

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

Chief Investigator:

Charles M. Carberry, Esq.
Investigations Office
17 Battery Place, Suite 331
New York, NY 10004

Administrator:
John J. Cronin, Jr.

September 21, 2011

VIA UPS NEXT DAY

Board Members:
Benjamin R. Civiletti, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004

Joseph E. diGenova, Esq.
diGenova & Toensing, LLP
1776 K Street, NW, Suite 737
Washington, DC 20006

Hon. Loretta A. Preska
United States District Court
United States Courthouse
500 Pearl Street, Room 1320
New York, NY 10007

The Honorable William H. Webster
1850 K Street, NW, Suite 1100
Washington, DC 20006

Re: APPLICATION 153 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 153 of the Independent Review Board, submitting the Agreement regarding Patrick Geary, approved by the IRB, to Your Honor for review, and if appropriate, to be "so ordered."

In addition to the Application, enclosed please find the original and one copy of:

- (a) the September 21, 2011, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

If you find it appropriate, I respectfully request that a member of Your Honor's staff file the original of the "backed" Application, Agreement, Acknowledgment of Receipt and Affidavit of Service with the Clerk's office.

Respectfully submitted,

Members of the
Independent Review Board

By: 

John J. Cronin, Jr.
Administrator

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 (LAP)

JJC:cft

Enclosures

cc: Tara La Morte, AUSA
Charles M. Carberry, Esq.
Bradley T. Raymond, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 153 OF THE
	:	INDEPENDENT REVIEW BOARD
	:	-- AGREEMENT BETWEEN THE
INTERNATIONAL BROTHERHOOD OF	:	INDEPENDENT REVIEW BOARD
TEAMSTERS, <u>et al.</u>	:	AND PATRICK GEARY
	:	
Defendants.	:	

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 Independent Review Board ("IRB") files this Application submitting the Agreement with Patrick Geary, a former officer of Local 82 in Boston, Massachusetts. The Agreement has been approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order.

On September 29, 2010, and October 14, 2010, the IRB issued Investigative Reports to the IBT General President, James P. Hoffa, recommending that charges against 2 Officers and 4 Members and the Local 82 Executive Board respectfully be filed. Patrick Geary was one of the charged parties in each of these reports. The charge brought against Geary in the Report of September 29, 2010 is as follows: that Geary brought reproach upon the Teamsters and injured members in violation of Article II, Section

2(a) and Article XIX, Section 7(b)(1) and (2) of the IBT Constitution and Section 14(A)(13) of the Local Bylaws through creating and arbitrarily enforcing unauthorized rules concerning members' voting on proposed contracts in 2009. In addition, Geary breached his fiduciary duties to the members and violated his oath of office as an officer under the Preamble of the IBT Constitution. In the October 14, 2010 Report, the charge against Mr. Geary is as follows: While an officer of Local 82 Mr. Geary violated his oath of office and brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) of the IBT Constitution and Section 14(A)(8) of the Local 82 Bylaws, causing the Local to make substantial non-routine expenditures without membership approval Section 14(A)(8) of the Local Bylaws required for such purchases. On November 16, 2010, the IBT issued a Notice of the December 14, 2010 hearing to Patrick Geary. On December 9, 2010 notice was sent that the December 14 hearing was postponed to January 13, 2011 and again to February 15 for both charges. The hearing on these matters was held on February 15, 2011. The IBT's March 24, 2011 and June 16, 2011 decisions and penalties on these charges were rejected by the IRB as inadequate and set a de novo hearing for October 11, 2011. Before the scheduled de novo hearing was held, Patrick Geary forwarded to the IRB a signed agreement seeking to resolve the matter. The agreement, approved and signed by the IRB, is

enclosed.

This Application complies with former United States District Court Judge David N. Edelstein's February 2, 1994, Order stating that all IRB Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreement reached between the IRB and Patrick Geary satisfies this procedure. One "backed" original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective September 21, 2011, Patrick Geary has agreed to never hold any position with Local 82 or any other IBT entity and to a five-year suspension from membership. From September 21, 2011 forward, he has further agreed not to:

(1) hold any position with Local 82 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 82, and any IBT Entities;

(2) accept any pay, salary, allowance, fee or compensation of any kind, except that he may receive any fully vested pension benefits;

(3) accept any contributions on his behalf to any pension, health and welfare, severance or other benefit fund;

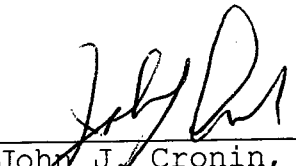
(4) receive any gratuities, severance payments or gifts of any kind whatsoever from Local 82, or IBT Entities; or

(5) participate in any manner in any of the activities or affairs of Local 82, or any other IBT entities until the conclusion of the 5 year suspension is expired.

We have found the Agreement serves to resolve the matter 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 the 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 and transmit to me a confirmed copy of the Agreement as "so ordered."

By:



John J. Cronin, Jr.
Administrator

Dated: September 21, 2011

-----X
In the Matter of
PATRICK GEARY
before the
INDEPENDENT REVIEW BOARD
-----X

AFFIDAVIT AND
AGREEMENT

STATE OF MASSACHUSETTS)
COUNTY OF SUFFOLK) ss.:

PATRICK GEARY, being duly sworn, deposes and says, and agrees as follows:

1. The Independent Review Board ("IRB"), appointed pursuant to the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (LAP) (S.D.N.Y.) (the "Consent Order") recommended to the IBT that I be charged with 1) bringing reproach upon the IBT and breaching my fiduciary duties by creating and arbitrarily enforcing unauthorized rules concerning members' voting on proposed collective bargaining agreements in 2009 and 2) bringing reproach upon the IBT and violating the Local 82 Bylaws by failing to obtain the required membership approval for substantial non-routine expenditures. The IBT filed the charges against me. A hearing on the charges is scheduled before the IRB.

