

ID-567

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 105 OF THE
	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD OF	:	-- IN THE MATTER OF
TEAMSTERS, <u>et al.</u>	:	ANTHONY RUMORE
	:	
Defendants.	:	
	:	

The Independent Review Board ("IRB") hereby makes Application for an Order by the Honorable Loretta A. Preska, United States District Judge for the Southern District of New York, that will "so order" a decision of the IRB that found "not inadequate" a decision by the International Brotherhood of Teamsters ("IBT") disciplining Joint Council 16 President Anthony Rumore ("Rumore").

The IRB had forwarded an Investigative Report dated October 17, 2002, to Members of the IBT General Executive Board, recommending that Rumore be charged with bringing reproach upon the IBT and violating his fiduciary duty by failing to investigate whether Barry Feinstein, the former President of Local 237 and Joint Council 16, was a prohibited person as described in Paragraph E(10) of the Consent Decree. (Exhibit A)¹ On October 23, 2002, IBT General Counsel Szymanski indicated that charges would be filed and proceedings before the Board would go

¹ This report has twenty-three exhibits which are being filed herewith as "Appendix to Exhibit A."

forward in accord with the International Constitution, including the appointment of a panel pursuant to Article XIX, Section 6, of the International Constitution. On November 7, 2002, General Secretary-Treasurer C. Thomas Keegel ("Keegel") notified the hearing panel that it should hold a hearing. On November 26, 2002, the panel held a hearing. After the hearing, the panel concluded that the charge against Rumore had been proved and recommended to Keegel that Rumore serve a two-month suspension from all IBT-affiliated union officer or employee positions and that Rumore provide a letter to all officers of Joint Council 16 and the principal officers of all constituent locals that corrects mistaken information provided in a prior legal opinion letter. On December 13, 2002, Keegel forwarded to the IRB the IBT General Executive Board's adoption of the recommendation from the hearing panel. (Exhibit B)

In reply to Rumore's January 7, 2003 letter, which was unclear whether he wished to make an appeal, and before the IRB decided whether the decision was adequate or inadequate, the IRB on January 13, 2003, sent a letter to Rumore telling him that he had fifteen days to file an appeal in writing to the IRB.

(Exhibit C) On January 23, 2003, Rumore notified each Board member that it appeared that an appeal was available and he confirmed his desire for a review of the sanction proposed to be imposed in this matter. (Exhibit D)

On March 13, 2003, the IRB notified Keegel that it found the decision and the suspension imposed not to be inadequate. The

IRB also recommended that Rumore reimburse the Joint Council for the resources used to pay for the Joint Council 16's attorney's legal opinion used in an attempt to support Rumore personally. (Exhibit E) On March 21, 2003, Keegel advised Rumore and the IRB that the IBT General Executive Board determined that its original decision should be modified to require Rumore to reimburse the Joint Council for the cost of the legal opinion. (Exhibit F)

On April 1, 2003, Thomas Puccio, Esq. ("Puccio"), notified the IRB that he represents Rumore in connection with the charges referred against Rumore on October 17, 2002, and that he was concerned with the language in the draft letter that Rumore is to disseminate throughout Joint Council 16. (Exhibit G) In its reply of April 22, 2003, the IRB advised Puccio that the IRB found the decision and sanction of the IBT General Executive Board not to be inadequate and if he intended to obtain District Court review, as he had previously mentioned, he should inform the IRB. (Exhibit H) On April 25, 2003, Puccio informed the IRB that his client Rumore wished to obtain District Court review of the discipline referenced in the IRB letter. He also asked the IRB to stay further enforcement of the penalties pending Judge Preska's review. (Exhibit I)

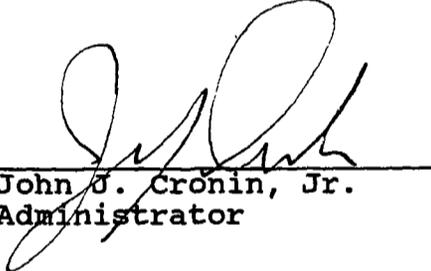
Under the Consent Decree, the decisions of the IRB are final and binding upon the disciplined party. ("The decision of the Independent Review Board shall be final and binding ..." Section G, Paragraph (i). The IRB has taken the position that once it has issued a "not inadequate" decision, no further action on its

part is necessary in order for its decision as a matter of procedure to be ripe for appellate review. Since the establishment of the IRB, only once has it submitted a not-inadequate decision to the Court. That decision was submitted to Judge Edelstein by way of Application LVI of the IRB dated March 9, 1998, and he affirmed the IRB decision as an Order on April 15, 1998. (Exhibit J)

Since counsel for Rumore has informed the IRB that his client intends to obtain District Court review of the discipline, the IRB, to move the matter along, makes this Application. If Your Honor determines to grant this Application, a form of Order is transmitted herewith.

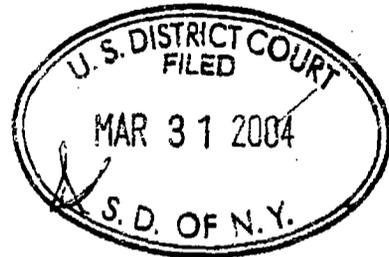
Dated: May 5, 2003

By:


John G. Cronin, Jr.
Administrator

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dot # 3802



UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, *et al.*

Defendants.

88 Civ. 4486 (LAP)

ORDER

IN RE: APPLICATION 105 OF THE
INDEPENDENT REVIEW BOARD

IT IS HEREBY ORDERED that the IRB's determination of March 13, 2003, as reiterated on April 22, 2003, finding that the IBT decision of December 13, 2002, as modified by the IBT on March 21, 2003, was not inadequate, is hereby made an Order of this Court.

SO ORDERED

Dated: *March 29, 2004*
New York, New York

Loretta A. Preska
Hon. Loretta A. Preska, U.S.D.J.

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