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United Association of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of the United States and Canada

Three Park Place • Annapolis, Maryland 21401
(410) 269-2000 • Fax (410) 267-0262 • <http://www.ua.org>

William P. Hite
General President
Patrick R. Perno
General Secretary-Treasurer
Stephen F. Kelly
Assistant General President

General Office File Reference: PRP

August 5, 2010

Mr. Anthony Gallagher

Mr. James P. Gallagher

Mr. Thomas F. Redden, III

Mr. John Cordero

Mr. Harry Gallagher

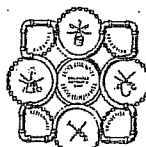
Re: Appeals from Decision of International Representative Mark McManus
Concerning Local 420 Election

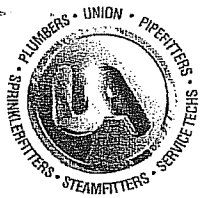
Dear Sirs and Brothers:

Your recent letters appealing the July 15, 2010 decision of International Representative Mark McManus regarding the Local 420 election of officers have been reviewed and considered. I commend your commitment to the election process and I sympathize with your frustration over the imperfect functioning of one of the voting machines used in the June 5 election. Nonetheless, I agree with the conclusions of International Representative McManus and I have decided to uphold his decision.

Your chief substantive concerns about the election were addressed in the decision of International Representative McManus. Your main argument is that the malfunction that produced the anomalous results in the votes for President and Vice-President must somehow have affected the results in the remaining offices, requiring a full rerun election. However, the election company retained by Local 420 to assist in the conduct of the election has not only certified the results in the remaining offices, but has expressly concluded that those results were not affected by the equipment malfunction.

International Representative McManus has noted that the election company that assisted with the election is the same company that Local 420 has used in past elections, and that the same equipment and process has been used in past elections. Although you have obtained a report from an expert who is critical of the type of voting equipment used in the Local 420 election, International Representative McManus notes that many governments and organizations across the country have long utilized these machines. I am not aware of any objection having been made to the decision to use this company or this equipment in the Local 420 election until after the fact. And I am not prepared to set aside an election based on some generalized distrust of voting equipment that is apparently in common use.





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I also disagree with your contentions that I should disbelieve the election company's reasonable explanation for why the anomalous results were confined to the offices of President and Vice-President. The fact that this company was paid by Local 420 for its services does not render the election certification suspect. There has been no suggestion that this company had any bias toward any particular result, and the company has candidly acknowledged that the results for the offices of President and Vice-President were inconclusive. If you or the Election Committee or other officers or members had reason to distrust this company or this equipment, this concern should have been raised before, not after, the election. The election company has issued its certification and has explained the reasoning behind its certification, and I am satisfied that the certification should stand.

With respect to your contentions regarding the security of the election equipment, you have provided no reason to believe that proper precautions were not observed. I am confident that International Representative McManus reviewed these matters and that he was satisfied that security was properly maintained. Likewise, I am confident that International Representative McManus followed appropriate procedures in conducting his investigation.

Section 125(a) of the Constitution gives me the discretion to render a decision that in my view is warranted by the facts. I am satisfied that International Representative McManus carefully investigated the facts and reached appropriate conclusions regarding the election. It is my decision that, with the exception of the offices of President and Vice-President, the Local 420 election held on June 5, 2010 should be upheld and the newly elected officers installed. With regard to the offices of President and Vice-President, it is my decision that a rerun election should be held using either a paper ballot, a paper backup or ballot imaging. I leave it to the Local 420 Election Committee to decide which professionals it will employ to assist in conducting the rerun election.

Pursuant to Section 125(a) of the UA Constitution, my decision is final, binding and conclusive, and there is no further right of appeal.

With best wishes, I remain

Fraternally yours,

William P. Hite
General President

PRP:dlw

cc: Patrick R. Perno, General Secretary-Treasurer
Mark McManus, International Representative, UA
Thomas P. Gallo, Jr., Business Manager, Local 420
Kevin F. Heffernan, Financial Secretary-Treasurer, Local 420
Charles Wells, Election Committee Judge, Local 420
Edward L. McGhehean, Jr.
Gary J. Andress, Jr.
Edward A. Kalicki
James J. Snell, Jr.

Sent via UPS Overnight Mail