

INDEPENDENT REVIEW BOARD  
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June 12, 2006

James P. Hoffa, General President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001

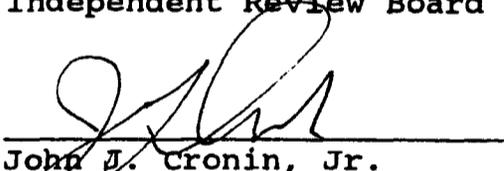
Re: Decision on Charges Against Local 783  
Secretary-Treasurer Jerry Vincent

Dear Mr. Hoffa:

The Independent Review Board has reviewed your decision of May 19, 2006, in the above captioned matter, and finds the decision to be not inadequate.

Very truly yours,

Members of the  
Independent Review Board

By: 

John J. Cronin, Jr.  
Administrator

cc: Charles M. Carberry, Esq.  
Bradley T. Raymond, Esq.  
David F. Dumouchel, Esq.

EXHIBIT B

Pursuant to the Consent Order of the United States District Court, S.D.N.Y.

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# INTERNATIONAL BROTHERHOOD OF TEAMSTERS

JAMES P. HOFFA  
General President

25 Louisiana Avenue, NW  
Washington, DC 20001



C. THOMAS KEEGEL  
General Secretary-Treasurer

202.624.6800  
www.teamster.org

May 19, 2006

## UPS NEXT DAY AIR

Mr. Jerry T. Vincent  
8900 Beulah Church Road  
Louisville, Kentucky 40291

Re: Revised Panel Report and Recommendations

Dear Sir and Brother:

The Independent Review Board (IRB), by letter dated April 28, 2006, advised that the decision on the charges filed against you was inadequate. I, therefore, sent the matter back to the panel to address the IRB's issues and the panel has prepared another report, which I have reviewed, and hereby adopt as my own. You are hereby notified that the penalties set forth in the decision take effect immediately upon your receipt.

The Panel's recommendation is reissued as the decision of the General President.

Fraternally yours,

  
James P. Hoffa  
General President

JPH/jlb  
Enclosure

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Mr. Jerry T. Vincent  
May 19, 2006  
Page 2 of 2

cc: Hearing Panel  
Walt Lytle, International Vice President  
Kentucky-West Virginia Conference  
Teamsters Joint Council 94  
Teamsters Local Union 783  
Independent Review Board

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To: James P. Hoffa, General President

**Revised Report and Recommendations**  
**Regarding Charges Against Jerry Vincent**

On April 28, 2006, the Independent Review Board (“IRB”) informed General President Hoffa that the March 29, 2006, Decision with respect to IRB-recommended charges against Local 783 Secretary-Treasurer Jerry Vincent was “inadequate.” General President Hoffa has referred the matter back to the undersigned Panel to address the deficiencies enumerated in the IRB’s April 28, 2006, correspondence.

While this matter has been under review, the Panel has learned that Mr. Vincent has advised the IBT that he unconditionally renounces any intention of seeking future appointment or election to Teamster office or position. In view of this decision by Mr. Vincent to sever any future official contact with the Union, our reconsideration is focused on the questions of whether we should incorporate Vincent’s pledge into our penalty for the misconduct we found and, if so, whether he should be permitted any social contact with members of the Union at some point in the future. Based upon these new circumstances, and upon careful consideration of the IRB’s letter, the Panel amends its findings and recommendations as follows.

Our initial decision in Mr. Vincent’s case represented our effort to strike a reasonable balance between the need to punish and deter improper contacts with two barred former members, conduct that clearly violated the IBT Constitution and the Consent Decree, with our view that not every violation of the Consent Decree warrants the penalty of automatic and permanent expulsion from the Union. As experienced officials, we recognize that Union officers build their careers on developing and maintaining personal contacts and relationships with persons inside and outside the Union. Prior to the charges in this case, Mr. Vincent undoubtedly had in over 45 years as a Teamster member, and 24 years as an elected Union official, nurtured and maintained these contacts. To our knowledge, Vincent had compiled a record unblemished with any hint of impropriety. Severing these relationships is difficult. Nonetheless, our decision expressed in the strongest terms our view that when an individual is barred, there cannot be any further knowing association. We did not excuse Vincent’s knowing association with the two barred individuals involved, Michael Bane and William Hogan. Rather, we did not believe that

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permanent and unconditional expulsion of Mr. Vincent was warranted in the circumstances presented. We recommended a penalty that we considered significant and reasonable, but recognize that the IRB disagreed with us on this point. In either case, Mr. Vincent has notified the IBT that he accepted permanent severance of his official ties to the Union, and we now adopt these additional restrictions.

