

TO: IBT Local 714 Executive Board
FROM: Members of the Independent Review Board
SUBJECT: Proposed Charges against Former Local 714 Members
Sheldon Weinberg and Brian J. Weinberg
DATE: June 7, 1996

I. RECOMMENDATION

The Independent Review Board recommends to the Local 714 Executive Board that former Local 714 members Sheldon Weinberg and Brian J. Weinberg be charged with bringing reproach upon the IBT by failing to cooperate with the IRB when they unreasonably failed to appear for their duly noticed sworn examinations on February 23, 1996. By their conduct, it appears that Sheldon Weinberg and Brian J. Weinberg violated Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2) and Section 14(i) of the IBT Constitution.¹

II. INVESTIGATIVE FINDINGS

A. Sheldon Weinberg

Local 714 Titan dues records reflected that Sheldon Weinberg, address 7045 North Hamlin, Lincolnwood, Illinois 60645,

¹ As discussed below, subsequent to the Chief Investigator's inquiries concerning S & J Scrap, the purported employer of Brian and Sheldon Weinberg, on March 5, 1996 Local 714 issued Brian and Sheldon Weinberg withdrawal cards. (Exs. 1 and 2) However, Article XIX, Section 1(g) of the IBT Constitution authorizes charges to be filed against members on withdrawal.

was initiated into Local 714 on January 1, 1989. (Ex. 1) Sheldon Weinberg's Titan dues printout listed his employer as "S & J Scrap, Inc.." (Ex. 1) The Local 714 membership list dated January 5, 1996 reflected that Sheldon Weinberg was a member employed at S & J Scrap, Inc.. (Ex. 3)

The address on the Local 714 employer roster dated September 1995 for S & J was 3920 North Western Avenue, Chicago, Illinois. (Ex. 4) However, a used car lot, Wayne Motors, is located at 3920 North Western Avenue. (Ex. 5 at 38-39) According to records filed with the Illinois Secretary of State, Wayne Motors was incorporated in 1978 and Sheldon Weinberg is the President of that company. (Ex. 6) The address for Sheldon Weinberg on the 1995 annual report Wayne Motors filed is the same as the address for Sheldon Weinberg on the Local 714 membership list. (Exs. 3 and 6)

On February 6, 1996, the Chief Investigator sent via overnight express mail a notice of sworn examination to Sheldon Weinberg scheduling his sworn examination for February 23, 1996. (Ex. 7) This notice was sent to Sheldon Weinberg at the address listed on his Titan dues record and the Local 714 membership list. (Exs. 1 and 3) At this sworn examination, the Chief Investigator planned to ask Sheldon Weinberg questions concerning, among other things, his Local 714 membership, S & J Scrap, Inc., Wayne Motors, and questions concerning contacts with alleged organized crime figures.

Records from the United States Postal Service reflected that the February 6, 1996 notice was delivered to Sheldon

Weinberg's address on February 9, 1996 and was signed for by Greg Weinberg. (Ex. 8) Nevertheless, on February 23, 1996, without explanation, Sheldon Weinberg failed to appear for his sworn examination. (Ex. 9)

B. Brian Weinberg

Local 714 Titan dues records reflected that Brian J. Weinberg, address 3930 North Pinegrove, Chicago, Illinois 60613, was initiated into Local 714 effective April 1, 1990 and was employed at "S & J Scrap". (Ex. 2) According to the Local 714 membership list dated January 5, 1996, Brian J. Weinberg was a member employed at S & J Scrap. (Ex. 3)

On February 6, 1996, the Chief Investigator sent via overnight express mail a notice of sworn examination to Brian Weinberg scheduling his sworn examination for February 23, 1996. (Ex. 10) This notice was sent to Brian Weinberg at the address listed on his Titan dues record and the Local 714 membership list. (Ex. 2 and 3) At this sworn examination, the Chief Investigator planned to ask Brian Weinberg questions concerning, among other things, his Local 714 membership, S & J Scrap, Wayne Motors, and questions concerning contacts with alleged organized crime figures.

