

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-419

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

Administrator:  
John J. Cronin, Jr.

Board Members:  
Grant Crandall, Esq.  
Crandall, Pyles, Haviland & Turner  
122 Capitol Street, Suite 300  
Charleston, WV 25301  
Frederick B. Lacey, Esq.  
LeBoeuf, Lamb, Greene & MacRae  
One Riverfront Plaza  
Newark, NJ 07102-5490  
William H. Webster, Esq.  
Milbank, Tweed, Hadley & McCloy  
1825 Eye Street, NW, Suite 1100  
Washington, DC 20006

February 18, 1999

Mr. Joseph Valenti  
Secretary-Treasurer, Joint Council No. 43  
2801 Trumbull Avenue  
Detroit, MI 48216

Re: Decision on Charges against Former  
Local 337 Member Christopher P. Roach

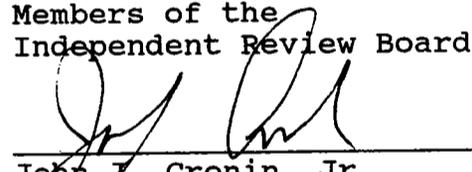
Dear Mr. Valenti:

The Independent Review Board has received your February 12, 1999, decision 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: David L. Neigus, Esq.  
Patrick J. Szymanski, Esq.

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 (DNE)

L. 337

BEFORE THE EXECUTIVE BOARD OF  
MICHIGAN TEAMSTERS JOINT COUNCIL NO. 43

---

In The Matter Of The Charges Filed By

COLONEL W. MYERS

Against

CHRISTOPHER ROACH

---

Charges Dated: January 5, 1999  
Hearing Held: February 8, 1999  
Decision Dated: February 12, 1999

Under date of January 5, 1999 Colonel W. Myers, a member and officer of Local 337, filed charges against Christopher Roach, a suspended or withdrawn member of Local 337, alleging that he maintained a sham membership in the Local Union and had entered into a sham collective bargaining agreement with a Local Union agent in order to fraudulently obtain the sham membership. Such charges had been proposed by the Independent Review Board (IRB) in a communication to the Executive Board of Joint Council 43 dated 12/14/98. The IRB's communication also proposed that related charges be filed against Local 337 Business Agent Robert L. Spencer. However, in a letter dated December 29, 1998 (Exh. 3) the IRB agreed to "extend the deadline for a final report" on Spencer, without date, "in light of his current medical condition."

The charges were heard on February 8, 1999 before a panel appointed by Joint Council Secretary-Treasurer Joseph Valenti<sup>1</sup>, which consisted of Local 339 President Donnes Deters who chaired the proceedings, Local 164 Secretary-Treasurer William A. Bernard and Local 7 President Bernerd Marosites. The hearing was transcribed by court reporter Dale E. Rose of Renaissance Court Reporters. Valenti appointed Local 614 President Michael C. Bane

---

<sup>1</sup> Because Joint Council President Brennan is also involved in the case as the President of Local 337, Joint Council Secretary-Treasurer Valenti appointed the panel to hear and recommend a decision in this case. See Article XIX, Sections 1 (a) and 6 of the IBT Constitution.

to replace Joint Council 43 President Lawrence Brennan on the Joint Council 43 Executive Board for the purpose of deciding this case.

As provided in Article XIX, Section 1 (c) of the IBT Constitution, Charging Party Myers was represented at the hearing by Lawrence Brennan, a member in good standing of Local 337. Charged Party Christopher Roach did not appear at the hearing, in person or otherwise. Nevertheless the record establishes that Roach received written notice of the date, time and place of the hearing and a copy of the charges by certified mail on January 19, 1999 (Exh. 1)<sup>2</sup>. Although he is a former member of Local 337 who last paid dues in October, 1997 and has either gone on withdrawal or been suspended for non-payment of dues<sup>3</sup>, Roach in either case is subject to discipline under Article XIX, Section 1(g) of the IBT Constitution.<sup>4</sup>

---

<sup>2</sup> Exhibit 1 is a three-page exhibit consisting of a cover letter to Roach from Valenti which provided notice of the hearing and enclosed a copy of Myers' charges, and the certified mail receipt for the cover letter signed by Christopher Roach.

<sup>3</sup> Myers' charge (Exh. 1) alleges that Roach was suspended. In his sworn telegraphic testimony (Exh. 4 at 19-20) Roach claims he was issued a withdrawal card. Local 337's general roster dated 1/23/98 shows Roach as an active member who last paid dues on 10/15/97 Exh.4 to IRB Investigative Report dated 12/14/98.

<sup>4</sup> "Charges may be preferred against a suspended member or an inactive member who has been issued a withdrawal card. Such suspended member or inactive member on withdrawal may utilize the appellate procedures available under this Constitution with respect to any charges filed against him."