2. I make this Affidavit and Agreement (the "Agreement") to

resolve the IRB-recommended charges described in paragraph 1. This Agreement does not constitute an admission or denial of wrongdoing. This Agreement constitutes the entire agreement between myself and the IRB.

3. I represent and agree to the following:

(a) I am a member of the International Brotherhood of Teamsters ("IBT") and a member of IBT Local 82;

(b) I was the President of Local 82;

(c) I currently hold no elected or appointed offices of any kind, paid or unpaid, in the IBT or any of its affiliated entities including any Locals, superior bodies, conferences, councils, pension, health, welfare or severance plans or other such entities (collectively "IBT Entities");

4. Effective upon the date this Agreement is approved by the IRB ("the effective date"), I agree never to hold any position with Local 82 and any other IBT Entity, including any steward position, or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 82 and any IBT Entities. In addition, from the effective date forward, I agree to a five year suspension from IBT membership.

5. From the effective date of this Agreement forward, Local 82 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, allowance, fee or compensation of any

kind, except that I may receive any fully vested pension benefits.

6. From the effective date of this Agreement forward, Local 82 and any other IBT Entities shall not make, nor shall I accept, any contributions on my behalf to any pension, health and welfare, severance or other benefit fund. From the effective date of this Agreement forward, I will receive no gratuities, severance payments or gifts of any kind whatsoever from Local 82 or IBT Entities.

7. From the effective date of this Agreement forward until the conclusion of my five year membership suspension, I shall not participate in any manner in any of the activities or affairs of Local 82 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 82 and IBT Entities.


8. This Agreement is permanent.

9. I understand and agree that this Agreement will be submitted to the 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. I understand that no representations have been made as to whether this Agreement will be approved by the IRB or the

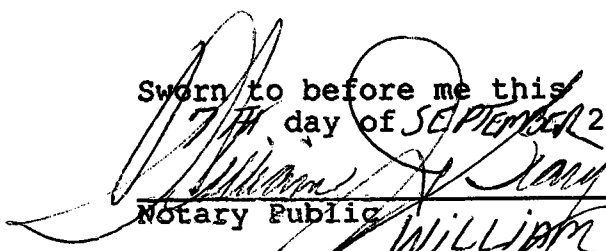
United States District Court for the Southern District of New York. If this Agreement is not approved by the IRB or the United States District Court for the Southern District of New York, the Agreement will be null and void.

10. I make this Agreement freely, under no duress or coercion of any kind.

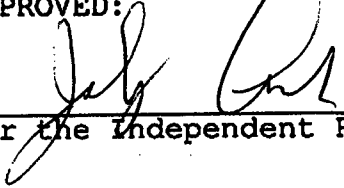
11. I will transmit this Agreement, signed by me, to the IRB. If it is signed by the IRB, it will be submitted to the Court for review.


PATRICK GEARY

Sworn to before me this
7th day of SEPTEMBER 2011


Notary Public
WILLIAM J. GEARY
MY COMMISSION EXPIRES 8-31-2012

APPROVED:


for the Independent Review Board

Dated: 9/21/11

So Ordered:

Hon. Loretta A. Preska
U.S. District Judge

Dated: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	88 Civ. 4486 (LAP)
	:	ACKNOWLEDGMENT OF RECEIPT
	:	OF THE AGREEMENT
INTERNATIONAL BROTHERHOOD OF	:	BETWEEN THE INDEPENDENT
TEAMSTERS, <u>et al.</u>	:	REVIEW BOARD AND
	:	PATRICK GEARY
Defendants.	:	

This Court hereby acknowledges that the Agreement enclosed with Application 153 of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IBT") has been received by this Court, and that this Court has caused to be filed the original documents concerning the Agreement enclosed with Application 153 with the Clerk of the Court of the Southern District of New York.

This Court further certifies that the instant Acknowledgment of Receipt ("the Acknowledgment") has been filed with the Clerk of the Court of the Southern District of New York, and that a copy of the Acknowledgment has been forwarded to the following:

John J. Cronin, Jr.
444 North Capitol Street, NW, Suite 528
Washington, DC 20001
Administrator of the Independent Review Board

Bradley T. Raymond, Esq.
International Brotherhood of Teamsters
25 Louisiana Avenue
Washington, DC 20001

Charles M. Carberry, Esq.
Investigations Office
17 Battery Place, Suite 331
New York, New York 10004

Dated: _____, 2011
New York, New York

U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	88 Civ. 4486 (LAP)
v.	:	AFFIDAVIT OF SERVICE
	:	
INTERNATIONAL BROTHERHOOD OF	:	
TEAMSTERS, <u>et al.</u>	:	
	:	
Defendants.	:	

Joseph D. Comtois hereby deposes and says:

1. I am the Assistant to the Administrator in the office of the Administrator of the Independent Review Board. On September 21, 2011, I caused to be delivered via UPS NEXT DAY to the Honorable Loretta A. Preska one executed original and one copy of Application 153, the executed original and one copy of the Agreement between the IRB and Patrick Geary, and the original and one copy of the Acknowledgment of Receipt.

2. I also caused a copy of Application 153 along with the enclosures to be delivered to:

- Tara La Morte, AUSA, via UPS Next Day
- Charles M. Carberry, Esq., via UPS Next Day
- Bradley T. Raymond, Esq., via Hand Delivery

Joseph D. Comtois
Joseph D. Comtois

Sworn to and subscribed
before me this 21st day
of September 2011

Joanne C. Batz