

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.
Investigations Office
17 Battery Place, Suite 331
New York, NY 10004

Administrator:
John J. Cronin, Jr.

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

August 14, 2014

VIA UPS GROUND

The Honorable William H. Webster
1850 K Street, NW, Suite 1100
Washington, DC 20006

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

Re: APPLICATION 171 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 171 of the Independent Review Board, submitting the Agreement regarding Timothy G. Ryan, 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:

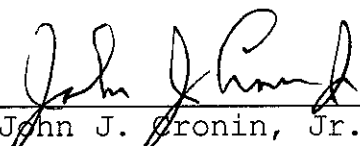
- (a) the August 13, 2014, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

If you find it appropriate, I respectfully request that a member of Your Honor's staff file the original 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: Tara M. La Morte, AUSA
Charles M. Carberry, Esq.
Bradley T. Raymond, Esq.
Michael A. Evans, Esq.
Timothy G. Ryan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 171 OF THE
	:	INDEPENDENT REVIEW BOARD
	:	-- AGREEMENT BETWEEN THE
INTERNATIONAL BROTHERHOOD OF	:	INDEPENDENT REVIEW BOARD
TEAMSTERS, <u>et al.</u>	:	AND TIMOTHY G. RYAN
	:	
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 Timothy G. Ryan ("Ryan"), a member of Local 682 in Saint Louis, Missouri. 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.

On July 15, 2014, the IRB issued an Investigative Report to International Brotherhood of Teamsters ("IBT") General President, James P. Hoffa recommending a charge against Timothy G. Ryan, former Local 525 Business Agent and member of Local 682 for bringing reproach upon the IBT by receiving things of value from an employer in violation of 29 U.S.C. § 186, failing to cooperate with the IRB by refusing to answer certain questions during his sworn examination on May 22, 2014, engaging in nepotism and favoritism in the manipulation of Local 525 Referral Rules to steer work to

family and friends over eligible unemployed members in breach of his fiduciary duties, and violating the Local 525 By-Laws and the IBT Constitution by failing to conduct a secret ballot for a contract ratification he was attempting to secure to deliver concessions to an employer.

On July 17, 2014, IBT General President James P. Hoffa informed the IRB that he determined to adopt and file the Charges against Ryan and schedule a hearing. On July 21, 2014, Ryan submitted a letter stating that he was resigning his membership in the IBT. Before a hearing was scheduled, Ryan forwarded to the IBT a signed agreement in which he agreed his resignation from the IBT would be permanent and that he could never again be employed by the IBT in any capacity. The IBT approved the Agreement and forwarded it to the IRB on August 4, 2014, seeking to resolve the matter. The agreement, approved by the IRB on August 13, 2014, 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 IBT and Timothy G. Ryan satisfies this procedure. One original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective August 13, 2014 forward, Timothy G. Ryan has

agreed to a permanent bar from the IBT.

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."

Dated: August 14, 2014

-----X
 In The Matter of :
 :
 TIMOTHY G. RYAN :
 : AFFIDAVIT AND AGREEMENT
 :
 Before the :
 :
 INDEPENDENT REVIEW BOARD :
 :
 -----X

STATE OF MISSOURI) ss.:

COUNTY OF ST. LOUIS) ss.:

Timothy G. Ryan, being duly sworn, deposes, says, and agrees as follows:

1. On or about July 15, 2014, 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 (DNE) (SDNY) (the “Consent Order”), recommended that the following charges be filed against me:

Charge One: While a Business Agent or Trustee of Local 525 you brought reproach upon the IBT in violation of Article XIX, Section 7 (b) (13) of the IBT Constitution by accepting money or things of value

from an employer or an agent of an employer in violation of applicable law.

Charge Two: While a member of Local 525 and the IBT, you brought reproach upon the IBT in violation of Article II, Section 2 (a) and Article XIX, Section 7 (b) (1) and (2) and Section 14 (i) of the IBT Constitution by obstructing, interfering and unreasonably failing to cooperate with the duties of IRB by refusing to answer certain questions during a sworn examination conducted by IRB in accordance with its Rules and Procedures.

Charge Three: While an Assistant Business Agent and fiduciary for Local 525, you violated your fiduciary duties and brought reproach upon the IBT in violation of Article II, Section 2 (a) and Article XIX, Section 7 (b) (2) of the IBT Constitution by referring relatives and friends for employment through a Local 525 referral system instead of members of Local 525 who had a right to be referred.

Charge Four: While the Local 525 Business Agent for Stuz Excavating and a Trustee of the Local, you brought reproach upon the IBT and violated Article 25 (A) (C) of the Local's By-Laws and Article XIX, Section 7 (b) (1) and (2) and Article II, Section 2 (a) of

the IBT Constitution by failing to hold, as required, a secret ballot ratification vote on a concessionary contract with Stutz.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the IRB charges described in paragraph 1. This Agreement does not constitute an admission or denial of the wrongdoing alleged in the IRB charges.

