

INDEPENDENT REVIEW BOARD
444 North Capitol Street, NW, Suite 528
Washington, DC 20001
(202) 434-8080
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Corruption Hotline (800) CALL IRB

Chief Investigator:

Charles M. Carberry, Esq.
17 Battery Place, Suite 331
New York, NY 10004

Administrator:
John J. Cronin, Jr.

March 11, 2010

Board Members:
Benjamin R. Civiletti, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004

Joseph E. diGenova, Esq.
diGenova & Toensing, LLP
1776 K Street, NW, Suite 737
Washington, DC 20006

William H. Webster, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1850 K Street, NW, Suite 1100
Washington, DC 20006

VIA UPS NEXT DAY

Hon. Loretta A. Preska
United States District Court
United States Courthouse
500 Pearl Street, Room 1320
New York, NY 10007

Re: APPLICATION 140 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 140 of the Independent Review Board, submitting the Agreement regarding Michael Carucci, approved by the IRB, to Your Honor for review, and if appropriate, to be "so-ordered."

In addition to the Application, enclosed please find the original and one copy of:

- (a) the March 11, 2010, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

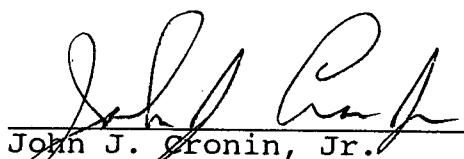
If you find it appropriate, I respectfully request that a member of Your Honor's staff file the original of the "backed" Application, Agreement, Acknowledgment of Receipt and Affidavit of Service with the Clerk's office.

Respectfully submitted,

Members of the
Independent Review Board

JJC:cft
Enclosures

By:


John J. Cronin, Jr.
Administrator

cc: Beth Goldman, AUSA
✓ Charles M. Carberry, Esq.
Bradley T. Raymond, Esq., IBT General Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, et al.

 Defendants.

:
:
: 88 CIV. 4486 (LAP)
:
: APPLICATION 140 OF THE
: INDEPENDENT REVIEW BOARD
: -- AGREEMENT BETWEEN THE
: INDEPENDENT REVIEW BOARD
: AND MICHAEL CARUCCI
:
:
:

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board for the International Brotherhood of Teamsters ("IRB Rules"), the Independent Review Board ("IRB") files this Application submitting the Agreement with Michael Carucci, a member of Local 282 in Lake Success, New York. The Agreement has been approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order.

On December 14, 2009, the IRB issued an Investigative Report to IBT General President Hoffa recommending charges against Michael Carucci for between January 2000 and February 2008, while a member and continuing while a suspended member of IBT Local 282, for bringing reproach upon the IBT by being an associate of the Bonanno organized crime family, knowingly associating with members of the Bonanno organized crime family, and collecting unlawful debts in connection with an illegal gambling operation the Bonanno organized crime family ran. Mr. Hoffa notified the IRB that he filed the proposed charge and he returned the matter

to the IRB for adjudication. The IRB then scheduled a hearing on Michael Carucci for February 17, 2010. At the hearing Michael Carucci would have been questioned regarding the above charges among other things.

Before the scheduled hearing was held, Michael Carucci forwarded to the IRB a signed agreement between Michael Carucci and the IRB seeking to resolve the matter. The agreement is enclosed.

This Application complies with former United States District Court Judge David N. Edelstein's February 2, 1994, Order stating that all IRB Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreement reached between the IRB and Michael Carucci satisfies this procedure. One "backed" original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective March 11, 2010, Michael Carucci has agreed to permanently resign from the IBT, Local 282 and Local 917. From March 11, 2010 forward, he has further agreed not to:

(1) hold membership in the IBT or hold any position with Local 282, Local 917 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 282, Local 917 and any IBT Entities;

(2) accept any pay, salary, allowance, fee or compensation of any kind, except that he may receive any fully vested pension benefits;

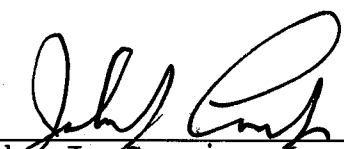
(3) accept any contributions on his behalf to any pension, health and welfare, severance or other benefit fund;

(4) receive any gratuities, severance payments or gifts of any kind whatsoever from Local 282, Local 917 or IBT Entities; or

(5) participate in any manner in any of the activities or affairs of Local 282, Local 917 or any other IBT entities.

We have found the Agreement serves to resolve the matter in a fair and equitable manner.

Therefore, we respectfully request that Your Honor execute the Agreement on the line provided. This will, in effect, serve to have the Agreement "so ordered" by the Court. Thereafter, it is respectfully requested that a member of Your Honor's staff file the fully executed original Agreement with the Clerk and transmit to me a confirmed copy of the Agreement as "so ordered."