Roach's failure to appear at our hearing at the time and place designated in the notice "constitute[d] a waiver of appearance", and the trial proceeded in his absence, as required by Article XIX, Section 2(d) of the IBT Constitution. Charging Party offered into evidence the report of the Independent Review Board dated 12/14/98 and cover letter (Exh. 2) and the accompanying exhibits cited in the report to support the proposed charges against Roach (Exh. 4 [3/25/98 Sworn Telephonic Examination of Christopher Roach], Exh. 5 [Collective Bargaining Agreement between Local 337 and Christopher Roach, Inc], and Exh. 6 [Local 337 Bylaws, Sections 26 and 19(e)(2)]).

**DISCUSSION AND FINDINGS:**

Based upon the record of our hearing, we find that Roach caused Christopher Roach, Inc. (CRI), a Michigan corporation of which he was the sole owner and president, to sign a collective bargaining agreement with Local 337 in 1994, to expire in December, 1997. At the same time Roach became a member of Local 337. The IBT's Research Department Summary Sheet (Exh. 5) describes the CRI's business as "computer sales and service". Roach testified that at the time he signed the contract CRI had no employees covered by it except himself, that the agreement never covered anyone but him, and that the wage provisions of the

agreement never applied to anyone, including himself (Exh. 4 at 18-19).

Roach also testified that he signed the contract and became a member of Local 337 because he thought that his "joining the Teamsters and being a union company" would help CRI sell computers to unions (Exh. 4 at 6).<sup>5</sup> Later on, CRI employed another employee, Richard Tringale, but Tringale never became a member of Local 337 or covered by its contract (Exh. 4 at 18). While a Local 337 member Roach attended several general membership meetings and voted in Local and International Union officer elections (Exh. 4 at 20). By late 1997, when Roach terminated his membership in Local 337 because it "wasn't giving me any benefit", CRI had become a vehicle for his personal investments and did little, if any, computer business (Exh. 4 at 20, 10).

Roach testified that he is, and for 10 to 12 years has been, the sole owner of a Connecticut corporation known as East West Institutional Services, a stock brokerage firm, which has made investments for "probably 20 or 30" Teamster clients, but none on behalf of Local 337 (Exh. 4 at 12). He also testified that this company had engaged in certain transactions involving the assets

---

<sup>5</sup> He also testified that he had no health insurance at the time and thought that he could obtain health care coverage through this device (Id. at 6-7).

of Local 710 in Chicago, as described in published reports (Exh. 4 at 12-13)<sup>6</sup>. He vehemently denied having contributed money to anyone's campaign for International Union office or having been asked to do so (Exh. 4 at 37). Nothing in Roach's testimony suggests that either Local 337 or Spencer had any involvement in or knowledge of Roach's other businesses that did have Teamster dealings, although we specifically find that they had far more to do with his decision to join Local 337 and sign a Teamster contract than the possibility that it might improve CRI's computer business.

#### **CONCLUSION AND REMEDY**

We conclude that the evidence sustains Myers' charge that Roach maintained a sham membership in violation of Article XIV, Section 3 of the IBT Constitution and the parallel provisions of Local 337's Bylaws through the ruse of negotiating a sham collective bargaining agreement never intended to cover any employee other than himself. Article XIV, Section 3 provides in substance that members authorize their Local Union to act as their exclusive bargaining representative in negotiating and administering collective bargaining agreements with their employer. In this case Roach was the employer and, if only

---

<sup>6</sup> We are familiar with published reports concerning Roach's involvement in certain transactions involving assets in Local 710's pension fund.

because of Tringale's subsequent but non-covered employment and Roach's failure to hire anyone else, we find that he never intended to have rank-and-file employees for the Local Union to represent in collective bargaining. He did not join Local 337 because of any industry practice that only union members can or should do union work or because of any personal, family, or industry tradition of Local Union membership. He was an investment entrepreneur who concluded that joining the Union would in some way further his opportunities to exploit or deal in investments held by Teamster entities and/or their jointly administered trusts.

Penalties that may be imposed for violation of the IBT Constitution include expulsion from membership and an order permanently barring the person from Teamster membership.<sup>7</sup> Myers' charges request that we impose these penalties upon Roach, and we agree that such relief is warranted based upon the record in this case.

Accordingly, we recommend that the Joint Council Executive Board find and conclude that Christopher Roach has violated the IBT Constitution as charged and, in remedy, that he be expelled and permanently barred from membership in the International Brotherhood of Teamsters.

---

<sup>7</sup> See Article XIX, Section 10(a) of the IBT Constitution.

Dated: February \_\_, 1999.

