FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4081

DATE FILMED 3-7-95 CAMERA NO. 2

CAMERAMAN JM #

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ELECTRO PAC-323

RECEIVED
FEDERAL ELECTION
COMMISSION
REPORTS ANALYSIS
DIVISION

SEP 9 10 05 AM '94

July 27, ~~1992~~
1993

Gerald M. Counihan, Trustee
Local Union 323, IBEW
927 Belvedere Road
West Palm Beach, FL 33405

Dear Sir and Brother:

This letter is being written in the spirit of cooperation and to avoid any violation of Federal Election Laws. ElectroPAC 323 is not part of the Local Union 323 and the funds have never been commingled. The International Union has no authority in the IBEW Constitution to interfere, confiscate, nor spend any monies from the ElectroPAC 323 funds.

The National Labor Relations Act, Taft-Hartley Act, Landrum-Griffin Act, nor any other labor laws of the United States govern a political checkoff fund, nor do any of these laws authorize an International Union to confiscate such funds.

The Federal Election Campaign Act governs the Separate Segregated Funds/Political Action Committees and no where under that act does a parent organization have the authority to take control of such funds. The Florida Elections Commission also governs Political Action Committees and that law doesn't allow a parent organization to confiscate nor direct where such PAC Funds are to be spent. Any interference by the International with ElectroPAC 323 would violate Federal and State Election laws.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely and fraternally,

George L. Hudspeth, Jr.

George L. Hudspeth, Jr.
Secretary-Treasurer
ElectroPAC 323

GLH/db
opeiu #128

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RECEIVED
FEDERAL ELECTION
COMMISSION
REPORTS ANALYSIS
DIVISION

SEP 9 10 05 AM '94

Mrs Helen L. Fox
Administrative Assistant
Florida Election Commission
Room 2002, The Capitol
Tallahassee, Florida 32399

Sept. 8, 1994

Dear Mrs. Fox:

I no longer have the documents for Electropac 323, they were confiscated by the International.

John F. Ranken, Jim Weldon of 201 S. E. 24th Street, Fort Lauderdale, Fl.33316-3995, with the help of Gerald Counihan and Jack Barry of 1125 15th Street N.W. Washington D.C. 20005, embezzled over $40,000 of Electropac 323 funds, from Sun Bank located in West Palm Beach, Fl.

Electropac Bylaws required the all assets would go to a charity, when the fund was closed. These funds have been illegality obtained by the above individuals and are being used in violation of Federal and State Election laws.

This matter has been reported to the Office of the State Attorney Fifteenth Judicial Circuit. A Mrs. Melanie Hines of the State Wide Attorney Office in Tallahassee, Fl. has also been notified of the Bank Fraud Committed by the above named individuals.

Sincerely yours:

George L. Hudspeth, Jr.

George L. Hudspeth, Jr.

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RECEIVED
FEDERAL ELECTION
COMMISSION
REPORTS ANALYSIS
DIVISION

Sep 9 10 05 AM '94

FLORIDA ELECTIONS COMMISSION

Room 2002, The Capitol
Tallahassee, Florida 32399-0250
(904) 922-4539

Certified Mail
#P 348 065 282

August 30, 1994

Mr. George L. Hudspeth, Jr.,

Electropac 323 IBEW
927 Belvedere Rd.,
West Palm Beach, FL 33405

Dear Mr. Hudspeth:

The Florida Elections Commission has been notified by your filing officer that you have failed to file your campaign treasurer's report due on July 11, 1994.

Section 106.07(1), Florida Statutes, requires the treasurer of a candidate or political committee to file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose a civil penalty of up to $1000 for willfully failing to file a campaign treasurer's report.

You have failed to file a campaign treasurer's report, and you have now been notified of that failure. Therefore, if you do not file your late report with your filing officer within 10 days of receipt of this letter, the Division of Elections will file a complaint against you and will bring the case before the Florida Elections Commission requesting that a $1000 fine be imposed against you.

We urge your immediate attention to this matter.

Sincerely,

Helen L. Fox

Helen L. Fox
Administrative Assistant

15043631197

ROBERT T. BOXOLD
Chief Investigator
Office Of The State Attorney
Fifteenth Judicial Circuit

401 North Dixie Highway
West Palm Beach, Florida 33401

Telephone
(407) 355-7100

1504363 1198

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1994

George L. Hudspeth
Electropac 323
8065 112th Ter.
Lake Park, FL 33412

Dear Mr. Hudspeth:

This is to acknowledge receipt on September 9, 1994, of your letter dated September 8, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this _____ day of _____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

'5043631199

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: IBEW

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RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
SEP 21 9 06 AM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 21 9 53 AM '94

Office of General Council
FEC
999 E. Street N. W.
Washington, D. C.

Sept. 10, 1994

Attention General Council:

It needs to be brought to the attention of the FEC that Electro PAC 323 funds have been embezzled from Sun Bank in West Palm Beach, Fl. by John F. Ranken, Jim Weldon of 201 S.E. 24th Street, Fort Lauderdale, Fl. 33316-3995, with the help of Gerald Counihan and Jack Barry of 1125 15th Street N.W. Washington D.C. 20005. The amount taken was over $40,000 and in violation of many Federal Election Laws as well as Bank Fraud committed to obtain the funds.

I will indicate just a few FEC laws violated by the above named individuals: Section 102.3 a (1) (2)(b) which is the Termination of Registration of a PAC fund. The books and funds confiscated against Electro PAC 323 officers wishes and in violation of Electro PAC 323 by laws.

Section 102.7 Organization of a Political Committee was violated by money being stolen and transferred to another PAC fund without the treasurer authorization. (B)(A) and (C).

Section 110.2 6D The contribution to Electro PAC 728 exceed the $5000 cap thus once again violating federal laws.

Section 110.9 B(1)(2) Fraudulent misrepresentation was committed by the above mentioned individuals by their disregard of the Federal Laws after being warned as early as July 27, 1993 that it was illegal to take such funds.

Section 116.7a ,d,e, 5,6,7, have all been violated by not properly terminating the Committee.

102.6 Funds being diverted to Electro PAC 728 from Electro PAC 323 without new voluntary contribution cards being signed.

113.2 Use of Excess Campaign Funds
Bylaws call for excess funds at the close of Electro PAC 323 to be donated to a not-for-profit charitable organization. In accordance with Title 26, of United States code section 170 (C).

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Section 104.8 Uniform Reporting of Receipts (a)(b)(c)(d), (2) iA,B,C,i,i Members of Electro PAC 323 signed voluntary contribution cards for Electro PAC 323, their funds are being diverted to Electro PAC 728 with illegal reporting of these funds to the Federal Election Commission.

Section 104.9(a)(b) as well as 104.3 and 104.5 have also been violated.

104.1(a) and 104.2 Treasurer must report and 104.10(1),(2),(3),(4) Record keeping Treasurer's responsibility: has been illegally confiscated by Jim Weldon, John Ranken, Gerald Counihan and Jack Barry which makes it impossible for the Treasurer of Electro PAC 323 to carry out his responsibility. These individuals have conspired to make the reporting of Electro PAC 728 records inaccurate to deceive the FEC.

This is in no way all the Federal Election Laws violated by the above named indivuals just a thumb nail sketch. I have cited to the General Council only a few examples, it remains with them to determine all the laws violated in this alleged theft.

Electro PAC 323 funds as well as records should be returned to the rightful owners, with a thorough investigation into the Federal Laws violated which also include **Federal Banking Laws** and **Mail Fraud.**

George L. Hudspeth

George L Hudspeth, Jr.

Sectary Treasurer
Electro PAC 323

Date: 9-15-90

Notary Public: Teresa R Francis
Commission Expires:
Commission #132506

9504363120 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEPTEMBER 28, 1994

George Hudspeth
8065 112th Terrace N
Lake Park, FL 33412

Dear Mr. Hudspeth:

This is to acknowledge receipt on September 21, 1994, of your letter dated September 10, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this _____ day of _____, 19__." A statement by the notary that the complaint was sworn to and subscribed before her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

15043631203

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon

By EO Retha Dixon
Docket Chief

Enclosure

cc: John Ranken
Jim Weldon
Gerald Counihan

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RECEIV
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COMMIS
OFFICE OF
2009
Oct 12 9

Office of General Council
FEC
999 E. Street N. W.
Washington, D. C.

MUR 4081

Oct. 6, 1994

Attention General Council: Ms Retha Dixon

It needs to be brought to the attention of the FEC that Electro PAC 323 funds have been embezzled from Sun Bank in West Palm Beach, Fl. by John F. Ranken, Jim Weldon of 201 S.E. 24th Street, Fort Lauderdale, Fl. 33316-3995, with the help of Gerald Counihan and Jack Barry of 1125 15th Street N.W. Washington D.C. 20005. The amount taken was over $40,000 and in violation of many Federal Election Laws as well as Bank Fraud committed to obtain the funds.

I will indicate just a few FEC laws violated by the above named individuals: Section 102.3 a (1) (2)(b) which is the Termination of Registration of a PAC fund. The books and funds confiscated against Electro PAC 323 officers wishes and in violation of Electro PAC 323 by laws.

Section 102.7 Organization of a Political Committee was violated by money being stolen and transferred to another PAC fund without the treasurer authorization. (B)(A) and (C).

Section 110.2 6D The contribution to Electro PAC 728 exceed the $5000 cap thus once again violating federal laws.

Section 110.9 B(1)(2) Fraudulent misrepresentation was committed by the above mentioned individuals by their disregard of the Federal Laws after being warned as early as July 27, 1993 that it was illegal to take such funds.

Section 116.7a ,d,e, 5,6,7, have all been violated by not properly terminating the Committee.

102.6 Funds being diverted to Electro PAC 728 from Electro PAC 323 without new voluntary contribution cards being signed. As of this date the violation continues to occur.

113.2 Use of Excess Campaign Funds
Bylaws call for excess funds at the close of Electro PAC 323 to be donated to a not-for-profit charitable organization. In accordance with Title 26, of United States code section 170 (C).

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Section 104.8 Uniform Reporting of Receipts (a)(b)(c)(d), (2) iA,B,C,i,i Members of Electro PAC 323 signed voluntary contribution cards for Electro PAC 323, their funds are being diverted to Electro PAC 728 with illegal reporting of these funds to the Federal Election Commission.

Section 104.9(a)(b) as well as 104.3 and 104.5 have also been violated.

104.1(a) and 104.2 Treasurer must report and 104.10(1),(2),(3),(4) Record keeping Treasurer's responsibility: has been illegally confiscated by Jim Weldon, John Ranken, Gerald Counihan and Jack Barry which makes it impossible for the Treasurer of Electro PAC 323 to carry out his responsibility. These individuals have conspired to make the reporting of Electro PAC 728 records inaccurate to deceive the FEC.

This is in no way all the Federal Election Laws violated by the above named indivuals just a thumb nail sketch. I have cited to the General Council only a few examples, it remains with them to determine all the laws violated in this alleged theft.

Electro PAC 323 funds as well as records should be returned to the rightful owners, with a thorough investigation into the Federal Laws violated which also include **Federal Banking Laws** and **Mail Fraud. This letter should be forward to the other Federal Agency that have jurisdiction over Mail Fraud and Federal Banking Laws by the Office of General Council of the FEC.**

George L. Hudspeth

George L. Hudspeth, Jr.

