

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

FD-528  
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Chief Investigator:

Charles M. Carberry, Esq.  
17 Battery Place, Suite 331  
New York, NY 10004

Administrator:

John J. Cronin, Jr.

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Grant Crandall, Esq.  
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Charleston, WV 25301

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One Riverfront Plaza  
Newark, NJ 07102-5490

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Milbank, Tweed, Hadley & McCloy  
1825 Eye Street, NW, Suite 1100  
Washington, DC 20006

August 31, 2000

James P. Hoffa, President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2198

Re: Decisions on Charges Against Local 239  
Members Pasquale Bavaro, Marisa Giannattasio  
David Baroncelli and Fausto Maldonado

Dear Mr. Hoffa:

The Independent Review Board has reviewed your decisions of July 24, 2000, in the above-captioned matter, and finds the decisions to be not inadequate.

Very truly yours,

Members of the  
Independent Review Board

By: 

John J. Cronin, Jr.  
Administrator

cc: Patrick J. Szymanski, Esq.  
Daniel Kane, Sr.  
Pasquale Bavaro  
Marisa Giannattasio  
David Baroncelli  
Fausto Maldonado

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



FD-528

OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

July 24, 2000

Mr. Pasquale Bavaro  
20 Standish Place  
Nesconset, NY 11867

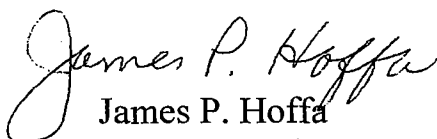
Re: Panel Report and Recommendations

Dear Sir and Brother:

You will find enclosed the report and recommendations of the Panel that conducted the hearings on the charges filed against you. I have had the opportunity to review the Panel's findings and conclusions, and hereby adopt them as my own.

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

Fraternally yours,

  
James P. Hoffa  
General President

JPH/ndb

Enclosure

cc: John J. Cronin Jr., Administrator, Independent Review Board

BEFORE A HEARING PANEL  
APPOINTED BY THE INTERNATIONAL UNION

DANIEL J. KANE, SR.  
Charging Member

v.

PASQUALE BAVARO  
Charged Member

I. The Charge

This matter arises from the April 20, 2000, charge referred by the Independent Review Board ("IRB") to the Trustee of Local 239, IBT (Local 239), Daniel Kane, Sr. ("Trustee Kane" or the "charging party"), pursuant to Article XIX of the IBT Constitution, against Local 239 member Pasquale Bavaro. The IRB charge which was referred to Trustee Kane alleges as follows:

While a member of Local 239 and the IBT, Pasquale Bavaro brought reproach upon the IBT and violated his oath of membership by scheming to falsify Union business records in violation of Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2) of the IBT Constitution, to wit:

From at least 1995 to February 2000, Pasquale Bavaro engaged in a scheme with Marisa Giannattasio and David Baroncelli to maintain false Local 239 records to allow Giannattasio and Baroncelli to falsely maintain union membership. By falsely reporting that Giannattasio and Baroncelli were employed at Linco and by regularly sending monthly dues from Linco for Giannattasio and Baroncelli to the Local as if they were Linco employees, Pasquale Bavaro caused Local records falsely to list Giannattasio and Baroncelli as employees of Linco.

## II. The Panel Hearing

The hearing on these charges was held on July 11, 2000, in Brooklyn, New York before an Article XIX hearing panel appointed by the IBT General President. The hearing panel consisted of Stuart Mundy, Frank Gentile and Mark Harrington. The evidence presented by the charging party did not differ in any material respect from the IRB's findings.

The Panel has reviewed and considered all of the evidence submitted by the parties. The Panel finds that the charging party has sustained his burden of establishing by a preponderance of reliable evidence, as required by Article XIX, Section 1(a), that from at least 1995 to February 2000, the charged party engaged in a scheme to allow Maria Giannattasio and David Baroncelli to falsely maintain union membership.

## III. Recommended Penalty

As a result of the aforesaid violations and conduct, the panel recommends that Pasquale Bavaro be expelled from membership in the Union; permanently barred from participating in the affairs of the Union; permanently barred from holding union office; permanently barred from contracting with, seeking or holding office or employment with Local 239, the IBT or any other IBT affiliate or its sponsored employee benefit plan; permanently barred from seeking or accepting money or other compensation for any goods and services from Local 239, the IBT or any other IBT affiliate or IBT sponsored employee benefit plan other than receipt of vested benefits to which he may otherwise lawfully be entitled by reason of prior participation in an IBT sponsored benefit plan or plans. In addition, Bavaro is prohibited from having any contributions made on his behalf to any IBT-affiliated benefit funds by Local 239 or any other IBT-affiliated entities.

