

June 26, 1996

VIA UPS OVERNIGHT

Robert Kirkpatrick
9352 Candlelight Street
Apple Valley, CA 92308

Jack D. Cox, Secretary-Treasurer
Teamsters Local Union 572
450 Carson Plaza Drive
Carson, CA 90746

Larry J. Braga
1431 Megan Way
Modesto, CA 95355

Bob Blanchet, Trustee
Teamsters Local Union 287
1452 N. 4th Street
San Jose, CA 95112

Re: Election Office Case Nos. P-801-IBT-CLA, P-802-IBT-CLA

Gentlemen:

Pre-election protests were filed pursuant to Article XIV, Section 2(b) of the *Rules for the IBT International Union Delegate and Officer Election ("Rules")* by Local Union 70 member Robert Kirkpatrick (P-801-IBT-CLA) and Local Union 439 member Larry J. Braga (P-802-IBT-CLA). Both protesters allege that Local Union 287 Trustee Robert Blanchet violated the *Rules* by campaigning on May 31, 1996, while on union time. Mr. Kirkpatrick contends that Mr. Blanchet was working at the time as an organizer for Local Union 572. Mr. Braga contends that Mr. Blanchet was working at the time for the IBT to assist Local Union 572's organizing. Mr. Kirkpatrick also lodges his protest against Local Union 572 Secretary-Treasurer Jack Cox for "using the cover of organizing to pay" Mr. Blanchet for campaigning, resulting in an improper expenditure of local union funds. The Election Officer consolidated these protests for consideration.

Mr. Blanchet denies being an employee of Local Union 572 or the IBT on May 31. He states that on that date he was working for the re-election campaign of Ron Carey.

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This protest was investigated by Regional Coordinator Dolly M. Gee.

These two protests were prompted by an article in the May 1996 issue of Joint Council 92's newsletter entitled, "Local 572 Launches Organizing Drive At Los Angeles Unified School District." A picture captioned "Staff and workers at the press conference," includes Mr. Blanchet. Messrs. Kirkpatrick and Braga saw the picture and concluded that Mr. Braga was employed by the local union or the IBT when he campaigned on May 31. The article states that the organizing campaign began in April 1995 and that the ballots will be mailed on May 24, 1996.

Investigation revealed that the Organizing Department of the IBT employed Mr. Blanchet as a temporary staff member on the Los Angeles Unified School District organizing effort from May 6 through May 24. On May 27 or May 28, the Carey Campaign hired Mr. Blanchet as the northern California director for a petition drive. The Election Officer finds that Mr. Blanchet was working for the Carey Campaign on May 31. Therefore, his campaigning was not on union time and did not involve an expenditure of union funds. The Election Officer further finds that Mr. Cox committed no violation.

For the foregoing reasons, 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

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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
Dolly M. Gee, Regional Coordinator