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CERTIFIED MAIL
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February 6, 2013

TO CANDIDATES IN UFCW LOCAL NO. 400'S OCTOBER 2012 ELECTION

The International Union, through International Vice President and Region 2 Director Alvin Vincent Jr. and his designated representative, conducted an investigation of the appeal of Ralph Ramirez (Ramirez) challenging the conduct of UFCW Local No. 400's (Local 400) recent election of officers. As explained below, as a result of the investigation, I am setting aside the election results and ordering that a new election be conducted for all offices.

Nominations for terms of office beginning January 1, 2013, were held by petition for the offices of president, secretary-treasurer, recorder, and 24 vice presidents. Petitions were due on September 7, 2012. The election was held by mail ballot during the months of September and October 2012. The election was completed and the ballots were counted on October 26, 2012. The incumbent president, Thomas P. McNutt (McNutt), ran on a slate titled the "Tom McNutt Slate" together with a full slate of other incumbent officers. Ramirez ran as a candidate on a slate titled the "Ralph Ramirez Slate" for the office of president together with nine other members running for vice president positions. Another member of Local 400, W. Christian Sauter, also ran as a candidate for the office of president. The incumbent candidates for secretary-treasurer, recorder, and vice president nos. 1, 2, 3, 5, 6, 7, 10, 11, 13, 14, 18, 19, 20, 22, and 24 all ran for office unopposed. The incumbent slate won the election for all the contested positions: president and vice presidents nos. 4, 8, 9, 12, 15, 16, 17, 21, and 23. The results for the office of president were as follows: Thomas McNutt, 1,616 votes; Chris Sauter, 1,088 votes; and Ralph Ramirez, 463 votes.

Following the election, Ramirez filed a timely objection with Local 400's election committee alleging numerous election violations and requesting a new election. The election committee issued its decision on November 20, 2012, upholding the results of Local 400's election of officers and denying his challenge. Ramirez filed a timely appeal with the International Union on November 30, 2012, and the International Union conducted an investigation of his allegations.

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The investigation revealed union resources were used to support the candidacy of members on the incumbent slate in violation of Article 35(C)17 of the UFCW International Constitution and Local 400's bylaws. Specifically, allegations related to improper campaign literature sent by the local union to thousands of members and on-the-clock campaigning by members and supporters of the Tom McNutt Slate were found to have merit. Moreover, the investigation found the use of union resources during the nominations and election period may have impacted the results of the election. All other challenges alleged in Ramirez's appeal were either without merit, unsupported by sufficient evidence to find a violation, and/or, even if true, would not have impacted the results of the election.

As a result of the investigation and pursuant to my authority under Article 35(C)22 of the International Constitution, I am setting aside the results of the election for all positions and directing that a new election be conducted. The new election shall be conducted under the general supervision of International Vice President and Region 2 Director Alvin Vincent Jr., who shall appoint an election general chairperson and at least three election judges. The election shall be conducted pursuant to Local 400's bylaws and the International Constitution and completed no later than April 30, 2013.

It is my understanding, that since the time of the election, Local 400's executive board has elected new officers to serve in various positions, including president, secretary-treasurer, and recorder. So as to preserve continuity in the interim while the election is pending, the members now in office shall remain in their officer positions until the election is completed. Those who win in the rerun election shall assume their offices immediately following the completion of the rerun election and shall serve until the end of the present term of office.

With kind regards, I am

Sincerely and fraternally,

/s/ Joseph T. Hansen

International President

cc: Al Vincent - Region 2 Director
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