Sectary/Treasurer
Electro-PAC 323

Subscribed and sworn to before me on this 6th day of October, 1994.

Teresa B Ciancio
Notary Public
Commission #132566
Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG. 1,1995
BONDED THRU GENERAL INS. UND.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1994

George L. Hudspeth
Secretary-Treasurer Electro-PAC 323
8065 112th Terrace N
Lake Park, FL 33412

RE: MUR 4081

Dear Mr. Hudspeth:

This letter acknowledges receipt on October 12, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4081. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 18, 1994

Mr. John F. Ranken
201 SE 24th St.
Ft. Lauderdale, FL 33316

RE: MUR 4081

Dear Mr. Ranken:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4081. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

'50436312209

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1994

John F. Ranken, Treasurer
International Brotherhood of
Electrical Workers Local 728
"Electro PAC 728"
201 SE 24th St.
Ft. Lauderdale, FL 33316

RE: MUR 4081

Dear Mr. Ranken:

The Federal Election Commission received a complaint which indicates that Electro PAC 728 and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4081. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Electro PAC 728 and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

'5043631210

If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

'5043631211

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1994

Mr. Jim Weldon
201 SE 24th St.
Ft. Lauderdale, FL 33316

RE: MUR 4081

Dear Mr. Weldon:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4081. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2504363121 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1994

Mr. Gerald Counihan
1125 15th St. NW
Washington D.C. 20005

RE: MUR 4081

Dear Mr. Counihan:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4081. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

95043631214

If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

5043631215

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1994

Mr. Jack Berry
1125 15th St. NW
Washington D.C. 20005

RE: MUR 4081

Dear Mr. Berry:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4081. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 3 10 59 AM '94

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & YELLIG, P.C.
1125 FIFTEENTH STREET, N.W.
SUITE 801
WASHINGTON, D.C. 20005

LAURENCE J. COHEN
ELIHU I. LEIFER
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK
VICTORIA L. BOR
NORA H. LEYLAND
MICHAEL J. HAYES
MARTIN J. CRANE
STEPHEN COYE

LOUIS SHERMAN (RET.)
THOMAS X. DUNN
(1911-1991)

AREA CODE 202
785-9300
TELECOPIER
(202) 775-1950

November 2, 1994

Mary L. Taksar, Esq.
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4081

Dear Ms. Taksar:

Respondents J. J. Barry, International President of the International Brotherhood of Electrical Workers ("IBEW") and Gerald M. Counihan, an International Representative of the IBEW, have referred to me your letters dated October 18, 1994. Enclosed are their signed Statements of Designation of Counsel.

In his complaint dated October 6, 1994, George L. Hudspeth, Jr. alleges, among other things, that "ElectroPac 323 funds have been embezzled from Sun Bank in West Palm Beach, Fl. by John F. Ranken, Jim Weldon of 201 S.E. 24th Street, Fort Lauderdale, Fl. 33316-3995, with the help of Gerald Counihan and Jack Barry of 1125 Fifteenth Street, N.W., Washington, D.C. 20005."

We submit that no funds have been embezzled from ElectroPac 323 (hereinafter, the "Committee"). Mr. Hudspeth, the complainant, is simply angry that the International President, acting in accordance with the IBEW Constitution and Federal Labor statutes, and for legitimate reasons, has merged his local union, IBEW Local 323, into two other IBEW locals in Florida (Locals 728 and 359), and has transferred the members of IBEW Local 323 to those two local unions. As a result of this merger, Mr. Hudspeth has lost his position as business manager of Local 323. It is my understanding that, following the merger, and to reflect the new situation resulting from the merger, the bank account of "ElectroPac 323" was changed to a new "ElectroPac 728" account.

The merger of local unions at the direction of the International President is not a rare occurrence within the IBEW. Enclosed is an excerpt from the IBEW Constitution that authorizes the International President to take such action. The Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §401 et

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seq., which governs internal union matters, to the extent that such matters are regulated at all, permits such mergers.

Also enclosed is a copy of the International President's Decision and Order dated March 31, 1994, in which he took the actions referred to above. You will note that his Decision and Order do not refer specifically to the ElectroPac 323. However, the IBEW is of the view that inasmuch as the contributing membership has been transferred to Local 728, that Local Union is now the organization that is authorized to designate the individuals who will serve as the Committee's officers, and, in this capacity, operate the Committee in accordance with the requirements of the Federal Election Campaign Act of 1971, as amended.

The bylaws of ElectroPac 323, a copy of which is enclosed, provide that the purpose and intent of this Committee is:

(A) To promote candidates for office, and issues on the ballot, that will safeguard and promote the principles of free collective bargaining.

(B) To also elect and support candidates who will initiate legislation which is beneficial to organized labor.

(C) To encourage and assist members to register and vote in all elections.

(D) To organize and provide voluntary campaign workers for candidates and issues.

(E) To help defray the cost of any lobbying.

The bylaws also provide that the officers of the Committee "shall be appointed by the President of IBEW Local Union 323" and that "the President and Business Manager shall be members of the PAC." The bylaws further state that "Funding for the PAC will be obtained by means of a voluntary checkoff, known as the Political Action Fund (PAF) provided for in Local Union 323 working agreement."

The existence of Local 323 ended with its merger into IBEW Local 728 and 359. The "Local Union 323 working agreement", referred to in the ElectroPac 323 bylaws, is a collective bargaining agreement with construction employers covering construction work in West Palm Beach and adjacent areas in Florida. Effective April 1, 1994, all construction members of Local 323 were transferred to Local 728. (The Local 323 members that were

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transferred to Local 359 are all employed by a municipal utility in Florida and are not covered by the "Local 323 working agreement.") Thus, funding for the PAC was pursuant to an employer checkoff authorized by individuals who are now members of Local 728.

With the termination of the existence of Local 323, Local 323's officers lost their positions. There is no longer either a president or a business manager of Local 323. On the other hand, Local 728's officers remain the officers of that local which now includes all the construction members of former Local 323. Similarly, the bylaws of Local 728 have been amended by direction of the International President, to reflect the fact that Local 728's geographic jurisdiction now encompasses Palm Beach County and all the other territory that previously fell within the jurisdiction of Local 323.

It is my understanding that prior to the merger, Local 728, IBEW had its own PAC entitled ElectroPac 728. That PAC is funded by employee contributions that are checked off pursuant to the terms of Local 728's collective bargaining agreement.

In addition to the merger and membership transfer that took effect April 1, 1994, an earlier action by the International Union should be noted here. As described in the enclosed Decision and Order of March 31, 1994, the International assumed a trusteeship over Local 323 on June 1, 1993. That action was taken in accordance with the IBEW Constitution (pertinent extract enclosed) and is an authorized action recognized in Title III of the Labor-Management Reporting Disclosure Act of 1959, 29 U.S.C. §461 et seq. Consistent with normal practice within the IBEW, when the trusteeship was established, an International Representative was designated to serve as the local union trustee and to operate the local union on behalf of its members. On November 30, 1993, the trustee, International Representative Gerald M. Counihan, wrote to the Sun Bank, the custodian of ElectroPac 323's account, to advise it regarding the existence of the trusteeship and the authority of the International President to prevent withdrawals where in his judgment such action is necessary to protect the Local Union and its members. This letter was written to insure that no unauthorized withdrawals of funds from ElectroPac 323 were made by disenchanted Local 323 officers or members. The letter is enclosed.

On April 4, 1994, following the merger, letters were sent to Sun Bank by International Representative Counihan and one of the fund's pre-existing trustees. The letters informed the bank that the signatories to ElectroPac 323's account would be replaced by two new individuals, James A. Weldon and John F. Ranken, the

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business manager and president, respectively, of Local 728. These letters are enclosed.

You should be aware that the Sun Bank was issued a subpoena by the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida (Criminal Division) at the request of the Florida State Attorney. I believe this subpoena resulted from a complaint by Mr. Hudspeth. Enclosed is a copy of the subpoena as it was sent, for information purposes, to the International Office on July 25, 1994. To the best of my knowledge, no subpoena or any other correspondence was directed to the International relating to this investigation, and I do not know the status of the investigation.

Please contact me after you have had the opportunity to review this letter. I am available to meet with you at our mutual convenience.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & YELLIG, P.C.

By: Elihu I. Leifer
Elihu I. Leifer

Counsel for IBEW, J. J. Barry and Gerald M. Counihan

EIL:jr
Enclosures

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STATEMENT OF DESIGNATION OF COUNSEL

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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MUR 4081

NAME OF COUNSEL: Elihu I. Leifer
Sherman, Dunn, Cohen, Leifer & Yellig

ADDRESS: 1125 - 15th Street, N.W., Suite 801
Washington, D.C. 20005

TELEPHONE: (202) 785-9300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

November 3, 1994
Date

J J Barry
Signature

RESPONDENT'S NAME: J. J. Barry

ADDRESS: 1125 - 15th Street, N.W.
Washington, D.C. 20005

HOME PHONE:

BUSINESS PHONE: (202) 728-6010

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4081

NAME OF COUNSEL: Elihu I. Leifer
Sherman, Dunn, Cohen, Leifer & Yellig

ADDRESS: 1125 - 15th Street, N.W., Suite 801
Washington, D.C. 20005

TELEPHONE: (202) 785-9300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-29-94
Date

Gerald M. Counihan
Signature

RESPONDENT'S NAME: Gerald M. Counihan

ADDRESS: 310 Penrose Drive, West
Whitemarsh, GA 31410

HOME PHONE:

BUSINESS PHONE: (205) 871-6847

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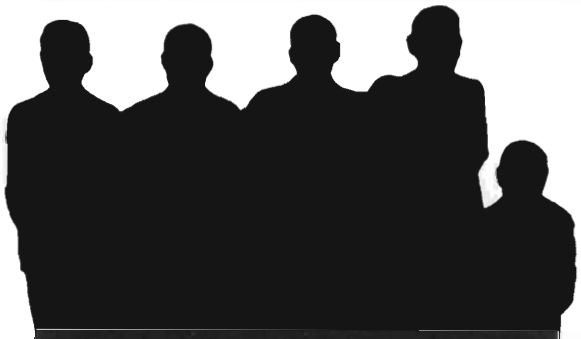
International Brotherhood of Electrical Workers



Constitution

And Rules for Local Unions and Councils Under Its Jurisdiction

As Amended at the 34th IBEW Convention
St. Louis, MO – October, 1991

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for the maintenance of such records and the filing of such reports, by candidates and their supporters, as may be necessary for the administration and enforcement of this section.

ARTICLE IV

Sec. 1. The I.P. shall give a bond of $100,000 to the I.E.C. for the faithful performance of his duties. Should the amount in his hands at any time exceed the bond, he and the I.E.C. shall have the bond increased accordingly. He shall preside at all sessions of the I.C. When unable to preside he shall select someone else to do so. He shall perform such other duties as are outlined in this Constitution and are necessary to protect and advance the I.B.E.W.

