

March 19, 1996

VIA UPS OVERNIGHT

David C. Books
1846 New Harmony Shilo
Mt. Orab, OH 45154

Hugh Doran
1558 Wittlou Avenue
Cincinnati, OH 45224

Re: Election Office Case No. P-548-LU661-SCE

Gentlemen:

A protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* by David Books, a member of Local Union 661. Mr. Books alleges that a fellow member of Local Union 661, Hugh Doran, campaigned during a local union membership meeting against General President Ron Carey and in support of candidate James P. Hoffa. Mr. Brooks states that, because other candidates received no prior notification that the meeting was available for campaign purposes, Mr. Doran's remarks violated Article VIII, Section 5(a)(3) of the *Rules*. This protest was deferred, pursuant to Article XIV, Section 2(f)(2) for post-election review.

In response, Local Union 661 Secretary-Treasurer James Broughton does not deny that campaigning took place at the union meeting. He states, however, that the local union historically has permitted campaigning in the union hall, and the *Rules* were not violated because of the pre-existing right for any union member to campaign.

This protest was investigated by Regional Coordinator Bruce Boyens.

The Local Union 661 membership meeting was held on February 13, 1996. Mr. Books, who attended the meeting, filed this protest with the Election Officer on February 26.

Article XIV, Section 2(b) of the *Rules* requires a protester to file a pre-election protest "within

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two (2) working days of the day when the protestor becomes aware or reasonably should have become aware of the action protested, or such protest shall be waived.”

Mr. Books’ protest was filed nearly two weeks after he became aware of the alleged *Rules* violation. Therefore, Mr. Books’ protest is untimely.

Based upon the foregoing, 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
Bruce Boyens, Regional Coordinator