As indicated in the Panel's initial decision, a number of factors should be considered in determining what penalty is appropriate in cases involving improper contacts with barred persons, including:

1. The timing, nature and frequency and duration of the contacts.
2. Who initiated the contacts and the circumstances under which they may have been reciprocated.
3. The extent to which the bar was clearly communicated throughout the Union by the IRB and/or by the International Union.
4. The charged member's position in the Union and history of misconduct, if any.
5. Whether the charged member was truthful when confronted by the allegations of improper contacts.
6. The nature and credibility of any explanations or defenses offered by the charged member.

The Panel carefully considered these criteria, mindful of the fact that Vincent is 63 years old and at the end of his lengthy Union career. Under the penalty we initially recommended, he would not have been eligible to run for any Union office until he was at least 66 years old. Since Local 783's officers' current term of office expires in December 2007, there actually would not have been a Local 783 election of officers in which Vincent would have been eligible to run, again under the Panel's initial recommended decision, until 2010 when he will be 67 years old.

The IRB correctly observed that the Panel's original recommended penalty did not preclude Vincent from being "appointed" to office or Union

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employment after his initial one year suspension. Vincent's decision to renounce any intention to seek future appointment or election to Teamster office or position has been accepted by the Panel and we hereby amend the recommended decision to reflect the following:

- 1) that Vincent be permanently barred from accepting any office, employment, or compensation from Local 783, Joint Council 94, the Kentucky and West Virginia Conference of Teamsters, or any other IBT entities, including salaries, severance payment, allowance, fees, or compensation of any kind, except that he may receive his vested pension benefits;
- 2) that Vincent be permanently prohibited from attending or participating in any manner in the activities or affairs of Local 783, Joint Council 94, the Kentucky and West Virginia Conference of Teamsters, or any other IBT entities.

In addition to the foregoing amendments to the Panel's recommended remedy, the Panel will now address the concerns raised in the IRB's April 28, 2006, correspondence.

1. IRB suggests that the Panel discounted evidence of multiple contacts between Vincent and Bane. Respectfully, the Panel rejects the suggestion that it "discounted" or "ignored" this evidence. Phone records, Vincent's admissions in his initial examination by IRB, and Vincent's longstanding acquaintance with Bane do support an inference that Vincent had as many as six significant telephone conversations with Bane between the date of Bane's expulsion from the Union and early 2004, when the contacts ceased. Vincent could only recall one conversation with Bane, occurring in January of 2004, which he described in terms which confirmed his improper knowing association with Bane. While the record is unclear concerning the nature and extent of his other contacts with Bane, upon further consideration, we conclude that six phone calls over a 2 ½ year period cannot be considered merely sporadic. This is especially the case since Vincent was aware that any such contact was prohibited. We recognize that the record reflects that the contacts were largely initiated by Bane. Nevertheless, Vincent's description of his conversation with Bane in January of 2004 clearly supports the charge that he "knowingly associated with Bane" despite Bane's bar. The Panel

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recommended, and continues to recommend, that this charge be sustained.

