

November 10, 1998

VIA FIRST CLASS MAIL

Joseph Allen
1852 S. Allport Apt. 3
Chicago, IL 60608

Dane Passo
6811 West Roosevelt Road
Berwyn, IL 60402

Andre Williams
1422 S. 16th Avenue
Maywood, IL 60153

Tom Leedham Campaign Office
P.O. Box 15877
Washington, DC 20003

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Teamsters Local Union 705
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Hoffa Slate
c/o Patrick J. Szymanski, Esq.
Baptiste & Wilder
1150 Connecticut Avenue, NW
Washington, DC 20036

C. Thomas Keegel
2433 Wight Bay
Brooklyn Park, MN 55443

Re: Election Office Case No. PR-317-LU705-NCE

Gentlemen:

Joseph Allen, a member of Local Union 705, 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 Dane Passo, a member of Local Union 705 and a Hoffa campaign coordinator in Chicago, Andre Williams, a member of Local Union 705 and Hoffa coordinator for an

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United Parcel Service (“UPS”) hub in Chicago and UPS. Mr. Allen alleges that Mr. Williams, while on work time, took UPS Division Manager Steve Brandt outside the UPS facility to meet Tom Keegel, the candidate for general secretary-treasurer on the Hoffa Unity Slate and Mr. Passo.

Mr. Williams responds that he was not campaigning. He states that he and Mr. Brandt went out to tell the Hoffa campaign people to stop distributing bumper stickers because UPS employees have been placing the bumper stickers on UPS property.

This protest was investigated by Regional Coordinator Judith E. Kuhn and Director of Campaign Finance Leslie Deak.

The protester is an employee at UPS in Chicago. He stated that while entering the UPS building on September 28, 1998, he observed Mr. Brandt in front of the facility talking to Mr. Williams, Mr. Passo and Mr. Keegel. The protester is sure that Mr. Williams was on work time. The protester stated that as he walked by, Mr. Passo asked him who he was voting for, and commented, “We’re going to take over this local.” The protester did not provide any evidence of a conversation between Messrs. Brandt and Williams and the campaigners. The protester provided another witness who he stated viewed the entire incident from his work station. This witness, however, denied having seen the incident.

Mr. Williams stated that, as the Hoffa coordinator at the UPS hub, he is held responsible whenever anyone places a Hoffa bumper sticker on UPS property. He stated that the week before this incident, he had gotten into trouble with UPS when Hoffa bumper stickers were posted inside the facility. On September 28, Mr. Williams stated he saw UPS employees bringing Hoffa bumper stickers into the facility and was afraid they would be posted inside the facility. Therefore, he decided to go outside to ask the campaigners not to distribute the bumper stickers to employees coming into the facility. On his way out the door, Mr. Williams stated he encountered Mr. Brandt, who stated to Mr. Williams, “I do not want stickers in the building,” and thereafter a short heated discussion ensued. Mr. Williams told Mr. Brandt that he was going outside to tell the campaigners not to give bumper stickers to the employees entering the facility, and thereafter Mr. Brandt accompanied Mr. Williams to deliver this statement to Messrs. Passo and Keegel. Mr. Williams stated that they were outside for about 30 seconds to communicate this message.

The protester has not presented evidence of campaigning by Mr. Williams or UPS. Mr. Passo is permitted to campaign in the employee parking lot and so long as no remark is made in retaliation or otherwise in violation of the *Rules*, his actions do not violate the *Rules*.

Accordingly, the protest is DENIED.

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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
Judith E. Kuhn, Regional Coordinator