

INDEPENDENT REVIEW BOARD
444 North Capitol Street, NW, Suite 528
Washington, DC 20001
(202) 434-8080
Facsimile (202) 434-8084
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.

April 19, 2011

VIA UPS NEXT DAY

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

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

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

Re: APPLICATION 150 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 150 of the Independent Review Board, submitting the Agreement regarding Thomas Rosano, 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:

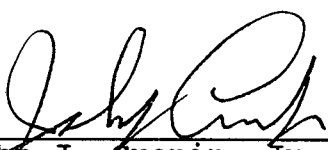
- (a) the April 18, 2011, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

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

By:



John J. Cronin, Jr.
Administrator

Pursuant to the Consent Order of the United States District Court, S.D.N.Y.
United States -v- International Brotherhood of Teamsters 88 CIV. 4486 (LAP)

JJC:cft

Enclosures

cc: Brian Feldman, 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,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 150 OF THE
	:	INDEPENDENT REVIEW BOARD
	:	-- AGREEMENT BETWEEN THE
INTERNATIONAL BROTHERHOOD OF	:	INDEPENDENT REVIEW BOARD
TEAMSTERS, <u>et al.</u>	:	AND THOMAS ROSANO
	:	
Defendants.	:	

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 Thomas Rosano, a member of Local 812 in Great Neck, 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.

Being informed that the IRB planned to recommend a charge against him for obstructing the work of the IRB by falsifying minutes of a Local 812 Executive Board meeting which were then provided to the IRB during an investigation, Thomas Rosano submitted a signed agreement to 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 Thomas Rosano 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 April 18, 2011, Thomas Rosano has agreed to permanently resign from currently held positions of the IBT and Local 812. From April 18, 2011 forward, he has further agreed not to:

(1) hold any position with Local 812 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 812 or 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 812 or IBT Entities; or

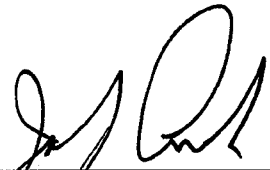
(5) participate in any manner in any of the activities or affairs of Local 812 or any other IBT entities and that this agreement is permanent.

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: April 19, 2011

-----X
In the Matter of :
THOMAS ROSANO :
before the :
INDEPENDENT REVIEW BOARD :
-----X

AFFIDAVIT AND
AGREEMENT

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

THOMAS ROSANO, being duly sworn, deposes and says, 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") has informed me through my counsel that it plans to recommend a charge against me for obstructing the work of the IRB by falsifying minutes of a Local 812 Executive Board meeting which were then provided to the IRB during an investigation.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the planned IRB recommended charge described in paragraph 1. I understand that by entering into this Agreement, no charge alleging that I obstructed the work of the IRB will be recommended against me by the IRB. This Agreement does not

constitute an admission or denial of wrongdoing.

3. I represent and agree to the following:

(a) I am a member of the International Brotherhood of Teamsters ("IBT") and a member of IBT Local 812;

(b) I am the Secretary-Treasurer of Local 812;

(c) I am a delegate to Joint Council 16;

(d) I am a Trustee of the Local 812 Health Fund and a Trustee of the Local 812 Retirement Fund;

(e) I currently hold no other elected or appointed offices or positions 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 agree to permanently resign from all IBT-affiliated positions including all positions described in paragraph 3(b)-(d) above effective upon the date this Agreement is approved by the IRB ("the effective date"). I agree never to hold any position with Local 812 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 812 and any IBT Entities. I also understand that except for issues related to my vested union benefits I may not be in the Local offices.

5. From the effective date of this Agreement forward,

Local 812 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 benefits.

6. From the effective date of this Agreement forward, Local 812 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, except as required by a vested benefit. From the effective date of this Agreement, I will receive no gratuities, severance payments or gifts of any kind whatsoever from Local 812 or IBT Entities.

7. From the effective date of this Agreement I shall not participate in any manner in any of the activities or affairs of Local 812 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 812 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

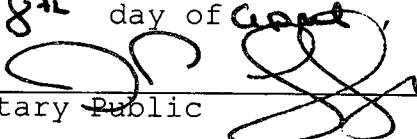
United States District Court for the Southern District of New York. If this Agreement is not approved by the IRB or the United States District Court for the Southern District of New York, the Agreement will be null and void.

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.

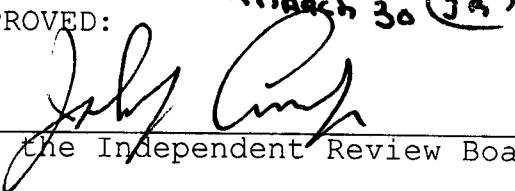

THOMAS ROSANO

Sworn to before me this
8th day of April, 2011


Notary Public

J. BRUCE MAFFEO
Notary Public, State of New York
No. 31-02MA6082850
Qualified in New York County
Commission Expires Jan. 12, 2015

APPROVED:


for the Independent Review Board

Dated: 4/18/11

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,	:	
	:	
v.	:	88 Civ. 4486 (LAP)
	:	ACKNOWLEDGMENT OF RECEIPT
	:	OF THE AGREEMENT
INTERNATIONAL BROTHERHOOD OF	:	BETWEEN THE INDEPENDENT
TEAMSTERS, <u>et al.</u>	:	REVIEW BOARD AND
	:	THOMAS ROSANO
Defendants.	:	

This Court hereby acknowledges that the Agreement enclosed with Application 150 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 150 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, NW, Suite 528
Washington, DC 20001
Administrator of the Independent Review Board

Bradley T. Raymond, Esq.
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001

Dated: _____, 2011
New York, New York

U.S.D.J.