Sec. 2. The I.P. shall see that all other officers perform their duties. In case of non-performance of duties or disability or incompetence of any I.V.P. or the I.S. or I.T., the I.P. has power to remove such officer, with such removed officer having the right of appeal to the I.E.C.

He shall fill all vacancies, including those on the I.E.C., by appointment. Such appointments must be approved by the I.E.C.

Sec. 3. The I.P. is empowered as follows:

(1) To call a meeting of the I.E.C. whenever in his judgment such a meeting is necessary.

(2) To decide all questions of law, dispute or questions in controversy however arising, all his decisions being subject to appeal, including policy decisions, first to the I.E.C. and then the I.C. (Notice in writing of appeal from any decision of the I.P. must be filed with the I.S. and I.P. within thirty (30) days from date of such decision.)

(3) To establish such departments in the organization or in the I.O., as in his judgment are necessary to protect or advance the interests, or to meet the needs of the I.B.E.W.

(4) To employ International Representatives who shall be reimbursed for actual expenses while away from home, and to employ such assistants as, in his judgment, are necessary to carry on the work of the organization, and to decide the compensation to be paid, except as provided elsewhere in this Constitution.

He shall appoint a Government employees' representative on a full-time basis.

All representatives and assistants shall work under direction of the I.P. and he has power to discharge them.

(5) To employ an attorney or attorneys to act as counsel and give any other legal assistance as he deems necessary.

(6) To authorize in writing any I.V.P. to audit the books and records of any L.U. in his district or to engage an accountant for the purpose, whenever he deems such action necessary for the protection of the L.U. and its members.

(7) To prefer charges through the I.E.C. against any member who, in his judgment, is violating the Constitution or working against the welfare of the I.B.E.W. Any member against whom charges are preferred shall be so

notified by the I.P. in writing, and said member shall have the right to appear before the I.E.C. in his own defense.

(8) Either to suspend or revoke the charter of any L.U., or have the I.S. reject the per capita tax from any L.U. that fails or refuses to observe the laws and rules of the I.B.E.W.

(9) [redacted] in his judgment such is necessary to protect or advance the interests of its members and the I.B.E.W., but for a period not to exceed six (6) months. If the I.P. or his representative cannot or has not adjusted the affairs of the L.U. involved at the end of this period, then he shall refer the entire case to the I.E.C. which shall render a decision at its next regular meeting. The I.P. may suspend any local officer or member who offers interference in such cases.

(10) To remove or suspend any L.U. officer, representative, appointee or agent, or any officer, general chairman or representative of Railroad System or Regional Councils, for incompetence, or for nonperformance of duties, or for failure to carry out the provisions of this Constitution and the rules herein, or the bylaws and agreements of the L.U. or Railroad Council, or for putting into effect or allowing to be put into effect any practice, rule, agreement, bylaw or policy not having approval of the I.P., or for failure to observe or carry out instructions or decisions of the I.P. When the I.P. suspends or removes any officer, general chairman or representative of Railroad System or Regional Councils, then he can fill any such office or position by appointment of others.

(11) To appoint, if he so decides, a referee who may or may not be a member, to take testimony and report to him.

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Any member who remains in or reenters military service, without being required to do so, shall not be entitled to retain the Military Service Card nor shall such member be issued a new one in such circumstances.

During the period that any member holds a valid Military Service Card, such member shall not be required to pay dues or per capita tax, but shall retain all membership privileges, including, but not limited to, eligibility to be a candidate for L.U. office or for International Convention delegate. In addition, all "A" members holding a valid Military Service Card shall maintain their continuous good standing and entitlement to all "A" members' benefits provided by the Pension Benefit Fund.

When a L.U. provides local benefits, it shall decide whether any member issued a Military Service Card shall continue to be covered by such benefits. However, the I.B.E.W. shall in no manner be held responsible regarding the payment or nonpayment of local benefits.

ARTICLE XIV — LOCAL UNION CHARTERS

Sec. 1. A L.U. may be organized by not less than ten (10) electrical workers or employees coming under the I.B.E.W.'s jurisdiction. The I.S. shall grant a charter when authorized by the I.P.

Sec. 2. The type of work and the territory or jurisdiction covered by a charter must be defined in approved local union bylaws. The I.P. has the right and power to divide or change the territory or jurisdiction covered by any L.U., or to take charge of and direct certain jobs or

projects in or passing through any territory, when in the judgment of the I.P. such should be done.

Sec. 3. [redacted] also to decide the terms or details of any merger or amalgamation when the L.U.'s involved cannot or do not agree.

Sec. 4. When a L.U. does not—in the judgment of the I.P.—organize or protect the jurisdiction or territory awarded it, then its charter may be suspended or revoked by the I.P. and a new L.U. established, or the jurisdiction or territory awarded to another L.U. or L.U.'s.

Sec. 5. When there is more than one branch of workers under I.B.E.W. jurisdiction represented in a L.U., the members of each branch shall define their own scale of wages, hours and working conditions.

(However, this section shall not apply when different branches, divisions or classifications come under one blanket agreement. When these come under one agreement they shall vote as a group.)

Sec. 6. Units may be established within a L.U. by provision in the L.U. bylaws when its jurisdiction covers more than one city, town or community, or includes in its membership, employees engaged in several of the branches, divisions or classifications of the electrical industry.

A unit is to assist the L.U. in giving service to the membership and shall have no power or duties not provided in the L.U. bylaws. All unit officers and commit-

DECISION AND ORDER OF INTERNATIONAL PRESIDENT

In my capacity as International President ("I.P."), and pursuant to Article IV, Section 3(9) of the IBEW Constitution, I imposed a trusteeship upon Local Union 323, IBEW, effective June 1, 1992. This trusteeship was later extended, on my recommendation, by the International Executive Council ("I.E.C."). On November 18, 1993, and again on March 29, 1994, H. Wade Gurley, International Vice President ("I.V.P.") for the Fifth District (including the State of Florida) provided me with factual reports on developments since the trusteeship was imposed. In his March 29 letter, the I.V.P. recommended, as he had done following both hearings, that I exercise my power under the IBEW Constitution to either remove Local 323 Business Manager Hudspeth from office or transfer the Local's inside construction jurisdiction and construction membership to another local union, such as Local 728, Fort Lauderdale, Florida.

For the reasons discussed below, I hereby issue an Order, effective April 1, 1994, that is set forth at the conclusion of this Decision.

In October, 1992, I was advised of serious complaints regarding Local 323 Business Manager George L. Hudspeth, Jr. on the part of the Florida Power & Light Company ("FP&L"), and the National Electrical Contractors Association ("NECA") and its contractor members. FP&L is one of the heaviest construction users in Local 323's geographic jurisdiction, and NECA's Florida East Coast Chapter ("Chapter") and its contractor members have had a

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collective bargaining relationship with Local 323 for many years. Senior officials of Florida Power & Light informed I.V.P. Gurley that due to Mr. Hudspeth's continuing crusade against the company, it would do no further business with contractors whose employees were represented in collective bargaining by Local 323. NECA's contractor members, meanwhile, claimed that they were in grave financial distress as a result of hostile actions by Mr. Hudspeth. The Chapter itself had complained about the continuing failure by Mr. Hudspeth to administer the market recovery program in good faith and in accordance with decisions of the Council on Industrial Relations ("CIR"). NECA stated that Chapter contractors controlled less than six percent of the work in Local 323's jurisdiction, that this amount was declining further, and that the contractors were exploring the possibility of terminating their bargaining relationships with Local 323 following the expiration of the collective bargaining agreements in August 1993.

On November 10, 1992, acting in the exercise of the I.P.'s powers under the IBEW Constitution, including Article XIV, Section 2, Article IV, Section 3, paragraph 12, and Article XVI, Sections 6, 10, 12 and 13, I directed I.V.P. Gurley to assume jurisdiction over all electrical construction work performed on the property of FP&L by employees represented in collective bargaining by Local 323. Mr. Gurley assigned International Representative Gerald M. Counihan the responsibility of implementing this exercise of jurisdiction.

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Two days later, acting pursuant to a delegation of authority from me under Article IV, Section 4 of the Constitution, I.V.P. Gurley issued a notice of hearing and caused it to be served upon Mr. Hudspeth and Local 323. The notice of hearing listed four issues:

1. Whether Business Manager Hudspeth had failed to organize the Local's jurisdiction.
2. Whether Mr. Hudspeth was maintaining an adversarial relationship with FP&L, the NECA Chapter and electrical contractors.
3. Whether Mr. Hudspeth had failed to properly implement Local 323's inside construction collective bargaining agreements, including the provisions governing the assignment of apprentices to contractors; and
4. Whether Mr. Hudspeth was failing to implement properly the market recovery program.

The hearing was held December 14 - 17, 1992 in West Palm Beach, Florida. Mr. Hudspeth appeared at the hearing and participated fully. He himself introduced 109 exhibits and 21 witnesses. The transcript of the hearing consumed 838 pages.

On May 28, 1993, following my review of the record, I issued my decision consisting of 28 pages. That decision is incorporated by reference herein, and is attached to this Decision and Order. To summarize, I concluded that:

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1. Business Manager Hudspeth had failed adequately to organize his territory and to protect the jurisdiction of the IBEW as required by Article XVIII, Section 8 of the IBEW Constitution.

2. A hostile and adversarial relationship existed between Mr. Hudspeth and FP&L, the NECA Chapter, the Southern Region of NECA and several specific contractors. These hostile relationships had prevented or discouraged contractors signatory to the Local 323 agreement from bidding on work within the jurisdiction of Local 323, thereby reducing the employment opportunities of the Local's members. This state of affairs also had weakened the NECA Chapter, by making it more difficult to organize new electrical contractors working in the jurisdiction. Mr. Hudspeth had failed to establish friendly relations with employers as required by Article XVIII, Section 8 of the Constitution, and had acted contrary to IBEW policy as expressed in the document "Blueprint for the 1990's".

3. Mr. Hudspeth had interfered with at least one contractor's right under the collective bargaining agreement to obtain apprentices. These actions were also in disregard of the policy of the National Joint Apprenticeship and Training Committee for the Electrical Contracting Industry, whereby it is the responsibility of the local labor-management apprenticeship and training committee to assign apprentices to signatory contractors. These actions undermined the competitive position of the affected contractor, and adversely affected the welfare of the apprentices and the apprenticeship system in the electrical contracting industry.

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4. Business Manager Hudspeth had failed to properly implement the market recovery program, in disregard of decisions by the Council on Industrial Relations, a national labor-management arbitration body. The market recovery program was intended to be an important tool for increasing the competitiveness of signatory contractors and thereby increasing the employment opportunities of Local 323 members.

In my decision I also noted that between February 25 and April 6, 1993, five companies had given notice of cancellation when the contract would expire in a few months, and ten other companies had written letters stating their intent, upon the expiration of their contracts, to bargain with the Local only "if it is necessary". Further, on March 4, 1993, the regional director of NECA's Southern Region advised that all active contractor members of the Chapter had rescinded the bargaining authorizations they had previously given the NECA Chapter. In a letter dated April 30, 1993, the Chapter manager informed the President of NECA: "I have no contractors with which to form a negotiating committee .... I believe that the single most important thing this Chapter needs is for NECA field staff and IBEW field staff to be brought in for negotiations this summer. The current inside agreement terminates September 1, 1993, and this will be the first negotiation in three years in this jurisdiction."

