

July 11, 1996

VIA UPS OVERNIGHT

James P. Hoffa
2593 Hounds Chase
Troy, MI 48098

Ron Carey, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Richard Brook
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

John Sullivan, Associate General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond
Ferrara & Feldman, P.C.
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

Re: Election Office Case No. P-838-IBT-MGN

Gentlemen:

James P. Hoffa, a candidate for general president, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* against the IBT. Citing the Campaign Contribution and Expenditure Report filed by the campaign of Ron Carey, the protester alleges that the IBT has made an improper contribution to the campaign of Ron Carey because the law firm of Cohen, Weiss & Simon is listed on the report as having made a contribution of "in-kind" legal services to the Carey campaign. The protester contends that the law firm also represents and has represented the IBT. The protester contends that two presumptions are created by the provision of legal services to the campaign. The protester claims, first, that the contribution creates a "presumption that there is or will be a 'quid pro quo' whereby the IBT will reimburse the firm for the firm's contribution to Carey's campaign." Second, the protester contends that the contribution creates "the presumption that the work product developed at IBT expense has been provided to the Carey campaign."

The law firm of Cohen, Weiss & Simon denies that it has any agreement with the IBT as alleged by the protester.

Regional Coordinator William A. Wertheimer, Jr. investigated the protest.

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Article XII, Section 1(b)(1) of the *Rules* prohibits the International union from making a campaign contribution to the campaign of a candidate for International office. The *Rules* define a "campaign contribution" 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 the election of a candidate." *Rules*, Definitions, 5. As stated in the Election Officer's *Advisory on Campaign Contributions and Disclosure*, such contributions can include any goods, compensated services or any material things of value.

There is no evidence that the IBT has agreed to reimburse the law firm of Cohen, Weiss & Simon for its contribution to the Carey campaign by giving the firm business. There is no evidence that any work-product developed at the expense of the IBT has been provided to the Carey campaign. The protester bears the initial burden of proof to offer evidence substantiating his allegations. In re: Chentnik, 95 - Elec. App. - 52 (KC) (January 10, 1995).

The protester here has presented no evidence of a campaign contribution by the union.

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 & 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
William A. Wertheimer, Jr., Regional Coordinator