

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	88 Civ. 4486 (DNE)
Plaintiff,	:	APPLICATION XXXVI OF THE
v.	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD	:	-- AGREEMENT BETWEEN THE
OF TEAMSTERS, et al.	:	INDEPENDENT REVIEW BOARD
Defendant.	:	AND JOHN GUGLIELMO
	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), the IRB files this Application submitting the Compromise Agreement with John Guglielmo ("Guglielmo"), former member of Local Union 813 in New York, New York. This Agreement was approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order. The Agreement seeks to resolve the matter of The Independent Review Board v. John Guglielmo. The Agreement, with a copy of the charges annexed thereto as Exhibit A, is enclosed herewith.

This Application recognizes the importance of Your Honor's February 2, 1994, Order in which Your Honor stated that all IRB Compromise Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreement reached between the IRB and Guglielmo satisfies this procedure for Your Honor's review.

Guglielmo was charged with bringing reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (3) and Section 14(I) of the IBT Constitution for defrauding IBT Local 813 when he falsified information on an application for membership in IBT Local 813 at a time when he was ineligible for membership in the Union.

Effective the date the IRB approved the Agreement, September 4, 1996, Guglielmo has agreed to resign permanently from membership in the IBT.

Guglielmo has further agreed not to:

(1) accept any salary, severance payment, allowance, fee or compensation of any kind;

(2) receive any benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 813 or IBT Entities;

(3) accept any contributions from Local 813 or any other IBT Entities on his behalf to any pension, health and welfare, severance or other benefit fund;

(4) hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT Entity, nor hold, seek or accept any employment, consulting or other similar relationship of any kind with any IBT Entity.

We have found the Agreement comports with Your Honor's February 2, 1994, Order and serves to resolve the charge 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 this 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.

By: Frederick B. Lacey  
Frédéric B. Lacey  
Member of the  
Independent Review Board

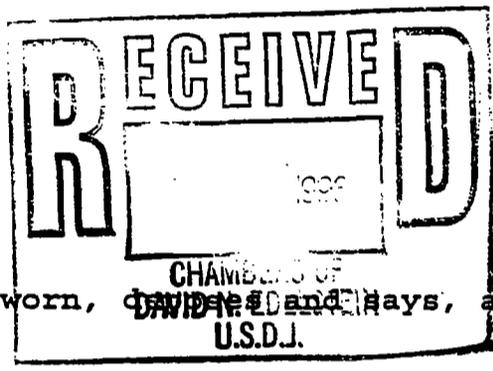
Dated: September 4, 1996

9-11-96

In the Matter of :  
JOHN GUGLIELMO :  
Before the :  
INDEPENDENT REVIEW BOARD :  
:-----X

AFFIDAVIT  
AND AGREEMENT

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF BRONX )



JOHN GUGLIELMO, being duly sworn, ~~DAVID P. ANDERSON~~ says, and agrees as follows:

1. The Independent Review Board, appointed pursuant to the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (DNE) (SDNY) (the "Consent Order"), has referred to Local 813, I.B.T. on March 26, 1996, proposed charges against me pursuant to the Consent Order (the "Charges"). A copy of the Charges is annexed as Exhibit A and incorporated herein by reference.

2. I make this affidavit and Agreement (the "Agreement") to resolve the proposed charges in the March 26, 1996 report sent to Local 813. This Agreement does not constitute an admission by me of any wrongdoing, as alleged in the Charges.

3. I represent and agree to the following:

a. I was a member of the International Brotherhood of Teamsters ("IBT") and Local 813, I.B.T.

b. I currently hold no other elected or appointed offices of any kind, paid or unpaid, in the IBT or in any of its affiliated entities, including Local 813, or with any pension, health and welfare or other benefit fund or other such entities affiliated with the IBT (collectively "IBT Entities").

c. I currently receive no salary, allowances or remuneration of any kind from any IBT Entity.

d. I have resigned, effective *March 1, 1996*, as a member of the IBT and Local 813.

e. Since that date, I have not received any benefits, gratuities or gifts of any kind from Local 813, and no contributions have been made on my behalf by Local 813 or any other IBT Entity to any pension, health and welfare or other benefit plan. I am however, claiming pension benefits that are prepaid and vested as of the effective date of my resignation.

f. From the effective date of this Agreement forward, Local 813 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, severance payment, allowance, fee or compensation of any kind, except that I may receive my fully vested benefits.

g. I will receive no benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 813 or IBT Entities. From the effective date of this Agreement forward, Local 813 or 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.

h. I agree that, from the date of this Agreement, I will not hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT Entity, nor will I hold, seek or accept any employment, consulting or other similar relationship of any kind with any IBT Entity. From the date of this Agreement forward, I will not seek or accept membership in the IBT.

i. This Agreement is permanent.

4. I have entered into this Agreement based on the understanding that the Independent Review Board agrees that it will not pursue the Charges attached as Exhibit A.

5. I understand that this Agreement will be submitted to the Independent Review Board ("IRB") for its review and, if approved by the IRB, it will be submitted to the United States District Court for the South 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. I further understand that if, upon review, this Agreement is not approved by the United States District Court for the Southern District Court of New York, this Agreement will be void.

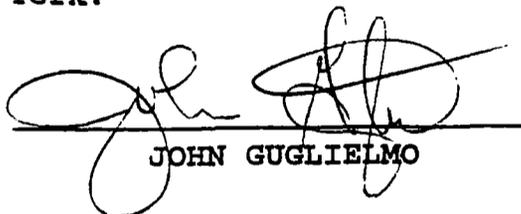
6. I have entered into this Agreement on the understanding that Local 813 and the IRB agree not to pursue the proposed

charges described in the March 26, 1996 report. I understand that this Agreement, which is subject to review by the United States District Court for the Southern District of New York, is limited to the charges detailed in the March 26, 1996 IRB report and the IRB expressly reserves the right to pursue charges against any other officer, member, employee or entity of the IBT and Local 813 on any of the allegations contained in the March 26, 1996 Report of proposed charges, or any other investigation.

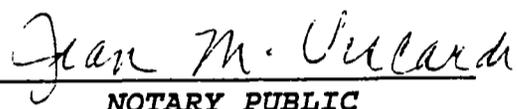
7. I make this Agreement carefully after consultation with my attorney and fully understand its terms.

8. I have authorized counsel to the Trustee of Local 813, to transmit this Agreement, signed by me, to the Independent Review Board. If it is signed by the Independent Review Board,

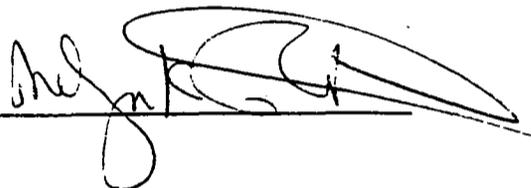
it will then be submitted to the United States District Court for the Southern District of New York.

  
JOHN GUGLIELMO

Sworn to before me this  
19th day of August, 1996

  
NOTARY PUBLIC

JEAN M. VISCARDI  
NOTARY PUBLIC, State of New York  
No. 01VI5058972  
Qualified in Nassau County  
Commission Expires 04/22/98

Witnessed: 

APPROVED:

FOR LOCAL 813, IBT

  
JOSEPH K. FOY

DATE: 8/22/96

APPROVED:

FOR THE INDEPENDENT REVIEW BOARD



DATE: Sept. 4, 1996

SO ORDERED:

HONORABLE DAVID N. EDELSTEIN  
FOR THE UNITED STATES DISTRICT COURT

*David N. Edelstein*

DATE: *September 9<sup>th</sup> 1996*