By: 
John J. Cronin, Jr.
Administrator

Dated: March 11, 2010

-----X
In the Matter of :
MICHAEL CARUCCI :
before the :
INDEPENDENT REVIEW BOARD :
-----X

AFFIDAVIT AND
AGREEMENT

MICHAEL CARUCCI, pursuant to the provisions of 28 U.S.C. §1746, declares and agrees as follows:

1. The Independent Review Board ("IRB"), appointed pursuant to the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (LAP) (S.D.N.Y.) (the "Consent Order") recommended to the IBT that I be charged with being an associate of the Bonnano La Cosa Nostra ("LCN") Family, knowingly associating with John Contello and Vincent Disario, who the Federal Bureau of Investigation considers to be members of the Bonnano LCN Family, and bringing reproach upon the IBT by unlawfully collecting illegal debts on behalf of the Bonanno LCN Family while an IBT member. The IBT filed the charges and referred them back to the IRB for adjudication.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the IRB-recommended charge described in paragraph 1.

This Agreement does not constitute an admission or denial of wrongdoing.

3. I represent and agree to the following:

(a) I was a member of the International Brotherhood of Teamsters ("IBT"), a member of IBT Local 282 and a member of IBT Local 917;

(b) I currently hold no elected or appointed offices of any kind, paid or unpaid, in the IBT or any of its affiliated entities including any Locals, superior bodies, conferences, councils, pension, health, welfare or severance plans or other such entities (collectively "IBT Entities");

4. I hereby permanently resign from the IBT, Local 282 and Local 917 effective upon the date this Agreement is approved by the IRB ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date forward, I further agree never to hold any position with Local 282, Local 917 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 282, Local 917 and any IBT Entities.

5. From the effective date of this Agreement forward, Local 282, Local 917 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, allowance, fee or compensation of any kind, except that I may receive any fully vested pension benefits.

6. From the effective date of this Agreement forward, Local 282, Local 917 and any other IBT Entities shall not make, nor shall I accept, any contributions on my behalf to any pension, health and welfare, severance or other benefit fund. From the effective date of this Agreement forward, I will receive no gratuities, severance payments or gifts of any kind whatsoever from Local 282, Local 917 or IBT Entities.

7. From the effective date of this Agreement forward, I shall not participate in any manner in any of the activities or affairs of Local 282, Local 917 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 282, Local 917 and IBT Entities.

8. This Agreement is permanent.


9. I understand and agree that this Agreement will be submitted to the IRB for its review and, if approved by the IRB, it will be submitted to the United States District Court for the Southern District of New York for review. I understand that, if this Agreement is approved by the United States District Court for the Southern District of New York, it will be entered as a Court Order. I understand that no representations have been made as to whether this Agreement will be approved by the IRB or the United States District Court for the Southern District of New York. If this Agreement is not approved by the IRB or the United

States District Court for the Southern District of New York, the Agreement will be null and void.

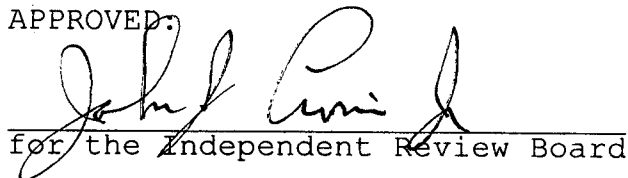
10. I make this Agreement freely, under no duress or coercion of any kind.

11. I will transmit this Agreement, signed by me, to the IRB. If it is signed by the IRB, it will be submitted to the Court for review.

Pursuant to Title 28 U.S.C. §1746, I swear to the truth of the above under penalties of perjury.


MICHAEL CARUCCI 2-1-10

APPROVED:


for the Independent Review Board

Dated: 3/11/10

So Ordered:

Hon. Loretta A. Preska
U.S. District Judge

Dated: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	ACKNOWLEDGMENT OF RECEIPT
	:	OF THE AGREEMENT
INTERNATIONAL BROTHERHOOD OF	:	BETWEEN THE INDEPENDENT
TEAMSTERS, <u>et al.</u>	:	REVIEW BOARD AND
	:	MICHAEL CARUCCI
	:	
Defendants.	:	

This Court hereby acknowledges that the Agreement enclosed with Application 140 of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IBT") has been received by this Court, and that this Court has caused to be filed the original documents concerning the Agreement enclosed with Application 140 with the Clerk of the Court of the Southern District of New York.

This court further certifies that the instant Acknowledgment of Receipt ("the Acknowledgment") has been filed with the Clerk of the Court of the Southern District of New York, and that a copy of the Acknowledgment has been forwarded to the following:

John J. Cronin, Jr.
444 North Capitol Street, N.W., Suite 528
Washington, DC 20001
Administrator of the Independent Review Board

Dated: _____, 2010
New York, New York

U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, et al.

Defendants.

88 CIV. 4486 (LAP)
AFFIDAVIT OF SERVICE

John E. Converse hereby deposes and says:

1. I am the Assistant to the Administrator in the office of the Administrator of the Independent Review Board. On March 11, 2010, I caused to be delivered via UPS NEXT DAY to the Honorable Loretta A. Preska one executed original and one copy of Application 140 and the original and one copy of the Acknowledgment of Receipt.

2. I also caused a copy of Application 140 along with the enclosures to be delivered to:

Beth Goldman, AUSA, via UPS Next Day
Charles M. Carberry, Esq., via UPS Next Day
Bradley T. Raymond, Esq., via Hand Delivery

John E. Converse
John E. Converse

Sworn to and subscribed
before me this 11th day
of March 2010

Hollis G. Hypes

HOLLIS G. HYPES
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 14, 2011