

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

-v- :

ORDER

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO, et al., :

88 CIV. 4486 (DNE)

Defendants. :

Defendants.

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IN RE: APPLICATION LXXXII OF THE
INDEPENDENT ADMINISTRATOR

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EDELSTEIN, District Judge:

WHEREAS Application LXXXII presents for this Court's review the Independent Administrator's decision regarding disciplinary charges brought by the Investigations Officer against John F. Long, the former Secretary-Treasurer of IBT Local 804, located in Long Island City, New York; and

WHEREAS the Mr. Long did not participate in the proceedings before the Independent Administrator, despite repeated efforts by the Independent Administrator and the Investigations Officer to notify Mr. Long of the proceedings; and

WHEREAS the Investigations Officer charged Mr. Long with violating his fiduciary duties to the general membership by taking money in return for influencing the financial investments made by Local 804 and Local 808, and by unlawfully receiving money from an employer as payment for assisting the employer avoid unionization and arranging a sham contract between the employer and Local 804; and

WHEREAS the Independent Administrator found that the Investigations Officer had satisfied his just cause burden of proving the charges filed against Mr. Long by a preponderance of the evidence; and

WHEREAS the Independent Administrator permanently barred Mr. Long from the IBT, imposed sanctions upon his employee benefits pursuant to this Court's December 28, 1990 Memorandum & Order, 753 F. Supp. 1181 (S.D.N.Y. 1990), aff'd, 941 F.2d 1292 (2d Cir.), cert. denied, 112 S. Ct. 1161 (1992), and also prohibited him from

receiving contributions toward legal expenses from any IBT-affiliated entity; and

WHEREAS as long as thirteen months ago, in a letter dated June 17, 1992, Mr. Long was provided notice of the Independent Administrator's decision and was informed of his right to submit objections to this Court; and

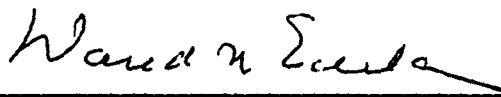
WHEREAS Mr. Long has failed to submit any objections or otherwise respond to the decision of the Independent Administrator; and

WHEREAS the Independent Administrator's decision is fully supported by the evidence and is neither arbitrary nor capricious, see August 27, 1990 Opinion & Order, 745 F. Supp. 908, 911 (S.D.N.Y. 1990), aff'd, 941 F.2d 1292 (2d Cir.), cert. denied, 112 S. Ct. 1161 (1992); March 13, 1990 Opinion & Order, 743 F. Supp. 155, 165 (S.D.N.Y.), aff'd, 905 F.2d 610 (2d Cir. 1990);

IT IS HEREBY ORDERED that the decision of the Independent Administrator is affirmed in its entirety.

SO ORDERED

DATED: August 2, 1993
New York, New York



U.S.D.J.