

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	88 Civ. 4486 (DNE)
Plaintiff,	:	APPLICATION X OF THE
v.	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD	:	-- AGREEMENT BETWEEN THE
OF TEAMSTERS, et al.,	:	INDEPENDENT REVIEW BOARD
Defendant.	:	AND WILLIAM CARDINALE
	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), the IRB files this Application submitting the Compromise Agreement with William Cardinale ("Cardinale"), former officer of Local Union 804 in Long Island City, New York. This Agreement was approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order. The Agreement seeks to resolve the matter of The Independent Review Board v. William Cardinale. The Agreement, with a copy of the charges annexed thereto, is enclosed herewith.

This Application recognizes the importance of Your Honor's February 2, 1994, Order in which Your Honor stated that all IRB Compromise Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreement reached between the IRB and William Cardinale satisfies this procedure for Your Honor's review.

Cardinale was charged with bringing reproach upon the IBT and violating his membership oath in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(11) of the IBT Constitution by engaging in a conspiracy to commit mail fraud while Cardinale was a Trustee of IBT Local 804.

Effective the date the IRB approved the Agreement, July 11, 1994, Cardinale has agreed to resign for a period of five (5) years from membership in the IBT.

Cardinale has represented that since the day of his unpaid leave of absence, he has not received any benefits, gratuities or gifts of any kind from Local 804, and no contributions have been made on his behalf by Local 804 or any other IBT entity to any pension, health and welfare or benefit plan. He is, however, entitled to his prepaid and vested pension, health and welfare benefits.

Cardinale has further agreed not to:

- (1) hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT Entity;
- (2) hold, seek or accept any employment, consulting or other similar relationships of any kind with any IBT Entity.

We have found the Agreement comports with Your Honor's February 2, 1994, Order and serves to resolve the charges 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 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  
Frederick B. Lacey  
Member of the  
Independent Review Board

Dated: July 26, 1994

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.

August 2, 1994

Board Members:

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Crandall, Pyles & Haviland  
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1825 Eye Street, NW, Suite 1100  
Washington, DC 20006

Hon. David N. Edelstein  
United States District Court  
40 Centre Street, Room 2104  
New York, NY 10007

Re: Application X of the Independent Review Board

Dear Judge Edelstein:

This is in response to your inquiry regarding Application X of the Independent Review Board, which was submitted to Your Honor on July 26, 1994, for a ruling approving the Agreement between the Independent Review Board and William Cardinale.

The Application read in part that:

Effective the date the IRB approved the Agreement, July 11, 1994, Cardinale has agreed to resign for a period of five (5) years from membership in the IBT.

The Affidavit and Agreement itself provided that Cardinale had resigned from the IBT and Local 804 effective July 1, 1993, and, it further provided that:

From the date of [Cardinale's] resignation for a period of five (5) years, [Cardinale] will not hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT entity, nor will [he] hold, seek or accept any employment, consulting or other similar relationship of any kind with any IBT entity. From the date of [his] resignation for a period of five (5) years, [he] will not seek or accept membership in the IBT.

This will confirm that Cardinale's five year resignation begins to run July 1, 1993. The language in the Application

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referencing the effective date of July 11, 1994, is not inconsistent. July 11, 1994, is the effective date of the IRB's approval of Cardinale's five year resignation, which began to run July 1, 1993.

In the future, to the extent this situation repeats itself, the IRB will modify the language of its Applications to avoid any confusion on this issue.

On behalf of the IRB, I ask that this letter be incorporated as part of Application X.

Respectfully yours,

  
Frederick B. Lacey

FBL:dsg

cc: Charles M. Carberry, Esq.  
Christine Chung, AUSA  
Judith Scott, Esq.  
Grant Crandall, Esq.  
William H. Webster, Esq.  
John J. Cronin, Jr., Esq.  
Susan Davis, Esq.



3. I represent and agree to the following:

a. I was a member of the International Brotherhood of Teamsters ("IBT") and Local 804, IBT.

b. I currently hold no other elected or appointed offices of any kind, paid or unpaid, in the IBT or in any of its affiliated entities, including Local 804, 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 July 1, 1993, as a member of the IBT and Local 804. As of April 5, 1993, I was on an unpaid leave of absence from Local 804. Copies of relevant correspondence are attached hereto as Exhibit B.

e. Since the day I went on unpaid leave of absence from Local 804, I have not received any benefits, gratuities or gifts of any kind from Local 804, and no contributions have been made on my behalf by Local 804 or any other IBT Entity to any pension, health and welfare or other benefit plan. I am, however, claiming pension benefits that were prepaid and vested as of the effective date of my resignation. I am paying for health benefits under the UPS contract from my own money.

f. From the date of my resignation for a period of five (5) years, I will not hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT Entity, nor will I hold, seek or accept any employment, consulting or other similar relationship of any kind with any IBT Entity. From the date of my resignation for a period of five (5) years, I will not seek or accept membership in the IBT.

g. This Agreement is permanent.

4. I have entered into this Agreement based on the understanding that the Independent Review Board agrees that it will not pursue the Charges attached as Exhibit A.

5. I understand that this Agreement will be submitted to the Independent Review Board ("IRB") for its review and, 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 this Agreement is approved by the United States District Court for the Southern District of New York, it will be entered as a Court Order.

6. I understand that no representations have been made as to whether this Agreement will be approved by the Independent Review Board or the United States District Court for the Southern District of New York.



7. I have read this Agreement carefully and I fully understand its terms.

8. I have authorized Susan Davis, counsel for Local 804, 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.

William Cardinale  
WILLIAM CARDINALE

Sworn to before me this  
5<sup>th</sup> day of July, 1994

CHARLES L. EMMA  
NOTARY PUBLIC, State of New York  
No 24-02-4880307  
Qualified in Kings County  
Commission Expires December 31, 1995  
NOTARY PUBLIC



Witnessed: Rachyn Edelstein

Approved:

John Rom  
For the Independent Review Board

Dated 7/11/94

So Ordered:  
Hon. David N. Edelstein

David N. Edelstein  
U.S. District Judge

Dated AUGUST 12, 1994  
New York, New York