

October 30, 2003

Jim Fahey - Executive Director
Association of Commuter Rail Employees
420 Lexington Avenue - Suite 215
New York, NY 10017

Dear Jim:

I need your assistance as Executive Director of the Association of Commuter Rail Employees (ACRE) in protecting my rights as an ACRE member which are guaranteed to me under the ACRE Constitution and Local Division Bylaws. Currently my rights are being violated and I would like you to intervene on my behalf to protect my rights as an ACRE member in good standing.

Since September 7, 2002 I have sent five certified letters to the officers of ACRE Local Division 9 seeking copies of the minutes of monthly meetings which are guaranteed to me under our Members Bill of Rights. Letters were sent to Joe Lindenberg the Secretary / Treasurer and Mike Doyle the General Chairman for Local Division 9. Copies from the minutes of the meetings from March, April, May and June of 2000 have not been provided to me as I have requested. Certified letters were sent on 9/7/02-returned unclaimed, 9/20/02-received and ignored, 1/15/03-received and ignored, 5/7/03-received and ignored and 7/29/03-received and ignored.

Do ACRE officers have to comply with the rules and regulations which are spelled out under the ACRE Constitution, Members Bill of Rights and Local Division Bylaws? Within these documents, ACRE officers have specific duties which they swore to uphold when they took office. Are they fulfilling their sworn obligation to their office and our ACRE membership?

Please contact both Mr. Doyle and Mr. Lindenberg and find out why my requests which are guaranteed to me have not been fulfilled. Why is it that 13 months after my initial request for these minutes these ACRE officers have not complied with their duties as ACRE officers? See that I am reimbursed in the amount of \$17.68 (which is the cost of having to send out 4 additional certified letters to receive the information I should have received with my first certified letter).

What safeguards are you going to implement to make sure that flagrant violations of ACRE members rights by ACRE officers do not happen again? What actions are going to be taken against Mike Doyle and Joe Lindenberg for their willful acts against my guaranteed rights as an ACRE member? Is this the type of behavior ACRE members should expect from ACRE officers? Are you, as the Executive Director of the ACRE, going to allow this type of behavior from your officers? Will you allow it to continue?

During the formation and campaigning of the ACRE to be the representative body on Metro-North Railroad, we were informed that the ACRE would be "a democratic and user friendly organization. A safe harbor for all rail unions and employees to go." Do the actions of the ACRE officers reflect these campaign promises? Has the ACRE really turned out to be a safe harbor for its membership?

Your response and copies of the missing minutes are expected within ten days from the receipt of this letter.

Sincerely,

James W. Ekberg

Sent via certified mail