the protest.

Local Union 657 traditionally sends calendars to its members each year. The 1996 calendars were ordered in September 1995 and received in October 1995. The local union decided to wait until the beginning of the year to mail the calendars in order to defray the costs of the mailing. The local union officers discussed the mailing of calendars with the Regional Coordinator prior to the mailing. After discussion with the Election Officer, the Regional Coordinator advised that on the facts then presented, including the history of sending calendars to the membership on an annual basis, the local union would not violate the *Rules* by distributing the calendars.

When the local union prepared to mail the calendars in January 1996, a secretary who is a longtime employee of the local union advised the officers, who took office in January 1995, that the calendars were traditionally sent to retirees. The local union ordered additional calendars on January 15, 1996, and received them on January 23. On January 24, Mr. Glasebrook took the calendars, along with a cover letter he had prepared, to a mail house. The mail house completed the mailing on February 2, 1996.

Mr. Glasebrook's cover letter is on local union stationery and bears the names of the same two officers displayed on the calendar. It reads:

Dear Brothers and Sisters:

Enclosed please find a "Pocket Pal" calendar. It is a slight break in tradition from the wall calendar but I believe that it will be more useful to members on the job in a portable version. Please use it to record hours of work, contract violations and schedule commitments. We all know that the first step to winning a grievance is getting the dates and facts right, so this should be a handy, as well as profitable tool.

I hope that the holidays were pleasant to all of you and that 1996 treats you right.

Fraternally,  
Rick Glasebrook

President and  
Business Manager

Local Union 657 held its nomination meeting on February 3, 1996. The members received their calendars during the following week.

Article XII, Section 1(b)(1) prohibits campaign contributions from the union. The term "campaign contribution" is broadly defined in the *Rules* to include "any direct or indirect contribution of money or other thing of value where the purpose, object or foreseeable effect of that contribution is to influence, positively or negatively, the election of a candidate. . ." *Rules*, Definitions, 5.

Here, the evidence is convincing that Local Union 657 did not distribute the calendars with the intent or foreseeable effect of influencing the delegate election. Rather, the local union has distributed calendars annually, without regard to an election. The timing of the mailing in January is certainly an appropriate time for mailing annual calendars. The local union has credibly stated reasons why the calendars were not sent out earlier.

The fact that the name of the president appears on the calendar does not convert the calendar into a campaign contribution. The local union's reason for including the names of the president and secretary-treasurer is entirely plausible and is not rebutted by any evidence provided by the protester. The inclusion of the name of the secretary-treasurer on the calendar, who is not a candidate for delegate, indicates that the selection of the names on the calendars was not intended to promote Mr. Glasebrook's candidacy. Indeed, the 1994 Local Union 657 calendar submitted by the protester features the names of the principal officers more prominently than the other executive board members. The cover letter sent with the calendars by the Local Union 657 president describes uses of the calendar entirely unrelated to the delegate election and thus does not support the protester's claim that the mailing was a campaign contribution.

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

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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 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  
Dolores Hall, Regional Coordinator