3. I represent and agree to the following:

(a) I have been a member of the IBT since 1978. I initially joined Local 682. From approximately 2000-2002, I served as an organizer/business agent for Local 541. In 2009, I transferred my membership to Local 525, where I was employed as an assistant business agent. In 2011, I was appointed to serve as a Trustee of Local 525. My employment with Local 525 was terminated on July 3, 2012. I resigned the office of Trustee effective January 31, 2013. On February 4, 2013, I was hired as a business agent by Local 682, and I transferred my membership to that Local. I resigned from this position on June 3, 2014. On July 21, 2014, I resigned my membership in Local 682 and the IBT.

- (b) Other than the foregoing, I have held no other elected or appointed positions or offices of any kind with Locals 525 or 682, the IBT or any of their affiliated entities, including any other locals, superior bodies, inferior bodies, conferences, councils, committees, divisions, pension, health, welfare or severance plans or other such entities ("IBT entities").
4. I hereby agree that my resignations from employment with Local 682 and from membership in Local 682 and the IBT will become permanent upon the date this Agreement is approved by IRB ("the effective date"). I further agree that from and after the effective date of this Agreement I shall not to seek, accept or hold any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 525, Local 682, the IBT or any other IBT affiliated entity.
5. From and after the effective date of this Agreement, Local 525, Local 682 and any other IBT entities shall not pay me, nor shall I accept, any salary, gratuities, gifts, payments, allowances, fees, benefit payments or contributions or any other compensation of any kind, except that I may receive any compensation or benefits which have accrued to me prior to the effective date of this Agreement, including

any vested or accrued pension, vacation or other benefits under any existing benefit plans or programs maintained or sponsored by Local 525 or Local 682. In addition, I may receive payment for any salary or expenses I incurred in connection with my work on behalf of Local 682 prior to my resignation on June 3, 2014 in accordance with existing policies and procedures of the Local.

6. From and after the effective date of this Agreement, Local 525, Local 682 and other IBT entities shall not make, nor shall I accept, any contributions on my behalf to any pension, health and welfare, severance or other health benefit fund, except as required by any vested benefits to which I may be entitled under any existing benefit plans or programs maintained or sponsored by Local 525, Local 682 or any other IBT entities.
7. I understand and agree that this Agreement will be submitted to the Independent Review Board ("IRB") for its review and approval. 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 the 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

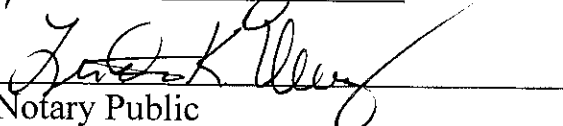
whether this Agreement will be approved by the IRB or the United States District Court for the Southern District of New York. If this Agreement is not approved by the IRB or the Southern District of New York, this Agreement will be null and void.

8. I make this Agreement freely, under no duress or coercion of any kind.
9. I will transmit this Agreement, signed by me, to the IBT. When it is signed by the IBT and the IRB, it will be submitted to the Court for review.



Timothy G. Ryan

Sworn to before me this
24th day of July 2014



Notary Public

LINDA K. ULERY
Notary Public - Notary Seal
STATE OF MISSOURI, ST. LOUIS COUNTY
MY COMMISSION EXPIRES AUGUST 25, 2015
COMMISSION #11538374



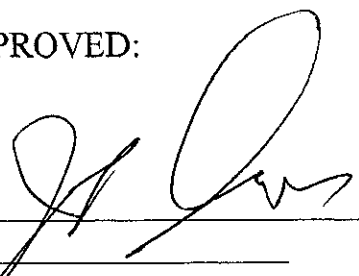
AGREED:



For the International Brotherhood of Teamsters

Dated: 8/4/14

APPROVED:



Dated: 8/13/14

for the Independent Review Board

So Ordered:

_____ Dated: _____
U.S. District Court Judge
Hon. Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<hr/>		:
UNITED STATES OF AMERICA,	:	
	:	88 CIV. 4486 (LAP)
Plaintiff,	:	
	:	ACKNOWLEDGMENT OF RECEIPT
v.	:	OF APPLICATION 171 OF THE
	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD OF	:	IN THE MATTER
TEAMSTERS, <u>et al.</u>	:	TIMOTHY G. RYAN
	:	
	:	
Defendants.	:	
<hr/>		:

This Court hereby acknowledges that Application 171 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 Application 171 of the IRB 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

Michael A. Evans, Esq.
4399 Laclede Avenue
Saint Louis, MO 63108
Counsel for the Respondent

Dated: _____, 2014
New York, New York

U.S.D.J.