

December 1, 1998

VIA FIRST CLASS MAIL

Matt Latzo
9608 Hastings Drive
Columbia, MD 21046

Denis J. Taylor, President
Teamsters Local Union 355
1030 S. Dukeland Street
Baltimore, MD 21223

Keith Biddle, Rec. Sec.
Teamsters Local Union 355
1030 S. Dukeland Street
Baltimore, MD 21223

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Arthur Z. Schwartz, Esq.
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James P. Hoffa
2593 Hounds Chase
Troy, MI 48098

Hoffa Slate
c/o Patrick J. Szymanski, Esq.
Baptiste & Wilder
1150 Connecticut Avenue, NW
Suite 500
Washington, DC 20036

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

Re: Election Office Case No. PR-410-LU355-EOH

Gentlemen:

Matt Latzo, a member of Local Union 355, 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***"). The protester alleges that on November 1, 1998, Keith Biddle, the recording secretary for Local Union 355, distributed campaign literature in support of the Hoffa Campaign inside the local union hall during a general membership meeting and also on November 15, 1998, during a contract ratification meeting for Airborne Express members. The protester alleges that during a special meeting for Signature Flight Support employees that was held after the general membership meeting on November 1, 1998, Mr. Biddle told the group that they had to vote for Mr. Hoffa. The protester also claims that during a joint council meeting on November 5, 1998, Denis Taylor, the president of Local Union 355, distributed Hoffa campaign literature to the other officers at the meeting.

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According to the protester, while he attended the general membership meeting at the local union hall on November 1, 1998, he saw Mr. Biddle distribute Hoffa Campaign literature. The protester admits that he was not present at the subsequent meeting for Signature Flight Support members or the joint council meeting on November 5, 1998. The protester states that he distributed campaign literature for the Leedham campaign on November 15, 1998, outside the local union hall but admits that he did not attend the Airborne contract ratification meeting.

Mr. Biddle and Mr. Taylor deny that any campaign literature was distributed inside the hall during any of the union meetings at issue or that Mr. Biddle told Signature Flight Support members that they had to vote for Mr. Hoffa during the meeting for these members on November 1, 1998. Both Messrs. Biddle and Taylor state that Mr. Biddle only distributed campaign literature outside the hall before the general membership meeting on November 1, 1998.

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

The Election Officer has consistently denied protests when the protester offers no evidence to corroborate and support allegations. Hoffa, PR-081-IBT-NCE (May 13, 1998). The protester bears the burden of proof to present evidence that a violation has occurred. **Rules**, Article XIV, Section 1.

The Election Officer has not received any evidence that supports the protester's allegations. The investigator randomly selected and spoke with five of the eighty five members who attended the contract ratification meeting on November 15, 1998. All five stated that Mr. Biddle did not distribute any campaign literature during the meeting. The investigator also spoke with one of the ten members who attended the meeting for Signature Flight Support members who stated that there was no mention of Mr. Hoffa by anyone during the meeting. The protester did not provide the names of any witnesses who would corroborate his allegations.

Based on 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 (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

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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