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INVESTIGATIONS OFFICER, :

Claimant, :

-v- : AFFIDAVIT & AGREEMENT

Frank Scopino, :
President, :
Local 493, :

William Warner, :
Vice-President, :
Local 493, :

Dennis Shippee, :
Recording Secretary, :
Local 493, :

Kenneth Morrill, :
Secretary-Treasurer, :
Local 493, :

Glen Lawton, :
Trustee, :
Local 493, :

Respondents :

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Each of the undersigned, deposes and says, and agrees as follows:

1. He makes this affidavit and agreement (the "agreement") to resolve charges filed against him on January 10, 1990 (the "charges") by the Investigations Officer Charles M. Carberry, 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"). Copies of the charges are annexed as Exhibit A and are incorporated herein by reference.

2. This agreement does not constitute an admission by Frank Scopino, William Warner, Dennis Shippee, Kenneth Morrill or Glen Lawton of the allegations in the charges. This agreement is made by the respondents solely to resolve the charges.

3. Frank Scopino is currently President of Local 493. William Warner is currently Vice-President of Local 493. Dennis Shippee is currently Recording Secretary of Local 493. Kenneth Morrill is currently Secretary-Treasurer of Local 493. Glen Lawton is currently Trustee of Local 493.

4. Frank Scopino, William Warner, Dennis Shippee, Kenneth Morrill and Glen Lawton jointly and severally, agree to reimburse to Local 493, $65,000 or any part thereof in compensation for money and property paid to former Secretary Treasurer Philip Guarnaccia ("Guarnaccia") by Local 493, if Guarnaccia does not fulfill his agreement to reimburse this amount within 180 days of the effective date of his agreement with the Investigations Officer. Guarnaccia's agreement is attached as Exhibit B.

5. In case of Guarnaccia's full or partial failure to pay, Scopino, Warner, Shippee, Morrill and Lawton shall have sixty days from the date of Guarnaccia's breach to pay any money required. Failure to pay any money required by that date shall be deemed a material breach of this agreement. The death of Frank Scopino, William Warner, Dennis Shippee, Kenneth Morrill or Glen Lawton shall extinguish his individual

obligation hereunder and his estate or survivors shall not be charged with his obligations under this agreement. It shall not affect the liability of the surviving signing respondents. Upon such material breach, Scopino, Warner, Shippee, Morrill and Lawton shall resign from any and all offices in Local 493 and shall thereafter neither seek nor accept any paid or unpaid office in Local 493.

6. The respondents, who are members of the Local 493 Executive Board, shall propose to and support before the Board and after its passage to the Local 493 membership that the severance policies for paid officers set forth below, shall be incorporated as an amendment to the Constitution and Bylaws of Local 493. Specifically, they shall propose that:

(a) Upon termination of employment by Local 493, severance payments to paid officers shall be calculated as follows:

Years of Service	Severance
1 year	1 week's salary
2-4 years	2 week's salary
5-9 years	3 week's salary
10-19 years	4 week's salary
20 years or more	5 week's salary

Severance payments to officers shall not exceed these amounts. No severance payments shall be made to officers terminated for cause, or required to leave office by operation of law or the terms of this agreement.

(b) That other than severance as specified above no paid officer will receive any other benefit, including automobiles or gifts of any kind. A plaque or other token of appreciation the value of which is not to exceed $150 may be given to a departing officer.

The signees will also recommend and support the adoption of this proposed Bylaw by the members. This proposed amendment shall also provide that, if approved by the members, its terms cannot be changed except by a secret ballot vote of the membership.

7. The amendments to the Local 493 Bylaws described in ¶ 6 above shall be proposed by the respondents, after approval by the Executive Board (a) in accordance with the procedure for such amendments set forth in the Local 493 Bylaws; and (b) in sufficient time to be read to a regular meeting of the membership no later than February 28, 1991. In addition, the amendments must be approved in accordance with the IBT Constitution. The Investigations Officer must be notified in writing with a copy of all applicable documents within 24 hours when action is taken on the proposed Bylaw amendments by the Executive Board, the membership and the IBT. If for any reason they are not approved by the IBT, respondents must demand a detailed explanation from the IBT as to why they were rejected and provide the request and response to the Investigations Officer.

8. The respondents have entered into this agreement on the understanding that the Investigations Officer will not pursue the charges against them, Ex. A, scheduled to begin before the Independent Administrator on December 20, 1990 or at any time thereafter.

9. The Executive Board understands that the Investigations Officer's agreement is limited to the provisions of Paragraph 8. The Investigations Officer expressly reserves the right to investigate and pursue charges against Local 493, its Executive Board and any of its officers or members, except as expressly provided herein.

10. The Respondents agree that this agreement will be submitted to the Independent Administrator for his review and approval.

11. The Investigations Officer makes no representation as to any action that may be taken by the Independent Administrator or the court with respect to this agreement.

11. Each respondent makes this agreement freely, under no duress or coercion of any kind.

12. This Agreement is not effective until it has been signed below by the Investigations Officer and the Independent Administrator.

Frank Scopino
Frank Scopino
President

Sworn to before me
this 14th day of December, 1990
Burton S Rosenberg
BURTON S ROSENBERG
COMMISSIONER OF THE
SUPERIOR COURT

William Warner
William Warner
Vice-President

Sworn to before me
this 14th day of December, 1990
Burton S Rosenberg
BURTON S ROSENBERG
COMMISSIONER OF THE
SUPERIOR COURT

Dennis Shippee
Dennis Shippee
Recording Secretary

Sworn to before me
this 19th day of December, 1990
Burton S Rosenberg
BURTON S ROSENBERG
COMMISSIONER OF THE
SUPERIOR COURT

Kenneth Morrill
Kenneth Morrill
Secretary-Treasurer

Sworn to before me
this 19th day of December, 1990
Burton S Rosenberg
BURTON S ROSENBERG
COMMISSIONER OF THE
SUPERIOR COURT

Glen S. Lawton II
Glen Lawton
Trustee

Sworn to before me
this 19th day of December, 1990
Burton S Rosenberg
BURTON S ROSENBERG
COMMISSIONER OF THE
SUPERIOR COURT

Counsel for Respondents

Agreed: Charles W Parberry
Investigations Officer

Approved: Jerry Blaney
Independent Administrator

So Ordered:
Hon. David N. Edelstein
U.S. District Judge

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