On the basis of these findings and conclusions, and in the exercise of my authority under Article IV, Section 3(9), I decided to take charge of the affairs of Local 323, effective June 1, 1993,

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in order to protect and advance the interests of its membership and those of the IBEW as a whole. I did not, however, remove Mr. Hudspeth or any of the other officers from their positions in Local 323.

In a letter of June 7, 1993, the I.V.P., informed all of the members of Local 323 about the imposition of the trusteeship and advised them that copies of the International President's decision were available to them at the Local Union office. The letter also informed the membership that Federal law required the International to file reports with the United States Department of Labor regarding the trusteeship. Such a report was filed with the Secretary of Labor on July 15, 1993.

At my direction, a further hearing was held on July 19 - 20, 1993, for the purpose of placing in the record the letters of NECA officials and the electrical contractors that had been received subsequent to the first hearing, and to adduce, if possible, testimony that could be of assistance to the International in the administration of the trusteeship, and to me in determining what further actions I should take in the exercise of my powers as International President. Business Manager Hudspeth was notified and advised that he would be given the opportunity to participate in this hearing to question the employer witnesses.

Those appearing as witnesses at the July 1993 hearing were: the executive director of the Southern Region of NECA, and a NECA field representative on his staff; the corporate advisor on contractor labor relations for FP&L; the owner and president of a

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local electrical contractor; and the senior vice president and branch manager of Dynalectric Inc., which is the largest unionized electric contractor in the United States and one of the contractor complainants against Local 323. The testimony of these witnesses emphasized the serious nature of the adverse relationships between Business Manager Hudspeth and the employers, and dramatized that the employment opportunities of Local 323's construction members would continue to decline unless substantial changes were made.

For example, B. David Roberts, Regional Director of NECA's Southern Regional office, testified that a cooperative working relationship between Business Manager Hudspeth, the contractors and the NECA Chapter has been non-existent in the last few years. As a result, every local contractor in the jurisdiction had recently terminated its letter of assent.

In response to a question by Mr. Hudspeth, NECA's Roberts stated: "What you did before 1991 was working pretty good. You had it together. You were working together. Something happened, and I don't know what it was, but it tore this industry apart at the seams." In a colloquy between Mr. Hudspeth and Mr. Roberts over why the contractors in Local 323's jurisdiction were paying Local 323's electricians more than the CIR-mandated market recovery rate, Mr. Hudspeth stated it was because they could afford to do so. Mr. Roberts disagreed, stating that it was because Mr. Hudspeth continued to coerce the contractors in using that unauthorized rate.

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NECA's field representative Charles Willis stated that in his 18 years as a NECA representative he has never known of wholesale terminations by an entire NECA Chapter membership of their letters of assent. These terminations were due, he said, to the "extreme duress" the contractors had suffered over the last three years.

Dynalectric's Jack Maxwell testified that unwritten restrictive work rules imposed by Local 323 hampered and curtailed productivity and that the company is not faced with these types of restrictive rules in any other IBEW jurisdiction in Florida. As a result, Dynalectric has refused to bid any more work in Local 323's jurisdiction (including FP&L's Martin County Fossil Plant), and does not plan to bid work in the future in that jurisdiction. Maxwell testified that he knows of other union contractors who have refused to bid the Martin County project for the same reasons.

Contractor John T. Green testified that Mr. Hudspeth's refusal to honor the market recovery agreement, as it was written, caused him to lose a major job in Port St. Lucie.

FP&L's James Roach testified that in the years prior to Mr. Hudspeth's anti-FP&L campaign, the company had furnished several hundred-thousand manhours of work to Local 323, but since his campaign began, these manhours have dried to a trickle. Mr. Roach stated that FP&L is not favorably disposed to Local 323 because of Mr. Hudspeth's constant harassment. He identified Mr. Hudspeth's participation in picketing on "Family Day" as well as his proxy campaign to unseat FP&L officers as two examples. He also testified that the company views IBEW Business Managers Jim Weldon

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(Local 728) and Art Fernandez (Local 349) differently because "they have an attitude of cooperation."

In November 1993, in response to my request, I received from I.V.P. Gurley a report concerning the status of the trusteeship. Among the things he reported were the following:

International Trustee Counihan had formed an organizing committee of five members. The committee was meeting regularly, working on an effective organizing and training program for the membership, interviewing potential union members, and recruiting and instructing salts to, in turn, recruit new members for Local 323. The organizing committee members had received the IBEW's COMET Train-the-Trainer program, had been trained to present the Henry Miller Salting School and had presented three COMET training programs with several more scheduled.

I.V.P. Gurley also reported that there were no union contractors performing electrical construction work on FP&L's property. FP&L refused to attend any meetings with Business Manager Hudspeth and indicated they would do as little work as possible with the IBEW in Local 323's jurisdiction as long as Mr. Hudspeth remained in a position to harass the company. Trustee Counihan had attended meetings with several FP&L officials to discuss the company's relationship with the IBEW and was in the process of developing a constructive relationship with them.

The NECA Chapter and the contractors remained extremely apprehensive about renewing their collective bargaining relationships and the collective bargaining agreements with Local

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323, as long as Mr. Hudspeth was left to deal with the Chapter and the contractors. One contractor stated, "If the IBEW International allows Hudspeth to destroy the Union relationship with a large company as FP&L, what do they care about a local contractor or contractors?" Chapter officials and members expressed concern about the possibility that the trusteeship would be lifted by the International, leaving them to deal with Mr. Hudspeth. They indicated that even though the relationship with the Chapter was damaged, it could be mended if the trusteeship were terminated in a way that was not damaging to the Chapter.

While several contractors had continued to work under the expired bargaining agreement, negotiations for a new contract being conducted by the International Trustee were proving difficult, and the contractors were refusing to sign another contract until they knew they would not have to deal with Mr. Hudspeth. At the time of the report, a number of contractors were positioning themselves to refuse to recognize Local 323 as the bargaining representative. These included Gilmore Electric, John T. Green, Fitch Electric, and Glory Electric.

Under the trusteeship, local contractors were being given the opportunity to use the market recovery agreement. A contractor would consult with Trustee Counihan, and if the job in question fit the scope of work in the agreement, the job would be targeted and the contractor allowed the reduced hourly rate and the modified apprentice ratio.

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The I.V.P. reported that Trustee Counihan was receiving little, if any, cooperation from Business Manager Hudspeth. Directives and requests for information were not properly complied with. Mr. Hudspeth was demonstrating that he would continue to resist compliance with IBEW policy and programs with which he disagreed.

Article IV, Section 3(9) of the IBEW Constitution provides that:

> If the I.P. or his representative cannot or has not adjusted the affairs of the L.U. involved at the end of this [six-month trusteeship] period, then he shall refer the entire case to the I.E.C. which shall render a decision at its next regular meeting. The I.P. may suspend any local officer or member who offers interference in such cases.

At the I.E.C. meeting in early December 1993, I reported that the International trusteeship of Local 323 had been in effect for six months, and that it had had a constructive effect in a number of areas, including a resolution of Local 323's dispute with the Council on Industrial Relations relating to the market recovery program, and insuring that the procedure governing the referral of apprentices was observed. In addition, I noted that some progress had been made with regard to Local 323's organizing program. I stated, however, that it appeared that the trusteeship might not be sufficient to resolve fundamental problems bearing on the relationships between Local 323 and the NECA Chapter, local and traveling contractors, and FP&L. These problems, I observed, would continue to limit the employment opportunities of Local 323 members, as well as adversely affect the relationships between

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these employers and employer organizations and the IBEW on a broader level. Accordingly, while requesting that the trusteeship be extended, I advised the I.E.C. that I was considering taking further steps in accordance with my powers as International President as set forth in the IBEW Constitution.

In accordance with my request, the I.E.C. extended the International trusteeship of Local 323. At the same time, it acknowledged my powers under the IBEW Constitution to take further steps to address this matter.

In March 1994, I requested that the I.V.P. provide me with an updated report of the trusteeship. In his report of March 29, the I.V.P. informed me that the situation remains the essentially the same. That is to say, progress continues to be made as regards educating the construction membership to assist in the organizing of non-union contractors and in improving relationships between the IBEW (as represented by the International trustee) and FP&L, the NECA Chapter and local contractors. It remains clear, however, that the trusteeship is not an adequate permanent solution.

As regards organizing activities, Mr. Hudspeth and his assistant Fred Griffin have refused to cooperate with the International trustee and the five-member Local 323 organizing committee appointed by the trustee. The salting program has suffered as a result. COMET training has continued with a total of 143 members being trained since the trusteeship was imposed. This number is significant considering the lack of cooperation from Mr. Hudspeth and Mr. Griffin.

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Negotiations between the International trustee and the NECA Chapter have resulted in a renewed inside construction bargaining agreement and a renewed market recovery agreement. These developments are promising. However, at the present time the number of local contractors who recognize Local 323 for collective bargaining purposes has dwindled to eleven; Gilmore Electric and Fitch Electric have terminated their bargaining relationships with Local 323, and Glory Electric contends that it did so previously. There are only five other contractors (all traveling contractors) with an active bargaining relationship with Local 323.

There is still no construction work being performed for FP&L although the company is using some Local 323 members on maintenance work at the St. Lucie nuclear plant under a National Agreement with U.A. Catalytic. FP&L continues in its refusal to meet, or do business with, Mr. Hudspeth.

DISCUSSION

Article XIV, Section 2 of the Constitution states in part:

> The I.P. has the right and power to divide or change the territory or jurisdiction covered by any L.U. ... when in the judgment of the I.P. such should be done.

Article XIV, Section 3 provides:

> The I.P. has the right and the power to merge or amalgamate L.U.'s in any community or section where the facts, developments or conditions -- in the judgment of the I.P. -- warrants such actions, also to decide the terms or details of any merger or amalgamation if the L.U.'s involved cannot or do not agree.

Article XIV, Section 4 provides:

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> When a L.U. does not -- in the judgment of the I.P. -- organize or protect the jurisdiction or territory awarded it, then its charter may be suspended or revoked by the I.P. and a new L.U. established, or the jurisdiction or territory awarded to another L.U. or L.U.'s.

Article XVI, Section 6 states, in part:

> The I.P. has the right to correct any bylaws, amendments, rules or agreements to conform to this Constitution and the policies of the IBEW.

In addition to the foregoing authority, Article IV, Section 3(10) of the IBEW Constitution authorizes the I.P. to remove or suspend any local union officer for, among other things,

> putting into effect or allowing to be put into effect any practice, rule, agreement, bylaw or policy not having approval of the I.P., or for failure to observe or carry out instructions or decisions of the I.P.

This section also provides that when the I.P. removes a local union officer, "he can fill any such office or position by appointment of others."

The International trusteeship of Local 323 has been in effect for ten months. This trusteeship has consumed a substantial amount of the International's manpower and financial resources. Although substantially longer trusteeships are permitted by the Landrum-Griffin Act (indeed, a trusteeship lawfully imposed is presumed valid for a period of 18 months), I am mindful that a trusteeship deprives the membership of direct control over their internal local union affairs. I am, therefore, anxious to lift the trusteeship. At the same time, as International President, it is my obligation and responsibility to make sure that this is done in a way that

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will serve the interests of the local union membership and of the IBEW as a whole.