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

AFL-CIO



ID-529

OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

July 24, 2000

Ms. Marisa Giannattasio  
105 Glenrich Drive South  
St. James, NY 11780

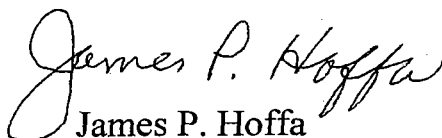
Re: Panel Report and Recommendations

Dear Ms. Giannattasio:

You will find enclosed the report and recommendations of the Panel that conducted the hearings on the charges filed against you. I have had the opportunity to review the Panel's findings and conclusions, and hereby adopt them as my own.

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

Fraternally yours,



James P. Hoffa  
General President

JPH/ndb

Enclosure

cc: John J. Cronin Jr., Administrator, Independent Review Board

BEFORE A HEARING PANEL  
APPOINTED BY THE INTERNATIONAL UNION

DANIEL J. KANE, SR.  
Charging Member

v.

MARISA GIANNATTASIO  
Charged Member

I. The Charge

This matter arises from the April 20, 2000, charge referred by the Independent Review Board ("IRB") to the Trustee of Local 239, IBT (Local 239), Daniel Kane, Sr. ("Trustee Kane" or the "charging party"), pursuant to Article XIX of the IBT Constitution, against former Local 239 member Marisa Giannattasio. The IRB charge which was referred to Trustee Kane alleges, in pertinent part, as follows:

While a member of Local 239 and the IBT, Marisa Giannattasio brought reproach upon the IBT and violated her oath of membership by scheming to falsify Union business records in violation of Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2) of the IBT Constitution, to wit:

From at least 1995 to February 2000, Marisa Giannattasio engaged in a scheme to maintain false Local 239 records to allow her to falsely maintain union membership.

## II. The Panel Hearing

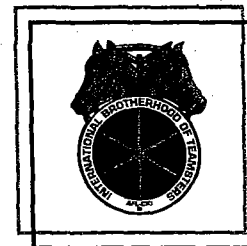
The hearing on these charges was held on July 11, 2000, in Brooklyn, New York before an Article XIX hearing panel appointed by the IBT General President. The hearing panel consisted of Stuart Mundy, Frank Gentile and Mark Harrington. Despite receiving proper notice of the hearing, the charged party failed to appear to present a defense to the charges. In addition, Giannattasio provided no explanation, by letter or otherwise, for her failure to appear before the panel.

By failing to appear before the panel, Giannattasio has obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in Paragraph G of the March 14, 1989, Consent Decree. As a result of this conduct, Giannattasio may not contest the evidence of the charges against her.

## III. Recommended Penalty

As a result of the aforesaid violations and conduct, the panel recommends that Marisa Giannattasio be expelled from membership in the Union; permanently barred from participating in the affairs of the Union; permanently barred from holding union office; permanently barred from contracting with, seeking or holding office or employment with Local 239, the IBT or any other IBT affiliate or its sponsored employee benefit plan; permanently barred from seeking or accepting money or other compensation for any goods and services from Local 239, the IBT or any other IBT affiliate or IBT sponsored employee benefit plan other than receipt of vested benefits to which she may otherwise lawfully be entitled by reason of prior participation in an IBT sponsored benefit plan or plans. In addition, Giannattasio is prohibited from having any contributions made on her behalf to any IBT-affiliated benefit funds by Local 239 or any other IBT-affiliated entities.

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



FD-530

OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

July 24, 2000

Mr. David Baroncelli  
56 Alexander Street  
Babylon, NY 11702

Re: Panel Report and Recommendations

Dear Sir and Brother:

You will find enclosed the report and recommendations of the Panel that conducted the hearings on the charges filed against you. I have had the opportunity to review the Panel's findings and conclusions, and hereby adopt them as my own.

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

Fraternally yours,

James P. Hoffa  
General President

JPH/ndb

Enclosure

cc: John J. Cronin Jr., Administrator, Independent Review Board



BEFORE A HEARING PANEL  
APPOINTED BY THE INTERNATIONAL UNION

DANIEL J. KANE, SR.  
Charging Member

v.

DAVID BARONCELLI  
Charged Member

I. The Charge

This matter arises from the April 20, 2000, charge referred by the Independent Review Board ("IRB") to the Trustee of Local 239, IBT (Local 239), Daniel Kane, Sr. ("Trustee Kane" or the "charging party"), pursuant to Article XIX of the IBT Constitution, against Local 239 member David Baroncelli. The IRB charge which was referred to Trustee Kane alleges, in pertinent part, as follows:

While a member of Local 239 and the IBT, David Baroncelli brought reproach upon the IBT and violated his oath of membership by scheming to falsify Union business records in violation of Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2) of the IBT Constitution, to wit:

From at least 1995 to February 2000, David Baroncelli engaged in a scheme to maintain false Local 239 records to allow him to falsely maintain union membership.

## II. The Panel Hearing

The hearing on these charges was held on July 11, 2000, in Brooklyn, New York before an Article XIX hearing panel appointed by the IBT General President. The hearing panel consisted of Stuart Mundy, Frank Gentile and Mark Harrington. The evidence presented by the charging party did not differ in any material respect from the IRB's findings.