DONNES DETERS  
Local 339 President &  
Panel Chair

William Bernard  
WILLIAM A. BERNARD,  
Local 164 Secretary-Treasurer  
& Panel Member

Bernard Marosites  
BERNARD MAROSITES  
Local 7 President & Panel  
Member

We approve and adopt the findings, conclusions, and decision recommended by the panel. The Charged Party has the right to appeal this decision as provided in Article XIX, Section 2 of the IBT Constitution.

Dated: February \_\_, 1999

Michael C. Bane  
MICHAEL C. BANE, Local 614  
President, Replacing Lawrence  
Brennan, Joint Council 43  
President

Joseph Valenti  
JOSEPH VALENTI, Joint Council  
43 Secretary-Treasurer

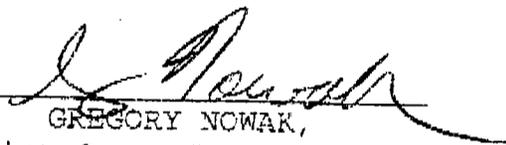
Robert C. Finney  
ROBERT C. FINNEY, Joint Council  
43 Vice President

Don Smith  
DONALD G. SMITH, Joint Council  
43 Recording Secretary

Robert F. Rayes  
ROBERT F. RAYES, Joint Council  
43 Trustee

David Robinson  
DAVID ROBINSON, Joint Council  
43 Trustee

---

  
GREGORY NOWAK,  
Joint Council 43 Trustee

*Robert C. Finney*

ROBERT E. FINNEY, Joint Council  
43 Vice President

DONALD G. SWITH, Joint Council  
43 Recording Secretary

ROBERT F. RAYES, Joint Council  
43 Trustee

DAVID ROBINSON, Joint Council  
43 Trustee

GREGORY NOWAK,  
Joint Council 43 Trustee

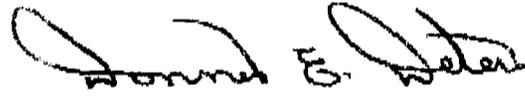
*Joe Valenti has the authority to sign  
my name to the original.*

*Bob Finney*

9

February 12, 1999

I authorize Joseph Valent to sign my name to the original Joint Council document in the matter of Myers vs. Roach.



Donnes Deters  
Local 339 President and  
Panel Chair

February 12, 1999

I concur with the Panel's recommendation in the matter of Myers vs. Roach and authorize Joseph Valenti to sign my name to the original document.



**Michael C. Bane**  
Local 614 President,  
Relacing Lawrence Brennan,  
Joint Council 43 President

February 12, 1999

I concur with the Panel's recommendation in the matter of Myers vs. Roach and authorize Joseph Valenti to sign my name to the original document.

A handwritten signature in black ink, appearing to read "David Robinson", with a horizontal line extending to the right.

David Robinson  
Joint Council 32 Trustee

TITAN ELECTRONIC MAIL

DATE. 02/12/99  
TIME. 12.06 EST  
TO. LCL/TERM-ID 214  
FROM. LCL/TERM-ID 0007  
FOR. JOE VALENTI  
PAGE 001 MSG NMBR 097

TO: JOE VALENTI  
LOCAL 214

RE: THE CHRISTOPHER ROACH REPORT & DEALING WITH SUB-COMMITTEE FINDINGS.

DUE TO THE TYPOGRAPHICAL ERRORS, CORRECTION MADE BY GERRY MILLER, AND AFTER READING SAID DOCUMENT AND THE FACT THAT THE COPIES AND THE BOURNESS OF THE PRINT FROM THE FAX MACHINE AND THE TIME LIMIT TO TRANSPORT THIS DOCUMENT, I BERNIE MAROSITES GIVE MY PERMISSION TO JOE VALENTI, SECRETARY-TREASURER, JOINT COUNCIL 43 TO ADHERE MY SIGNATURE TO THE CHRISTOPHER ROACH DOCUMENT.

FRATEERNALLY,

BERNERD MAROSITES  
PRESIDENT, LOCAL 7

PLEASE ACKNOWLEDGE RECEIPT OF THIS MESSAGE ✓

TITAN ELECTRONIC MAIL

DATE, 02/12/99  
TIME, 10.47 EST  
TO, LCL/TERM-ID 210  
FROM, LCL/TERM-ID 0164  
FOR, JOE VALENTI  
PAGE 001 MSG NMBR 005

DEAR BROTHER VALENTI,

PLEASE BE ADVISED THAT I CONCUR WITH THE FINAL DRAFT OF THE ROACH  
DECISION AND YOU HAVE AUTHORIZATION TO SIGN MY NAME TO IT.

IF ANYTHING FURTHER IS REQUIRED, PLEASE DO NOT HESITATE IN CONTACTING ME.

FRATERNALLY,  
WILLIAM A. BERNARD  
SECRETARY-TREASURER  
TEAMSTERS LOCAL 164

PLEASE ACKNOWLEDGE RECEIPT OF THIS MESSAGE...THANK YOU.