

_____	X
INVESTIGATIONS OFFICER,	:
Claimant,	:
- v -	:
	: <u>AFFIDAVIT AND AGREEMENT</u>
MICHAEL L. BOANO,	:
Vice-President, Local 377	:
1223 Teamsters Drive	:
Youngstown, Ohio 44502	:
Respondent.	:
_____	X

SIR:

MICHAEL L. BOANO, being duly sworn, deposes and says, and agrees as follows:

1. The Investigations Officer, Charles M. Carberry, 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") filed charges against me on December 5, 1990 and March 7, 1991 pursuant to the Consent Order (the "charges"). Copies of the charges are attached as Exhibit A, and are incorporated herein by reference.

2. I make this affidavit and agreement (the "agreement") to resolve the charges. This agreement does not constitute an admission by the respondent of the truth of the allegations in the charges.

3. I represent and agree to the following:

(a) I was a member of the International Brotherhood of Teamsters ("IBT") and a member of IBT Local Union 377 and was Vice-President and Business Agent of Local 377 up until my retirement effective 12:01 a.m. Monday, April 8, 1991.

(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 377, or with any benefit plan or such other entities (collectively "IBT Entities");

(c) I currently receive no salary, allowances, or remuneration of any kind from any IBT Entities, except as reflected in paragraph 4 below;

(d) I have terminated my membership in the IBT and will have no further relations of any kind with Local 377;

(e) From the date of this agreement forward, I will not seek or accept election or appointment to any membership or office, paid or unpaid, in any IBT Entities nor will I seek or accept any employment, consulting or other similar relationship of any kind with any IBT Entities;

(f) This agreement is permanent.

4. I have entered into this agreement on the understanding that the Investigations Officer agrees he will not pursue the charges. I will receive no benefits, gratuities or gifts of any kind from Local 377, except pension, severance and health and welfare benefits normally paid to IBT retirees and officers who retire from Local 377.

5. I understand that the Investigations Officer's agreement is limited to the charges described above and that he expressly reserves the right to pursue charges against any other officer or entity of the IBT or Local 377, arising out of the allegations contained in the charges or any other investigations. If I comply with this agreement, the Investigations Officer will not file any additional charges against me.

6. I agree that this agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I understand he will submit it to the district court for that court to enter as an order.

7. I understand the Investigations Officer makes no representation as to the determination of the Independent Administrator or the court with respect to this agreement. In the event that either the court or the Independent Administrator do not approve this agreement, I may elect to proceed with a hearing on the charges.

8. I make this agreement freely, under no duress or coercion of any kind, after consultation with my attorney.

9. This Agreement is not effective until it has been signed below by the Investigations Officer and the Independent Administrator.

Michael L. Boano
MICHAEL L. BOANO

Sworn to before me this 6th day of May, 1991.

Linda F. Piche
Notary Public

LINDA F. PICHE, Notary Public
State of Ohio, Cuyahoga County
My Commission Expires Oct. 31, 1992

David Roloff
David Roloff
GAINES & STERN CO., L.P.A.
1700 Ohio Savings Plaza
1801 East Ninth Street
Cleveland, Ohio 44114

Attorney for Michael L. Boano

Agreed:

Charles M. Carberry
Charles M. Carberry
Investigations Officer

Approved:

Frederick B. Lacey
Frederick B. Lacey
Independent Administrator

SO ORDERED:

S/DNE
Hon. David N. Edelstein
United States District Judge

/u/c3/3553-1/boano.agt

Dated: May 24, 1991
New York, New York

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INVESTIGATIONS OFFICER,	:	
Claimant,	:	
- v -	:	
MICHAEL L. BOANO,	:	<u>CHARGE</u>
Vice-President, Local 377	:	
1223 Teamsters Drive	:	
Youngstown, Ohio 44502	:	
Respondent.	:	
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SIR:

You are hereby advised that the Investigations Officer has charged you with the violations listed below in accordance with the powers granted to him pursuant to Section F. (COURT APPOINTED OFFICERS), Paragraph 12(A) of the order entered in United States v. International Brotherhood of Teamsters, et al., 88 CIV. 4486 (DNE) (SDNY) on March 14, 1989. A copy of that order is enclosed.

The time and place for the hearing of this matter will be determined by the Independent Administrator, Frederick B. Lacey, and he will notify you accordingly.

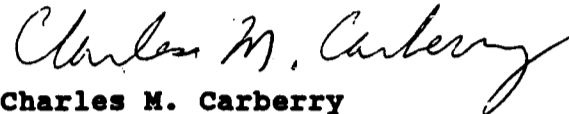
You are charged with:

Violating Article II, section 2(a) and Article XIX, section 6(b)(2) of the International Brotherhood of Teamsters Constitution (IBT), by conducting yourself in a manner to bring reproach upon the IBT; and

Violating Article XIX, section 6(b)(6); to wit,

On September 12, 1990 you displayed a handgun and pointed it at a fellow member at a meeting of the local.

Very truly yours,



Charles M. Carberry
Investigations Officer
30th Floor
599 Lexington Avenue
New York, New York 10022

Dated: December 5, 1990

cc: Frederick B. Lacey, Esq.
James T. Grady, Esq.
Edward T. Ferguson, Esq.

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_____ X
INVESTIGATIONS OFFICER, :
Claimant, :
- v - :
MICHAEL L. BOANO, : CHARGE II
Vice-President, Local 377 :
1223 Teamsters Drive :
Youngstown, Ohio 44502 :
Respondent. :
_____ X

SIR:

You are hereby advised that the Investigations Officer has charged you with the violations listed below in accordance with the powers granted to him pursuant to Section F. (COURT APPOINTED OFFICERS), Paragraph 12(A) of the order entered in United States v. International Brotherhood of Teamsters, et al., 88 CIV. 4486 (DNE) (SDNY) on March 14, 1989. A copy of that order is enclosed.

The time and place for the hearing of this matter will be determined by the Independent Administrator, Frederick B. Lacey, and he will notify you accordingly.

You are charged with:

Violating Article II, section 2(a) and Article XIX, section 6(b)(2), (5)&(6) of the International Brotherhood of Teamsters Constitution (IBT), by conducting yourself in a manner to bring reproach upon the IBT; TO WIT:

On or about October 5, 1969 in Youngstown, Ohio you participated in a gun battle between members of the Fraternal Association of Steel Haulers and members of Teamsters Local 377 which resulted in the death of one Teamster and the wounding of others. In connection with this episode you entered a plea of no contest to Riot, Second Degree on May 7, 1970 in the Court of Common Pleas, Mahoning County, State of Ohio.

Very truly yours,

Charles M. Carberry

Charles M. Carberry
Investigations Officer
30th Floor
599 Lexington Avenue
New York, New York 10022

Dated: December 5, 1990

cc: Frederick B. Lacey, Esq.
James T. Grady, Esq.
Edward T. Ferguson, Esq.
David Roloff, Esq.