2. IRB also suggests that the Panel “appears to have ignored” evidence that Vincent “directed his subordinate to contact Hogan in June of 2004.” Respectfully, the Panel did not ignore this evidence either. Vincent admitted to participating in an extended conversation with Hogan on February 18, 2004, despite knowing that Hogan was barred. The charge that he “knowingly associated with Hogan” was thus clearly established. The Panel was (and is) mindful of the June incident in formulating its recommended penalties.
3. IRB urges that the January 13, 2005, agreement resolving proposed charges against Joseph Vitta for having had contacts with Anthony Rumore, during Rumore’s suspension from office, is not analogous to the present case. IRB cites the fact that Vitta’s one year suspension resulted from an agreement as opposed to a contested hearing, the lack of phone record evidence corroborating Vitta’s admitted contact with Rumore, the fact that Rumore was only suspended and not permanently barred, and the fact that Rumore was Vitta’s supervisor and had initiated at least one of the two contacts. Although the Panel respectfully views Vitta’s admitted contacts with Rumore as significantly more serious than the IRB suggests in its letter, since they indicated that Vitta was assisting Rumore in maintaining his involvement in the affairs of Local 812 despite Rumore’s prohibition from doing so during his suspension, the Panel’s amended remedy confirming Vincent’s renouncing of future Union office or employment renders moot our initial reliance on the Vitta case, as well as IRB’s posited distinction between Vincent’s status as Local 783’s principal officer and Vitta’s status as Local 812’s Recording Secretary and Business Agent.
4. IRB points out that Vincent admittedly had prohibited contact with two barred persons, Bane and Hogan, and criticizes the Panel for not addressing Vincent’s written instructions to various Union officials in March of 2003 about the prohibition against knowing association with Hogan. Respectfully, the Panel fully considered these factors, and does not believe they change in any way its

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finding that Vincent “knowingly associated” with both barred persons.

5. Finally, IRB suggests that an “aggravating factor” is that Vincent did not report his improper contacts with Bane and Hogan to the IBT or to IRB. Respectfully, the Panel is constrained to point out that Vincent was not charged with a “failure to report” violation. His failure to do so does not, in our view, “aggravate” or compound his “knowing association,” a violation which he freely admitted in any event.
6. Ultimately, and given Vincent’s recent renunciation of future appointment or election to Union office or employment, and our suggested amended remedy described above, the remaining issue is whether Vincent permanently should be prohibited from purely social contact and association with IBT officers, members, employees, representatives, and agents with respect to matters that do not involve Union business. We are, in this regard, mindful that IRB permanently barred Joseph Bernstein from having such social contacts as a result of his conviction of charges that he knowingly associated with Hogan, citing its concern that permitting Bernstein to have social contacts with Union members would “erod[e] the purposes and objectives of the permanent bars” and would make “monitoring of compliance with [such bars] nearly impossible and certainly ineffective.” In our view, the Bernstein case is distinguishable. First, Bernstein appeared to have initiated at least two of the four contacts he had with Hogan, contacting Hogan by cell phone shortly after a Union meeting, and inviting Hogan to a lunch meeting, which lasted approximately three hours. By contrast, Bane appears to have persistently initiated contacts with Vincent, and it similarly does not appear that Vincent knowingly initiated his contact with Hogan, at least initially. Furthermore, the Panel believes that the objectives of permanent bars can be satisfied through less drastic means, and without permanently prohibiting a long time Union member from having any contacts with brothers and sisters to whom he has devoted nearly 50 years of his life. After reconsidering application of the criteria set forth above to the facts established in this matter, we have determined that Vincent need not be permanently barred but should be prohibited from having social contact during the period of his five year suspension from membership.

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7. Accordingly, the Panel recommends the following remedies, in addition to those set forth above:

- that Vincent should be suspended from membership for a period of five years, during which time he will be prohibited from **knowingly associating** with any IBT members, including barred former members, in any manner except as may be necessary to communicate with a member (not, of course, a barred former member) regarding his vested retirement and health benefits.
- that after five years, and assuming no violation of the foregoing conditions, Vincent should thereafter be permitted to have social contacts and associations with IBT officers, members, employees, representatives, and agents, provided he refrains from any contacts and associations relating to Union matters and continues to refrain from any and all **knowing association** with barred former members. Any such social contacts cannot occur at any meeting or gathering sponsored or conducted by Local 783, Joint Council 94, the Kentucky and West Virginia Conference of Teamsters, or any other IBT entities.

Respectfully submitted,

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Fredrick Potter

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Leticia Acosta

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John Steger

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Fredrick Potter

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Leticia Acosta

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John Steger

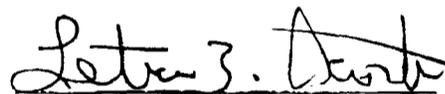
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