Beginning in March 1993, following the first internal union hearing, International Vice President has consistently recommended the removal of Business Manager George L. Hudspeth or the transfer of Local 323's inside construction jurisdiction and membership to another local union or local unions. Although the I.V.P. has been closer to the situation than myself, and his fairness and objectivity, and concern for the membership of Local 323, has never been doubted, I chose to give Local 323 and Business Manager Hudspeth and his assistants every opportunity to work constructively with the International trustee to correct the problems that caused me to impose the trusteeship. For that reason, I have delayed taking further action, and have chosen not to remove Mr. Hudspeth or any of the other Local Union officers from office during the trusteeship.

It is clear to me at this time that further action is needed to promote the fundamental interests of Local 323's construction membership, IBEW's construction members in southeast Florida, and the IBEW membership as a whole.

While the International trusteeship clearly has produced, and is producing, constructive benefits, it is just as clear that the benefits can only be temporary and limited in nature.

As I reported to the International Executive Council and as discussed above, the trusteeship has accomplished a number of things:

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1. A local union organizing program consistent with, and based upon, the International's organizing policy and philosophy has been commenced;

2. Local 323's defiance of the decisions of the Council on Industrial Relations -- a national body that for many years has preserved stability of labor relations in the electrical construction industry -- has ceased;

3. The market recovery program intended to enhance the competitiveness of Local 323 contractors has been allowed to function properly;

4. The responsibility of referring apprentices for on-the-job training has been returned to the labor-management apprenticeship and training committee, where it belongs;

5. Contractors have been provided relief from restrictive work practices imposed by the Local on construction worksites; and

6. Feelings of trust have begun to return to the important collective bargaining relationships between the IBEW, FP&L, the NECA Chapter and local contractors. These employers now see some cause for hope that their economic well-being may be enhanced rather than destroyed through a relationship with the IBEW.

But to extend these gains, and to make them permanent, further action is necessary. The unionized electrical construction industry in the West Palm Beach, Florida area is in a state of crisis. Only five percent, or less, of the electrical construction

1504363124 3

work performed in that area is performed by IBEW union electricians. This has caused serious unemployment among Local 323 members and has forced many Local 323 members to leave their homes and families to search for work elsewhere. (Fortunately, at the present time, a considerable number of Local 323 members are employed at Bechtel's Martin County cogeneration project under a National Agreement.) FP&L, the area's largest employer of construction electricians, which once provided hundreds of thousands of work hours to Local 323 members, has virtually no Local 323 members working on its property. Moreover, it is unlikely that this state of affairs will change unless the IBEW local union in this area adopts a more constructive relationship with this important employer. The NECA Chapter has been severely weakened by contractor disaffiliations and the cancellation of bargaining authorizations. Contractors are refusing to cast their lot with IBEW electricians so long as they will have to deal with Mr. Hudspeth.

In these circumstances, I am convinced that it is in the best interests of Local 323 construction members to be transferred to an IBEW inside construction local union which is geographically adjacent to Local 323, and whose officers adhere to IBEW organizing policy and pursue constructive relationships with employers. Local No. 728, in Fort Lauderdale, Florida is such a local union. Effective April 1, 1994, that Local will be given jurisdiction over inside construction work performed in Local 323's present geographic jurisdiction. Local 728 shall be treated as the

1504363124 4

successor union to Local 323 (insofar as Local 323's inside construction membership is concerned) for all purposes.

Local 323's inside construction membership need pay no admission fees to join Local 728, and will immediately enjoy all rights and privileges of Local 728 membership. Furthermore, to prevent any immediate financial adverse effects on these members, and until such time as it feasible and lawful under the Landrum-Griffin Act to effectuate a change, these new Local 728 members shall pay dues to Local 728 at the same level that they presently pay dues under Local 323's Bylaws. This shall be effective commencing with the month of April 1994. To the extent that such members have prepaid dues for months subsequent to March 1994, they will be given credit for those payments and those monies shall immediately be transferred to Local 728.

Further, the current inside construction collective bargaining agreements of Locals 728 and 323, including the referral provisions contained therein, will remain separate and intact at the outset, and shall remain so until it is feasible to consolidate the agreements. There shall be no disruption, therefore, either in the employment opportunities of former Local 323 members or in any of the contractual contributions and benefits. The only change in the Local 323 agreements, including the market recovery agreement, is that Local 728 will become the union party to those agreements, and its Business Manager will administer those agreements, including the referral procedure and the grievance - arbitration procedure therein. Of course, the rights of qualified electricians under the

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Taft-Hartley Act, regardless of union membership, to obtain employment in accordance with the conditions set forth in the referral procedures in IBEW inside construction collective bargaining agreements will not be affected.

Since Local 323's inside construction collective bargaining agreements shall remain separate and intact (although with Local 728 as the union party to such agreements), the Taft-Hartley trust funds referenced in, and contributed to as required by, those agreements shall also remain separate and intact. Thus, nothing in this Order shall cause disruption to the benefits of any participant under these funds, nor shall it adversely affect the operation of these funds. I am also confident that if future collective bargaining or other action results in former 323 Taft-Hartley fund participants transferring participation to a new fund, the trustees and fiduciaries of the respective funds will ensure that the assets of the funds will be applied consistent with law to protect the benefits of participants and beneficiaries.

The merger of the inside construction portion of Local 323 into Local 728 will assure that the IBEW local union in this geographical area will pursue policies toward organizing, contractors, and the construction industry as a whole that are in conformity with IBEW policies. In my judgment, the merger will better enable the IBEW to organize contractors in southeastern Florida, and will better enable NECA and the signatory contractors to compete successfully for work with the unorganized contractors.

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In addition, the merger of the inside construction portion of Local 323 into Local 728 is consistent with the IBEW's policy of creating stronger organizations to serve larger geographical areas. Mergers of local unions creating larger local unions tend to improve work opportunities for the combined memberships and their respective signatory employers by eliminating or modifying territorial barriers that existed within each separate local union jurisdiction. This benefits the union membership and union employers operating within the area.

The merger will also make the merged entity a more efficiently run organization. Construction-related full-time paid positions of Local Union 323 officers and representatives will be eliminated, and funds will be available, therefore, to provide the merged membership with more field-time service and greater organizing activity.

The remaining portion of Local 323, consisting of members who are employees of the City of Lake Worth, Florida will be transferred to Local 359, Miami, Florida. Local 359 represents in collective bargaining the employees of the City of Homestead, Florida. That Local, therefore, has the necessary experience effectively to represent public employees in the State of Florida, and there will be common interests shared by these two groups of Local 359 members.

Local 323's utility membership need pay no admission fees to join Local 359, and will immediately enjoy all rights and privileges of Local 359 membership. These new Local 359 members

1504363124 7

shall pay dues to Local 359 at the same level that they presently pay dues under Local 323's Bylaws. This shall be effective commencing with the month of April, 1994. To the extent that such members have prepaid dues for months subsequent to March 1994, they will be given credit for those payments and those monies shall immediately be transferred to Local 359.

Since a portion of Local 323 is being merged into Local 728 and a portion of Local 323 is being merged into Local 359, it is necessary that the funds and property of Local 323 (other than the funds in the Taft-Hartley trusts referred to above) be fairly and equitably allocated between Local 728 and Local 359. The process of determining this allocation should commence with a full audit and report of the finances of Local 323 (including its subordinate affiliates or subsidiaries) as of March 31, 1994, to be performed by a certified public accountant under the supervision of the International trustee. In accordance with Article XIV, Section 3 of the IBEW Constitution, the terms and details of the mergers with Local 728 and 359 shall be discussed by the three local unions involved, (the International trustee shall represent the interests of the <u>entire</u> Local 323 membership), and if they cannot agree, the terms and details shall be decided by the International President.

ORDER

On the basis of the evidence submitted at the hearings held on December 14 - 17, 1992 and July 19 - 20, 1993, and the facts set forth in the I.V.P. reports of November 18, 1993 and March 29,

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1994, and pursuant to the powers vested in me by the IBEW Constitution, Article IV, Section 3 paragraphs (4), (6), (9), (10), and Section 4; Article XIV, Sections 2, 3 and 4, and Article XVI, Sections 6 and 7, I take the following actions:

1. The inside construction work jurisdiction of Local Union No. 323 of the IBEW is transferred to Local Union 728. The utility work jurisdiction of Local Union 323 of the IBEW is transferred to Local Union 359. The Bylaws of Local 728 and 359 will be amended accordingly.

2. The inside construction members of Local 323 are transferred to Local 728 with all their IBEW membership rights preserved in Local 728. None of these members shall be required to pay an admission fee to Local 728. Their dues and fees (including the per capita tax owed to the International) commencing with the month of April 1994 shall be paid to Local 728. Any dues or fees already paid to Local 323 for months subsequent to March, 1994 shall be transferred immediately along with these members, to Local 728. The level of local union dues and fees payable to Local 728 by Local 323 construction members shall be the level set forth in Local 323's present Bylaws, and shall remain at that level until changed in accordance with the Landrum-Griffin Act, the Constitution and policies of the IBEW, and the Bylaws of Local 728.

3. The utility members of Local 323 are transferred to Local 359 with all their membership rights preserved in Local 359. None of these members shall be required to pay an admission fee to Local 359. The dues and fees (including the per capita tax owed to the

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International) commencing with the month of April, 1994, shall be paid to Local 359. Any dues or fees already paid to Local 323 for months subsequent to March 1994, shall be transferred immediately along with these members to Local 359. The level of local union dues and fees payable to Local 359 by Local 323 utility members shall be the level set forth in Local 323's present Bylaws and shall remain at that level until change in accordance with the Landrum-Griffin Act, the Constitution and policies of the IBEW and the Bylaws of Local 359.

4. The assets and liabilities of Local 323 are to be fairly and equitably allocated between Local 728 and Local 359. These assets include any funds, personal property, real property, accounts receivable, accounts payable, and any other assets or liabilities of Local 323, and any such assets and liabilities of any of the subordinate affiliates and subsidiaries of Local 323; but any funds in Taft-Hartley trusts are not subject to this allocation. The International trustee of Local 323, acting in the interests of the entire membership of Local 323, shall meet as soon as possible with representatives designated by Locals 728 and 359 for the purpose of working out the terms and details of the allocation of these assets and liabilities, and other aspects of the merger. The International trustee is authorized, subject to my approval as International President, to collect and place in cash form, all assets, real and personal, as necessary to effectuate a fair and equitable allocation. Prior to the meeting between the International trustee and the representatives designated by Locals

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728 and 359, an audit and full report of Local 323's financial affairs, funds, property, assets and liabilities as of March 31, 1994, shall be conducted by a certified public accountant under the supervision of the International trustee. Copies of the accountant's report shall be provided by the International trustee to all members of Local 323 and to the designated representatives of Locals 728 and 359, as well as to the I.V.P., the I.P. and the International Secretary.