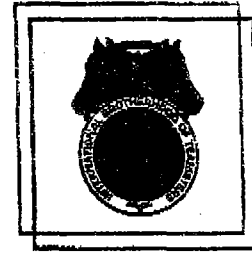
The Panel has reviewed and considered all of the evidence submitted by the parties. The Panel finds that the charging party has sustained his burden of establishing by a preponderance of reliable evidence, as required by Article XIX, Section 1(a), that from at least 1995 to February 2000, the charged party engaged in a scheme to allow him to falsely maintain union membership.

## III. Recommended Penalty

As a result of the aforesaid violations and conduct, the panel recommends that David Baroncelli be expelled from membership in the Union; permanently barred from participating in the affairs of the Union; permanently barred from holding union office; permanently barred from contracting with, seeking or holding office or employment with Local 239, the IBT or any other IBT affiliate or its sponsored employee benefit plan; permanently barred from seeking or accepting money or other compensation for any goods and services from Local 239, the IBT or any other IBT affiliate or IBT sponsored employee benefit plan other than receipt of vested benefits to which he may otherwise lawfully be entitled by reason of prior participation in an IBT sponsored benefit plan or plans. In addition, Baroncelli is prohibited from having any contributions made on his behalf to any IBT-affiliated benefit funds by Local 239 or any other IBT-affiliated entities.

# INTERNATIONAL BROTHERHOOD OF TEAMSTERS

AFL-CIO



FD-507

OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

July 24, 2000

Mr. Fausto Maldonado  
80-50 192<sup>nd</sup> Street  
Jamaica Estates, NY 11423

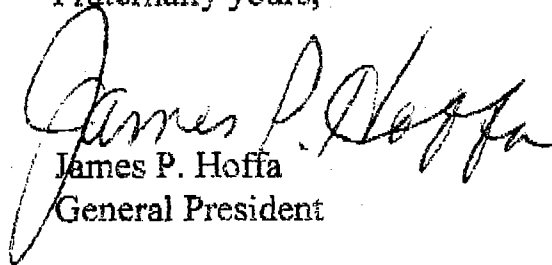
Re: Panel Report and Recommendations

Dear Sir and Brother:

You will find enclosed the report and recommendations of the Panel that conducted the hearings on the charges filed against you. I have had the opportunity to review the Panel's findings and conclusions, and hereby adopt them as my own.

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

Fraternally yours,

  
James P. Hoffa  
General President

JPH/ndb  
Enclosure

cc: John J. Cronin Jr., Administrator, Independent Review Board

BEFORE A HEARING PANEL  
APPOINTED BY THE INTERNATIONAL UNION

DANIEL J. KANE, SR.  
Charging Member

v.

FAUSTO MALDONADO  
Charged Member

I. The Charge

This matter arises from the April 20, 2000, charge referred by the Independent Review Board ("IRB") to the Trustee of Local 239, IBT (Local 239), Daniel Kane, Sr. ("Trustee Kane" or the "charging party"), pursuant to Article XIX of the IBT Constitution, against former Local 239 member Fausto Maldonado. The IRB charge which was referred to Trustee Kane alleges, in pertinent part, as follows:

While a member of Local 239 and the IBT, Fausto Maldonado brought reproach upon the IBT and violated his oath of membership by scheming to falsify Union business records in violation of Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2) of the IBT Constitution, to wit:

From at least 1996 through the present, Fausto Maldonado engaged in a scheme to cause the creation of and maintain false Local 239 records to allow him to falsely obtain union membership.

## II. The Panel Hearing

The hearing on these charges was held on July 11, 2000, in Brooklyn, New York before an Article XIX hearing panel appointed by the IBT General President. The hearing panel consisted of Stuart Mundy, Frank Gentile and Mark Harrington. Despite receiving proper notice of the hearing, the charged party failed to appear to present a defense to the charges. In addition, Maldonado provided no explanation, by letter or otherwise, for his failure to appear before the panel.

By failing to appear before the panel, Maldonado has obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in Paragraph G of the March 14, 1989, Consent Decree. As a result of this conduct, Maldonado may not contest the evidence of the charges against him.

## III. Recommended Penalty

As a result of the aforesaid violations and conduct, the panel recommends that Fausto Maldonado be expelled from membership in the Union; permanently barred from participating in the affairs of the Union; permanently barred from holding union office; permanently barred from contracting with, seeking or holding office or employment with Local 239, the IBT or any other IBT affiliate or its sponsored employee benefit plan; permanently barred from seeking or accepting money or other compensation for any goods and services from Local 239, the IBT or any other IBT affiliate or IBT sponsored employee benefit plan other than receipt of vested benefits to which he may otherwise lawfully be entitled by reason of prior participation in an IBT sponsored benefit plan or plans. In addition, Maldonado is prohibited from having any contributions made on his behalf to any IBT-affiliated benefit funds by Local 239 or any other IBT-affiliated entities.