

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA :

 Plaintiff, :

 - against - : APPLICATION ~~II~~^{III} OF THE
 INTERNATIONAL BROTHERHOOD : INDEPENDENT REVIEW BOARD
 OF TEAMSTERS, et al., : - - - - -

 Defendant. : PETER AGLIATA AGREEMENT

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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 IRB files this Application submitting the compromise agreement with Peter Agliata, former Secretary Treasurer of Local 738, approved by the IRB, to Your Honor for review, and if appropriate, to be entered as an order.

The agreement seeks to resolve the matter of IRB v. Peter Agliata. The Agreement, with a copy of the charge annexed thereto, is enclosed herewith.

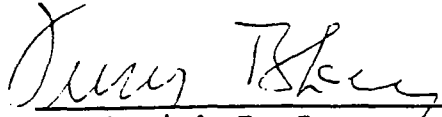
Agliata was charged with violating Article II, Section 2(a) and Article XIX, Section 7(b)(1)(2) and (9) of the IBT Constitution by being influenced by organized crime and in an ongoing relationship with Chicago organized crime members which included knowingly associating with members and associates of organized crime including Joseph Ferriola, Ernest "Rocco" Infelise, and Louis Marino among others.

Agliata has agreed to permanently resign as a member of Local 738 and the IBT effective October 5, 1993.

Agliata has also agreed that he would not accept any benefits, gratuities or gifts of any kind; would not accept further contributions for any IBT-affiliated entity to any pension, health and welfare or other benefit plan; would not accept or assume future positions, paid or unpaid, in the IBT or any IBT-affiliated entity; and from the date of his resignation Agliata has agreed not to seek or accept membership in the IBT.

We have found the Agreement serves to resolve the charges in a fair and acceptable manner.

Therefore, we respectfully request that Your Honor execute the Agreement on the line provided. This will, in effect, serve to have this 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.

By: 
Frederick B. Lacey
Member of the
Independent Review Board

Dated
November 2, 1993

INDEPENDENT REVIEW BOARD
444 North Capitol St., NW, Suite 528
Washington, DC 20001
(202) 434-8080
Facsimile (202) 434-8084
Corruption Hotline (800) CALL IRB

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

Administrator:
John J. Cronin, Jr.

Board Member
Grant Crandall, Esq.
Crandall, Pyles & Havila
1021 Quarrier Street
Charleston, WV 253
Frederick B. Lacey, Esq.
LeBoeuf, Lamb, Leiby & MacRae
One Riverfront Plaza
Newark, NJ 07102-54
William H. Webster, Esq.
Milbank, Tweed, Hadley & McCloskey
1825 Eye Street, NW, Suite 11
Washington, DC 200

November 23, 1993

Marvin Gittler, Esq.
Asher, Gittler, Greenfield, Cohen & D'Alba
125 South Wacker Drive
Chicago, IL 60606

Re: Independent Review Board v. Peter Agliata

Dear Mr. Gittler:

Enclosed please find a copy of the Agreement resolving the above-referenced matter which was approved and entered as an Order on November 16, 1993, by United States District Judge David N. Edelstein.

Sincerely Yours,



Frederick B. Lacey

FBL:saw
Enclosure

cc: Charles M. Carberry, Esq.
Steven C. Bennett, AUSA
Richard N. Gilberg, Esq.
John J. Cronin, Jr., IRB Administrator
Grant Crandall, Esq.
William H. Webster, Esq.
Judith A. Scott, Esq.

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In the Matter of :
PETER AGLIATA :

Before the :
INDEPENDENT REVIEW BOARD :

AFFIDAVIT AND AGREEMENT

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STATE OF ILLINOIS)
) SS.:
COUNTY OF

PETER AGLIATA, being duly sworn, deposes and says, and agrees as follows:

1. The Independent Review Board, 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") has filed charges against me pursuant to the Consent Order (the "charges"). A copy of the charges is annexed as Exhibit A and incorporated herein by reference.

2. I make this affidavit and agreement (the "agreement") to resolve the charges. This agreement does not constitute an admission ~~admission~~ of the charges.

3. I represent and agree to the following:

(a) I was a member of the International Brotherhood of

Teamsters ("IBT") and was a member of IBT Local Union 738;

(b) I currently hold no other elected or appointed offices of any kind, paid or unpaid, in the IBT or any of its affiliated entities including Local 738, or with any pension, health and welfare or other benefit funds or other such entities affiliated with the IBT (collectively "IBT Entities")

(c) I currently receive no salary, allowances, or remuneration of any kind from any IBT Entity.

(d) I have resigned, effective October 5, 1993, as a member of Local 738 and as a member of the IBT, ^{MY} ~~ALL~~ ^{AS STATED TO THE} WHICH STATEMENT IS INCORPORATED

(e) I will receive no benefits, gratuities or gifts of ^{HTTAC} any kind from the Local. No further contributions may be made on my behalf from Local 738 or any IBT Entity to any pension, health and welfare or other benefit plan. I may, however, claim pension or health and welfare benefits that are (i) prepaid and vested as of the effective date of my resignation, or (ii) that I may pay from my own money.

(f) From the effective date of my resignation forward, I will not hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT Entities nor will I hold, seek or accept any employment, consulting or other similar relationship of any kind with any IBT Entity. From the effective date of my resignation forward, I will not seek or accept membership in the IBT.

(g) This agreement is permanent.

4. I have entered into this agreement on the understanding

the Independent Review Board agrees it will not pursue the charges.

5. I understand the Independent Review Board's agreement is limited to the charges annexed as Exhibit A and it expressly reserves the right to pursue charges against any other officer or entity of the IBT or Local 738 arising out of the allegations contained in the charges or any other investigations.

6. I understand this agreement will be submitted to the United States District Court for the Southern District of New York for review and approval and, if approved by the court, to be entered as an order.

7. I understand the Independent Review Board makes no representation as to the determination of the court with respect to this agreement.

8. I make this agreement after consultation with my attorney and I fully understand its terms.

9. I have authorized my attorney to transmit this agreement, signed by me, to the Independent Review Board. When it is signed by the Independent Review Board it will be submitted to the Court for approval.



PETER AGLIATA

Sworn to before me
this 25th day of October 1993


NOTARY PUBLIC

"OFFICIAL SEAL"
JACQUELYNN KOZLOWSKI
Notary Public, State of Illinois
My Commission Expires 5-6-94

Witnessed


Marvin Gittler GITTLER
Attorney for Respondent

Agreed:

Murray T. Slay
for the Independent Review Board

Dated Nov. 2, 1993

So Ordered:

Hon. David N. Edelstein

David N. Edelstein
U. S. District Judge

Dated Nov. 16, 1993