5. All employment rights and privileges of Local 323's construction membership shall be preserved upon its transfer to Local 728. Local 323's existing inside collective bargaining agreements, including the referral procedure therein, will continue in existence and will remain separate from the existing Local 728 agreements and referral procedure until such time as it is feasible to consolidate the two sets of agreements. However, the Local 323 inside construction agreements will be amended effective April 1, 1994, to reflect that the union party to such agreements is Local 728 of the IBEW. The existing letters of assent to these agreements that were previously executed by contractors shall be similarly amended. Letters of assent executed by contractors subsequent to April 1, 1994 shall refer to the Chapter agreement as so amended. These agreements will be administered by Local 728's Business Manager, who shall have all the responsibilities and duties regarding those agreements as set forth in Article XVIII, Section 8 of the IBEW Constitution.

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6. Contributions to the West Palm Beach Electrical Workers Annuity Fund and the Electricians Local 323 Health and Welfare Fund shall continue in accordance with the terms of the Local 323 bargaining agreements.

7. Local 323's market recovery program and agreement shall continue in existence, but shall be amended to reflect that Local 728 is the union party thereto. These agreements shall be administered by the Business Manager of Local 728 in cooperation with the NECA Chapter and in accordance with the decisions of the Council on Industrial Relations.

8. Local 323 shall cease, and Local 728, its successor, shall commence, representing inside construction employees in collective bargaining from the effective date of this Order.

9. All employment rights and privileges of Local 323's utility membership shall be preserved upon its transfer to Local 359. Local 359's existing collective bargaining agreement will continue in existence and will remain separate from the existing Local 359 agreement. However, consistent with applicable law, the Local 323 utility agreement will be amended to reflect that the union party to such agreement is Local 359 of the IBEW.

10. Consistent with applicable law, Local 323 shall cease and Local 359, its successor, shall commence, representing utility employees in collective bargaining from the effective date of this Order.

11. In accordance with Article XVI, Section 6 of the IBEW Constitution, the Bylaws of Locals 728 and 359 shall be corrected

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to reflect and help implement the actions taken in and pursuant to this Order.

12. The inside construction membership of Local 323 shall be transferred to Local 728 on Group Transfer form 294. The utility membership of Local 323 shall be transferred to Local 359 on Group Transfer form 294. All records, funds and other property of Local 323 shall be fairly and equitably allocated between Local 728 and Local 359 in accordance with Article XIV, Section 3 of the IBEW Constitution and the foregoing Decision. However, the seal of Local 323, shall be destroyed, and its Charter shall be returned to this Office with a copy of the terminal report.

13. The International stands ready to assist the International trustee and the membership and officers of Locals 728 and 359 to implement this order. Any questions that arise regarding interpretation or clarification of this Order shall be submitted to I.V.P. Gurley or his designee.

14. The actions described in this Order are severable in that: a) although these actions are mutually supportive, they are independently based on different provisions of the IBEW Constitution; and b) the actions relating to the Local 323 inside construction membership group do not depend for their validity on the actions relating to the Local 323 utility membership group and vice-versa. Furthermore, although the actions being taken rest on the facts cumulatively provided by the two union hearings and I.V.P. reports, I would be taking each of these actions on the basis of the hearings, or the reports, alone.

5043631263

This Order shall become effective April 1, 1994.

J. Barry

International President

3/31/94

Date

>5043631254

ElectroPAC 323 BY-LAWS

ARTICLE I

PREAMBLE

This Committee shall be known as ElectroPAC 323 (hereinafter called the P.A.C.).

The P.A.C. has been established in compliance with all Federal, State, and local laws and regulations.

The purpose and intent of P.A.C. is:

(A) To promote candidates for office, and issues on the ballot, that will safeguard and promote the principles of free collective bargaining.

(B) To also elect and support candidates who will initiate legislation which is beneficial to organized labor.

(C) To encourage and assist members to register and vote in all elections.

(D) To organize and provide voluntary campaign workers for candidates and issues.

(E) To help defray the cost of any lobbying.

ARTICLE II

MEMBERS

Section 1.

(A) The members of the P.A.C. shall be as follows:

Chairman	Secretary
Vice Chairman	Financial Secretary
Treasurer	
Vice Treasurer	

(B) The officers shall be appointed by the President of I.B.E.W. Local Union 323.

The President and Business Manager shall be members of the P.A.C.

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Section 2.

The duties of the chairman shall be to preside at all meetings; to enforce the by-laws; to decide all questions of order, subject to appeal; to appoint all committees; and to perform such duties as may pertain to his office. The chairman may also set up subcommittees at his discretion and these subcommittees will be held accountable to the chairman. The chairman shall also raise money and run all functions within the budget set down by the committee.

Section 3.

The treasurer shall receive and disburse all funds of this committee upon proper authorization, he shall maintain adequate financial records showing the source and disposition of all funds in his care; he shall submit to the committee a monthly financial report of all funds in his keeping showing the accounts in such detail as the committee may require, and he shall submit his books for audit on request of the committee at least annually.

The treasurer shall also familiarize himself with all state and federal laws and regulations which apply to the committee and shall be responsible for obtaining, filling out, and submitting all forms required by such laws and regulations and otherwise maintain the committee in compliance with such laws and regulations.

Section 4.

The Financial Secretary's duties shall be to maintain all financial records of P.A.C. fund. He shall read all financial documents and correspondence received by this committee. If requested to by the treasurer, he shall also assist in the accounting duties of this P.A.C.

Section 5.

The Secretary's duties shall be as follows: He shall keep a correct record of the proceedings of the Political Action Committee and shall submit copies thereof to the members of the Political Action Committee; he shall notify all members when and where the meetings will be held; and he shall conduct all official correspondence.

ARTICLE III

MEETINGS

Section 1.

Executive Committee meeting of the P.A.C. will be held during the second week of each month.

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Section 2.

The chairman may call a special meeting by giving at least two (2) days notice and the business to come before the committee shall be stated in the notice and there shall be no other business conducted at this time.

Section 3.

At the request of three (3) members of the P.A.C. Executive Committee the chairman will call a prompt meeting.

Section 4.

At each meeting the secretary will read the previous minutes.

Section 5.

A financial report will be given at each meeting accounting for all funds held and disbursed.

Section 6.

Before a meeting can be held to conduct any business, there must be four (4) voting officers present.

ARTICLE IV

CONTRIBUTION

Funding for the P.A.C. will be obtained by means of a voluntary checkoff, known as the Political Action Fund (P.A.F.) provided for in Local Union 123 working agreement.

ARTICLE V

EXPENDITURES

Section 1.

All disbursements of funds will be made by check.

Section 2.

Expenditures can be made to:

(A) Candidates in local, state, and national elections
(B) Any political issues.
(C) Any C.O.P.E. Committee.
(D) Any committee or group within election law standards.

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Section 3.

Contributions for candidates and issues will be consistent with local, state, and national C.O.P.E. endorsements. In the event no endorsement is made in a particular race, then at the discretion of the P.A.C. Executive Committee, contributions could be made to a candidate in the race.

Section 4.

Amounts to be contributed will be voted on by the P.A.C. Executive Committee in their meeting.

A majority vote of members present will be necessary for any contributions.

Section 5.

Amounts contributed will be within the limits provided for in applicable election laws.

Section 6.

There will be no reimbursement of personal monies expended without a signed voucher attesting to the expenditure.

Section 7.

No Subcommittee or Task Force may disburse any funds without the approval of the P.A.C. Executive Committee.

Section 8.

All normal operating expenditures will be paid by the first of each month.

Section 9.

The Chairman and Treasurer may when necessary pay all outstanding expenditures without a vote of approval.

Section 10.

It will be the duty of the P.A.C. Executive Committee members to keep informed on candidates and issues to properly discharge their duties.

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ARTICLE VI

RECORDS AND REPORTING

Section 1.

All monies contributed through the voluntary checkoff (P.A.F.) will be deposited in an account separate from all other union monies.

Section 2.

Complete records will be kept showing all contributions and all expenditures.

Section 3.

Reports will be filed with the proper agencies in compliance with applicable election laws.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended as follows:

Section 1.

Automatically to comply with changes in election laws.

Section 2.

By a written resolution submitted by an P.A.C. Executive Committee member. The resolution will be voted on within thirty (30) days after being submitted. A majority vote of the P.A.C. Executive Committee will be necessary to pass the resolution.

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SunBank/South Florida, N.A.
P.O. Box 405100
Fort Lauderdale, FL 33340-5100
305-467-5000

July 20, 1994

Electro P.A.C. 323
927 Belvedere Road
West Palm Beach, Florida 33405 1111

Subpoena/Control Number9070/94

Dear Customer:

Please be advised that this bank has been served with a Subpoena in regard to your account, a copy of which is enclosed.

If you should have any questions regarding this Subpoena we suggest that you contact your attorney, as we are unaware of the situation which gave rise to the Subpoena, and to its service upon SunBank.

Sincerely,

Norma Manzo
Operations Officer
Legal Processing Department

NM/sp

Enclosure(s)

5043631260

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA (CRIMINAL DIVISION)

STATE ATTORNEY SUBPOENA

TO: Custodian of Records
Atta: Mr. Bierer
SunBank/South Fla NA
422 Belvedere Road
West Palm Beach, FL

DUCES TECUM: Any and all information/records of mailing address, name, deposits, transfers, withdrawals, signature cards for account number from March 1, 1994 to July 18, 1994.

GREETINGS:

YOU ARE HEREBY COMMANDED to be and appear before THE STATE ATTORNEY or his Assistant, in and for Palm Beach County, Florida, at the State Attorney's Office, 401 North Dixie Highway, West Palm Beach, Florida INSTANTLY for interrogation and the truth to speak, in a certain matter pending and under investigation. Failure to appear will subject you to contempt of Court.

(Circuit Court Seal)

WITNESS my hand and the seal of this Court on the 18th day of July, 1994
DOROTHY H. WILKEN, CLERK

BY _____
Deputy Clerk

_____
Assistant State Attorney
(Attorney for State)

Received this subpoena on the 18 day of Jul, 1994, and executed the same on the 18 day of Jul, 1994, by delivering a True Copy thereof to the within named witness in the County of Palm Beach, State of Florida.

ATTN: ASA SPENCER LEMUNE

RICHARD P. WILLE, SHERIFF

BY _____
Deputy Sheriff

"In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding should, within a reasonable time prior to this proceeding, contact the Administrative Office of the Court, 300 North Dixie Highway, Room 300, West Palm Beach, Florida 33401, telephone (407) 355-4321, 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service".

RECEIVED
7/19/94
DATE
MN-9070
TODAY PROCESSING

International Brotherhood of Electrical Workers

Local Union No. 323

F. LEE BROMLEY, PRESIDENT
R. E. MCGEHEE, JR., VICE PRESIDENT
D. HENNING, TREASURER
R. E. FISHER, FINANCIAL SECRETARY

G. L. HUDSPETH, JR., BUSINESS MANAGER
827 BELVEDERE ROAD
WEST PALM BEACH, FLORIDA 33405
TELEPHONE (407) 833-2461

November 30, 1993

SunBank/South Florida, N.A.
422 Belvedere Road
West Palm Beach, FL 33405

ElectroPAC 323

Gentlemen:

We are writing you with regard to the account of ElectroPAC 323, with your bank. Our organization is a local Union of the International Brotherhood of Electrical Workers and as such is subject to its International Constitution and rules.

