

October 14, 1998

**VIA FIRST CLASS MAIL**

Terry Richardson  
10 Cherrywood Court  
St. Peters, MO 63376

Jim Kabell  
Secretary Treasurer  
Teamster's Local Union 245  
1850 E. Division  
Springfield, MO 65803

Paul Alan Levy, Esq.  
Public Citizen Litigation  
Group  
1600 20<sup>th</sup> Street, NW  
Washington, DC 20009

**Re: Election Office Case No. PR-304-LU688-EOH**

Gentlemen:

Terry Richardson, a member of Local Union 688, 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***") alleging that a complete list of candidates on the Hoffa Unity Slate was posted on a union bulletin board at the UPS facility in Springfield, Missouri, in violation of the ***Rules***.

This protest was investigated by Election Office Staff Attorney Kathryn A. Naylor.

The investigation revealed that the posting in question was the Notice of Nominations and Procedure for Supplemental Nominations provided by the Election Office to all local union for posting on all union bulletin boards in June 1998.<sup>1</sup> Fred Potts, vice-president of Local Union 245 and the business agent assigned to the UPS facility in Springfield, stated that he removed the Notice during the week of September 28, 1998, when he was notified of the protest. Mr. Potts claims that it was an oversight that the Notice was not removed earlier. Mr. Potts stated that UPS does not allow the posting of campaign material on its bulletin boards at this facility.

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<sup>1</sup>In mid-August 1998, a TITAN message was sent to all local unions advising them to remove the Notice.

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Since the posting was an official Notice issued by the Election Office, the Election Officer does not find a violation of the **Rules**.

Accordingly, this protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one (1) 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, 444 North Capitol Street, NW, Suite 445, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Michael G. Cherkasky  
Election Officer

cc: Kenneth Conboy, Election Appeals Master