Therefore, we wish to advise you that in accordance with the Constitution and rules of the International Brotherhood of Electrical Workers, Local Union 323 hereby authorizes the International President of the IBEW to stop withdrawals of any funds of the Local Union from the SunBank ElectroPAC 323 account, when in his judgment such action is necessary to protect the Local Union and its members.

Very truly yours,

Gerald N. Counihan
International Representative
International Trustee for LU 323

GNC/db
opeiu #128
cc: Jack F. Moore, IS
J. J. Barry, IP
H. Wade Gurley, IVP

,5043631262

International Brotherhood
Electrical Workers

LOCAL No. 728

ELECTRICAL WORKERS BUILDING
301 SOUTHEAST 24TH STREET FORT LAUDERDALE, FLORIDA 33316-3998
(305) 525-3106 FAX (305) 525-8742

April 4, 1994

Sun Bank/Palm Beach County, N.A.
West Palm Beach Office
2725 S. Dixie Highway
West Palm Beach, FL 33402

To Whom It May Concern:

Please be advised the delegates and signatories currently listed in the ELECTRO PAC 323 above-mentioned account will be replaced with the following individuals:

1. James A. Weldon
2. John F. Ranken

If you have any questions, please do not hesitate to call.

Sincerely yours,

Tom Pine
Trustee

Tom Pine

4/11/94

ELECTRO PAC-323 affiliated with I.B.E.W. 323

April 4, 1994

Sun Bank/Palm Beach County, N.A.
West Palm Beach Office
2725 S. Dixie Highway
West Palm Beach, FL 33402

To Whom It May Concern:

Please be advised the delegates and signatories currently listed in the ELECTRO PAC 323 above-mentioned account are no longer valid and have been removed.

The following individuals will replace those for signatory purposes:

1. James A. Weldon
2. John Ranken

If you have any questions, please do not hesitate to call.

Sincerely yours,

Frank L. Bromley
President
L.U. 323

G.M. Counihan
Trustee
L.U. 323

,5043631264

LAW OFFICES

KAPLAN & BLOOM, P.A.

JOSEPH H. KAPLAN
STEVEN BLOOM (1949-1990)
MATTHEW J. MIERZWA, JR.
KATHLEEN M. PHILLIPS
ANGELA M. NIXON
RANDELL L. BAISDEN
RICHELLE B. LEVY
MARGARET M. LANTZ
RONALD K. LANTZ
OSNAT K. RIND

SOUTH FLORIDA OFFICE
SUITE 214
PLAZA BANK BUILDING
3001 PONCE DE LEON BOULEVARD
CORAL GABLES, FLORIDA 33134
TEL: (305) 446-8800
FAX: (305) 446-3396

MAILING ADDRESS:
P.O. BOX 144333
CORAL GABLES, FLORIDA 33114-4333

PALM BEACH COUNTY OFFICE
SUITE 212
WOODLAKE PROFESSIONAL CENTER
3900 WOODLAKE BOULEVARD
LAKE WORTH, FLORIDA 33463
TEL: (407) 966-1200
FAX: (407) 966-1231

REPLY TO: SOUTH FLORIDA OFFICE

November 4, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
94 NOV 04 PM 3:54

VIA FACSIMILE AND
UNITED STATES MAIL

Ms. Mary L. Taksar, Esq.
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4081

Dear Ms. Taksar:

This office is representing respondents John F. Ranken and Jim Weldon in the above-referenced matter. I believe attorney Osi Rind from our office was in touch with you recently about the possibility of obtaining an extension of time in which to file a response to the complaint.

Due to the press of business, we are writing to officially request an extension of time in which to respond to the complaint, up to and including November 30, 1994. If you have any questions concerning this request, please contact me at (305) 446-8800. Thank you for your consideration.

Very truly yours,

Angela M. Nixon

Angela M. Nixon
For the Firm

AMN/ms

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 21, 1994

Angela M. Nixon, Esq.
Kaplan & Bloom, P.A.
3001 Ponce De Leon Blvd., Suite 214
Coral Gables, FL 33134

RE: MUR 4081
John F. Ranken and Jim Weldon

Dear Ms. Dixon:

This is in response to your letter dated November 4, 1994, requesting an extension until November 30, 1994 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 30, 1994.

If you have any questions, please contact Joan McEnery at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

,5043631266

LAW OFFICES
KAPLAN & BLOOM, P.A.

JOSEPH H. KAPLAN
STEVEN BLOOM (1949-1990)
MATTHEW J. MIERZWA, JR.
KATHLEEN M. PHILLIPS
ANGELA M. NIXON
RANDELL L. BAISDEN
RICHELLE B. LEVY
MARGARET M. LANTZ
RONALD K. LANTZ
OSNAT K. RIND

SOUTH FLORIDA OFFICE
SUITE 214
PLAZA BANK BUILDING
3001 PONCE DE LEON BOULEVARD
CORAL GABLES, FLORIDA 33134
TEL: (305) 446-8800
FAX: (305) 446-3396

MAILING ADDRESS:
P.O. BOX 144333
CORAL GABLES, FLORIDA 33114-4333

PALM BEACH COUNTY OFFICE
SUITE 212
WOODLAKE PROFESSIONAL CENTER
3900 WOODLAKE BOULEVARD
LAKE WORTH, FLORIDA 33463
TEL: (407) 966-1200
FAX: (407) 966-1231

REPLY TO: SOUTH FLORIDA OFFICE

November 18, 1994

Ms. Mary L. Taksar, Esq.
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4081

Dear Ms. Taksar:

Enclosed please find the original signed designation of counsel forms for Mr. Ranken and Mr. Weldon in the above-referenced matter. I hope there isn't a problem with the fact that they signed our facsimile transmission of the form - if there is, please let me know.

Very truly yours,

Angela M. Nixon
For the Firm

AMN/ms

9504431267

NOV 21 9 13 AM '94
FEDERAL ELECTION COMMISSION

NOV 21 9 51 AM '94
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GEN. CNSL.

MUR 4081

NAME OF COUNSEL: Joseph Kaplan, Esq./Angela Nixon, Esq.

ADDRESS: Kaplan & Bloom, P.A.
3001 Ponce De Leon Blvd., Suite 214
Coral Gables, FL 33134

TELEPHONE: (305) 446-8800

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11-7-94
Date

John F. Ranken
Signature

RESPONDENT'S NAME: John F. Ranken

ADDRESS: IBEW Local 728
201 S.E. 24th Street
Ft. Lauderdale, FL 33316

HOME PHONE: ( )

BUSINESS PHONE: (305) 525-3106

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MUR 4081

NAME OF COUNSEL: Joseph Kaplan, Esq./Angela Nixon, Esq.

ADDRESS: Kaplan & Bloom, P.A.
3001 Ponce De Leon Blvd., Suite 214
Coral Gables, FL 33134

TELEPHONE: (305) 446-8800

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/7/94
Date

Signature

RESPONDENT'S NAME: James Weldon

ADDRESS: IBEW Local 728
201 S.E. 24th Street
Ft. Lauderdale, FL 33316

HOME PHONE: ( )

BUSINESS PHONE: (305) 525-3106

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LAW OFFICES
KAPLAN & BLOOM, P.A.

JOSEPH H. KAPLAN
STEVEN BLOOM (1949-1990)
MATTHEW J. MIERZWA, JR.
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RANDELL L. BAISDEN
RICHELLE B. LEVY
MARGARET M. LANTZ
RONALD K. LANTZ
OSNAT K. RIND

FEDERAL ELECTION COMMISSION MAIL ROOM
DEC 5 9 41 AM '94

SOUTH FLORIDA OFFICE
SUITE 214
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3001 PONCE DE LEON BOULEVARD
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CORAL GABLES, FLORIDA 33114-4333

PALM BEACH COUNTY OFFICE
SUITE 212
WOODLAKE PROFESSIONAL CENTER
3900 WOODLAKE BOULEVARD
LAKE WORTH, FLORIDA 33463
TEL: (407) 966-1200
FAX: (407) 966-1231

REPLY TO: SOUTH FLORIDA OFFICE

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL
94 DEC 5 PM 3:01

November 30, 1994

VIA FACSIMILE AND
UNITED STATES MAIL

Ms. Mary L. Taksar, Esq.
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4081

Dear Ms. Taksar:

I am writing on behalf of Respondents John F. Ranken, President of the International Brotherhood of Electrical Workers (IBEW) Local 728 and Jim Weldon, Business Manager of IBEW Local 728, in response to the October 6, 1994 complaint filed with your office by Mr. George Hudspeth.

Most of the facts which support dismissal of this matter have already been addressed in the November 2, 1994 joint response filed by Respondents J.J. Barry, the IBEW International President, and Gerald M. Counihan, an International Representative of the IBEW. Please consider that response incorporated herein by reference.

Mr. Ranken and Mr. Weldon join Mr. Barry and Mr. Counihan in categorically denying the suggestion that they have "embezzled," "stolen," or wrongfully "diverted" funds from ElectroPac 323 (hereinafter "the Committee"). The facts herein simply do not support the allegations made by Mr. Hudspeth.

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On April 1, 1994, the "inside construction" portion of IBEW Local 323 was merged into IBEW Local 728, pursuant to the Decision and Order of the IBEW International President, J.J. Barry. As a result of this merger, the inside construction members of former Local 323 became members of Local 728, with all of their IBEW membership rights preserved in Local 728, and Local 728 became Local 323's successor for purposes of collective bargaining and representation of these former 323 members. Upon the termination of Local 323, Mr. Hudspeth and the other former officers of Local 323 lost their positions as officers of the Union.

In addition to its succeeding the former Local 323 for purposes of collective bargaining, Local 728 succeeded Local 323 as the sponsoring organization of the Committee. That is, Local 323 ceased to exist, and the authority to direct and govern the Committee was transferred to Local 728.

Following the April 1, 1994 merger, and to effect this transfer of authority, IBEW International Representative Gerald Counihan and a former signatory on the Committee's bank account, Mr. Thomas Pine, wrote letters to Sun Bank in West Palm Beach, informing the bank that Mr. Ranken and Mr. Weldon would be the new signatories on the Committee's account. The officers of Local 728 have since taken further steps to effectuate and document the merger of the Committee and ElectroPac 728, since it makes no sense that two separate PAC's should continue to exist when their

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respective sponsoring labor organizations have been merged into one Local Union. These steps have included changing the West Palm Beach bank account of the Committee to a new "ElectroPac 728" account, and transfering of a portion of the funds from this new account to the previously existing ElectroPac 728 account in Fort Lauderdale.

In addition, on or about July 15, 1994, Mr. Ranken filed a quarterly report with the Federal Election Commission on behalf of the Committee which specifically designated "ElectroPac 728" as the successor to the Committee. The report listed the name of the Committee as "ELECTROPAC 728 IBEW (FORMERLY ELECTROPAC 323 IBEW)."

And on August 18, 1994, Mr. Weldon wrote a letter to Florida Department of State which informed the Department of the merger of the Committee into ElectroPac 728. On August 29, 1994, the state acknowledged the merger via return letter.

Finally, on or about October 15, 1994, Mr. Ranken filed quarterly reports with the FEC on behalf of the Committee and ElectroPac 728. Each of these reports specifically itemized the transfer of the balance of funds held by the Committee to ElectroPac 728, and both itemizations included the notation, "Transfer balance of funds resulting from merger of IBEW Locals 323-728." The transfer was further described in both reports as a transfer to/from an "Affiliated/Other Party Committee."

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Mr. Hudspeth's central complaint concerns the transfer of funds between the Committee and ElectroPac 728. However, section 102.6 of the FEC regulations states that "transfers of funds may be made without limit on amount between affiliated committees." 11 C.F.R. § 102.6. The term "affiliated committee" is defined in part as "all committees established . . . maintained or controlled by the same . . . labor organization." 11 C.F.R. § 100.5(g). Applying this rule to the instant matter, there exists no prohibition against a transfer of funds in this case insofar as the Committee and ElectroPac 728 should be considered either one merged committee, or alternatively, "affiliated committees" now subject to the control of Local 728.

The suggestion that Mr. Ranken and Mr. Weldon have engaged in some sort of conspiracy to defraud or steal from the Committee is groundless, as is the suggestion that they have in any way sought to mislead or misrepresent the facts herein. All receipts and disbursements since the merger have been properly recorded and accounted for, and the Respondents have made known their situation to the federal and state authorities.

With respect to the necessity of obtaining reauthorizations from former Local 323 members for contributions to ElectroPac 728, it is unclear that the law requires this step in this circumstance. However, you should be aware that ElectroPac 728 has been obtaining new authorizations from former Local 323 members. Since the merger

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of the Local Unions, and upon their referral to a new job site, former Local 323 members have signed new authorization cards for contributions to ElectroPac 728 which clearly reflect that their contributions will be going to ElectroPac 728.

I hope the above discussion will help resolve this matter. If there is any other information you require from Mr. Ranken or Mr. Weldon, please feel free to contact me at (305) 446-8800.

Very truly yours,

Angela M. Nixon
For the Firm

AMN/ms
Enclosures

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

'95
SENSITIVE

In the Matter of) Enforcement Priority
)
)

GENERAL COUNSEL'S MONTHLY REPORT

I. INTRODUCTION

This report is the General Counsel's Monthly Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 22 cases which do not warrant further pursuit relative to the other pending cases.[1] A short description of

1. These matters are: PM 305; MUR 3976; MUR 4023; MUR 4026; MUR 4031; MUR 4032; MUR 4036; MUR 4050; MUR 4051; MUR 4052; MUR 4055; MUR 4056; MUR 4058; MUR 4063; MUR 4068; MUR 4072; MUR 4073; MUR 4075; MUR 4078; MUR 4081; MUR 4082; and MUR 4083.

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-22. For the Commission's convenience, the responses to the complaints for the externally-generated matters and the referral for the internally-generated matter are available in the Commission Secretary's office.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 9 cases that have remained inactive and assigned to the Central Enforcement Docket for one year and which it believes do not warrant further investment of significant Commission resources.[2] Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. However, for the Commission's convenience, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are also available in the

2. These matters are: MUR 3828; MUR 3829; RAD 93L-73; RAD 93L-75; RAD 93L-78; RAD 93L-83; RAD 93L-84; RAD 93L-88; and RAD 93L-91.

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Commission Secretary's office.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective February 21, 1995. By closing the cases effective February 21, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for these cases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective February 21, 1995 in the following matters:

1) RAD 93L-73
2) RAD 93L-75
3) RAD 93L-78
4) RAD 93L-83
5) RAD 93L-84
6) RAD 93L-88
7) RAD 93L-91

B. Decline to open a MUR, close the file effective February 21, 1995 and approve the appropriate letter in PM 305.

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C. Take no action, close the file effective February 21, 1995, and approve the appropriate letter in the following matters:

1) MUR 3828
2) MUR 3829
3) MUR 3976
4) MUR 4023
5) MUR 4026
6) MUR 4031
7) MUR 4032
8) MUR 4036
9) MUR 4050
10) MUR 4051
11) MUR 4052
12) MUR 4055
13) MUR 4056
14) MUR 4058
15) MUR 4063
16) MUR 4068
17) MUR 4072
18) MUR 4073
19) MUR 4075
20) MUR 4078
21) MUR 4081
22) MUR 4082
23) MUR 4083

2/13/95
Date

Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)
	)
Enforcement Priority	)

AMENDED CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission decided by a vote of 6-0 on February 16, 1995, to take the following actions with respect to the General Counsel's February 13, 1995 report on enforcement priority:

A. Decline to open a MUR and close the file effective February 21, 1995 in the following matters:

1) RAD 93L-73
2) RAD 93L-83
3) RAD 93L-88

B. Decline to open a MUR, close the file effective February 21, 1995 and approve the appropriate letter in PM 305.

C. Take no action, close the file effective February 21, 1995, and approve the appropriate letter in the following matters:

1) MUR 3829
2) MUR 4023
3) MUR 4036

(continued)

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4) MUR 4050
5) MUR 4051
6) MUR 4052
7) MUR 4055
8) MUR 4063
9) MUR 4072
10) MUR 4073
11) MUR 4075
12) MUR 4078
13) MUR 4081
14) MUR 4082
15) MUR 3976

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision.

Attest:

2-21-95
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1995

George L. Hudspeth
Secretary-Treasurer Electro-PAC 323
8065 112th Terrace N
Lake Park, FL 33412

RE: MUR 4081

Dear Mr. Hubspeth:

On October 14, 1994, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

50436312861

MUR 4081
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 728

George Hudspeth filed a complaint alleging that ElectroPAC 728 embezzled in excess of $40,000 from ElectroPAC 323 because it did not have the permission of the treasurer to transfer the funds. The complaint further alleges various reporting violations arising from the transfer.

IBEW International and John Ranken and Jim Weldon of Local 728 respond that the "inside construction" portion of the International Brotherhood of Electrical Worker's Local 323 was merged with Local 728 and the merger allowed Local 728 to direct and govern matters relating to the defunct Local 323. The respondents state that the Local 323 bank account was changed to the Local 728 account and that Local 728's reports to the Commission reflect that ElectroPAC 728 is the successor to ElectroPAC 323. In addition, respondents state that the transfer of the balance of funds from ElectroPAC 323 to ElectroPAC 728 was properly documented in disclosure reports.

This matter involves less significant issues relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1995

John F. Ranken, Treasurer
International Brotherhood of
Electrical Workers Local 728
201 SE 24th Street
Ft. Lauderdale, FL 33316

RE: MUR 4081

Dear Mr. Ranken:

On October 18, 1994, the Federal Election Commission notified Electro PAC 728 ("Committee") of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Committee. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

95043631283

MUR 4081
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 728

George Hudspeth filed a complaint alleging that ElectroPAC 728 embezzled in excess of $40,000 from ElectroPAC 323 because it did not have the permission of the treasurer to transfer the funds. The complaint further alleges various reporting violations arising from the transfer.

IBEW International and John Ranken and Jim Weldon of Local 728 respond that the "inside construction" portion of the International Brotherhood of Electrical Worker's Local 323 was merged with Local 728 and the merger allowed Local 728 to direct and govern matters relating to the defunct Local 323. The respondents state that the Local 323 bank account was changed to the Local 728 account and that Local 728's reports to the Commission reflect that ElectroPAC 728 is the successor to ElectroPAC 323. In addition, respondents state that the transfer of the balance of funds from ElectroPAC 323 to ElectroPAC 728 was properly documented in disclosure reports.

This matter involves less significant issues relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1995

Joseph Kaplan, Esq.
Angela Nixon, Esq.
Kaplan & Bloom, P.A.
3001 Ponce De Leon Blvd., Suite 214
Coral Gables, FL 33134

RE: MUR 4081
John F. Ranken
Jim Weldon

Dear Mr. Kaplan and Ms. Nixon:

On October 18, 1994, the Federal Election Commission notified your clients, John F. Ranken and Jim Weldon, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

95043631285

MUR 4081
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 728

George Hudspeth filed a complaint alleging that ElectroPAC 728 embezzled in excess of $40,000 from ElectroPAC 323 because it did not have the permission of the treasurer to transfer the funds. The complaint further alleges various reporting violations arising from the transfer.

IBEW International and John Ranken and Jim Weldon of Local 728 respond that the "inside construction" portion of the International Brotherhood of Electrical Worker's Local 323 was merged with Local 728 and the merger allowed Local 728 to direct and govern matters relating to the defunct Local 323. The respondents state that the Local 323 bank account was changed to the Local 728 account and that Local 728's reports to the Commission reflect that ElectroPAC 728 is the successor to ElectroPAC 323. In addition, respondents state that the transfer of the balance of funds from ElectroPAC 323 to ElectroPAC 728 was properly documented in disclosure reports.

This matter involves less significant issues relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1995

Gerald Counihan
1125 15th Street, N.W.
Washington, D.C.

RE: MUR 4081

Dear Mr. Counihan:

On October 18, 1994, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

'5043631287

MUR 4081
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 728

George Hudspeth filed a complaint alleging that ElectroPAC 728 embezzled in excess of $40,000 from ElectroPAC 323 because it did not have the permission of the treasurer to transfer the funds. The complaint further alleges various reporting violations arising from the transfer.

IBEW International and John Ranken and Jim Weldon of Local 728 respond that the "inside construction" portion of the International Brotherhood of Electrical Worker's Local 323 was merged with Local 728 and the merger allowed Local 728 to direct and govern matters relating to the defunct Local 323. The respondents state that the Local 323 bank account was changed to the Local 728 account and that Local 728's reports to the Commission reflect that ElectroPAC 728 is the successor to ElectroPAC 323. In addition, respondents state that the transfer of the balance of funds from ElectroPAC 323 to ElectroPAC 728 was properly documented in disclosure reports.

This matter involves less significant issues relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1995

Jack Berry
1125 15th Street, N.W.
Washington, D.C. 20005

RE: MUR 4081

Dear Mr. Berry:

On October 18, 1994, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on February 21, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

5043631289

MUR 4081
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 728

George Hudspeth filed a complaint alleging that ElectroPAC 728 embezzled in excess of $40,000 from ElectroPAC 323 because it did not have the permission of the treasurer to transfer the funds. The complaint further alleges various reporting violations arising from the transfer.

IBEW International and John Ranken and Jim Weldon of Local 728 respond that the "inside construction" portion of the International Brotherhood of Electrical Worker's Local 323 was merged with Local 728 and the merger allowed Local 728 to direct and govern matters relating to the defunct Local 323. The respondents state that the Local 323 bank account was changed to the Local 728 account and that Local 728's reports to the Commission reflect that ElectroPAC 728 is the successor to ElectroPAC 323. In addition, respondents state that the transfer of the balance of funds from ElectroPAC 323 to ElectroPAC 728 was properly documented in disclosure reports.

This matter involves less significant issues relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 4081

DATE FILMED 3-7-95 CAMERA NO. 2

CAMERAMAN Jm H

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