Records from the United States Postal Service reflected that the February 6, 1996 notice was delivered to Brian Weinberg's address on February 7, 1996 and was signed for by Robert

Moore. (Ex. 11)² Nevertheless, on February 23, 1996, without explanation, Brian Weinberg failed to appear for his sworn examination. (Ex. 12)

On March 29, 1996, the Chief Investigator sent via overnight express mail notices of sworn examinations to Sheldon and Brian Weinberg scheduling their sworn examinations for April 16, 1996. (Exs. 13 and 14)³ These notices were sent to Sheldon and Brian Weinberg at the address of their listed employer, "S & J", 3920 North Western Avenue, Chicago, Illinois 60618. (Ex. 4) According to records from the United States Postal Service, the March 29, 1996 notices were delivered on March 30, 1996 and Brian Weinberg signed for both notices. (Exs. 15-16) Nevertheless, on April 16, 1996, without explanation, Brian and Sheldon Weinberg each failed to appear for their sworn examinations. (Exs. 17 and 18)

On April 23, 1996, the Chief Investigator's Office again sent via overnight express mail notices of sworn examination to Sheldon and Brian Weinberg scheduling their sworn examinations for May 6, 1996. (Ex. 19-22) These notices were sent to Sheldon and Brian Weinberg at their addresses listed on the Local 714 membership list (Ex. 3) and to the address of their listed

² The signature on the receipt for the notice is not completely legible. (Ex. 11)

³ When these notices were sent, the Chief Investigator's office was unaware that Sheldon and Brian Weinberg had been issued withdrawal cards. The first notification to the Chief Investigator that Brian and Sheldon Weinberg were no longer active Local 714 members was their counsel's letter dated April 24, 1996. (Ex. 23)

employer, "S & J", 3920 North Western Avenue, Chicago, Illinois 60618. (Ex. 4)

By letter dated April 24, 1996, James M. Neuman, Esq. advised the Chief Investigator's office that he represented Brian and Sheldon Weinberg. (Ex. 23) According to this letter, Brian and Sheldon Weinberg were no longer members of Local 714. (Ex. 23) This was the first notification to the Chief Investigator that Sheldon and Brian Weinberg were no longer Local 714 members.

According to the Titan dues printout for Brian and Sheldon Weinberg, Local 714 issued withdrawal cards on March 5, 1996 to both Sheldon and Brian Weinberg. (Exs. 1 and 2) During his sworn examination, Local 714 President James M. Hogan testified that he first became aware "that S & J Scrap was not a scrap operation" as a result of IRB inquiries about S & J Scrap including an IRB request for the collective bargaining agreement with S & J Scrap. (Ex. 5 at 25, 35) According to Local 714 President James M. Hogan, after he determined that the address for Local 714 employer S & J Scrap was a used car lot, he directed that Sheldon and Brian Weinberg be issued withdrawal cards. (Ex. 5 at 35)

III. PROPOSED CHARGES

Based on the foregoing, it is proposed that Sheldon Weinberg and Brian Weinberg each be charged as follows:

While a member of Local 714, you brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in paragraph G of the March 14, 1989 Consent Decree in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (S.D.N.Y.), to wit:

On February 23, 1996, you willfully and without justification refused to appear for your sworn in-person examination pursuant to Paragraph H.3(C) of the Rules and Procedures for operation of the IRB for the IBT.

EXHIBIT LIST

- Ex. 1 Titan dues record for Sheldon Weinberg
- Ex. 2 Titan dues record for Brian Weinberg
- Ex. 3 Local 714 Membership list excerpt for Sheldon Weinberg and Brian Weinberg
- Ex. 4 Excerpt from Local 714 Employer Roster dated September 1995
- Ex. 5 Excerpts from Sworn Examination of Local 714 President James M. Hogan
- Ex. 6 Incorporation Documents and Annual Reports for Wayne Motors filed with the Illinois Secretary of State
- Ex. 7 Notice of sworn examination to Sheldon Weinberg, February 6, 1996
- Ex. 8 United States Postal Service form regarding Sheldon Weinberg dated February 6, 1996
- Ex. 9 February 23, 1996, statement for the record regarding Sheldon Weinberg
- Ex. 10 Notice of sworn examination to Brian Weinberg, February 6, 1996
- Ex. 11 United States Postal Service form regarding Brian Weinberg dated February 6, 1996
- Ex. 12 February 23, 1996, statement for the record regarding Brian Weinberg
- Ex. 13 Notice of sworn examination to Sheldon Weinberg, March 29, 1996
- Ex. 14 Notice of sworn examination to Brian Weinberg, March 29, 1996
- Ex. 15 United States Postal Service form regarding Sheldon Weinberg dated March 29, 1996
- Ex. 16 United States Postal Service form regarding Brian Weinberg, March 29, 1996
- Ex. 17 April 16, 1996, statement for the record regarding Sheldon Weinberg

- Ex. 18 April 16, 1996, statement for the record regarding Brian Weinberg
- Ex. 19 Notice of sworn examination to Sheldon Weinberg at Titan-Membership list address, April 23, 1996
- Ex. 20 Notice of sworn examination to Sheldon Weinberg at listed employer's address, April 23, 1996
- Ex. 21 Notice of sworn examination to Brian Weinberg at Titan-Membership list address, April 23, 1996
- Ex. 22 Notice of sworn examination to Brian Weinberg at listed employer's address, April 23, 1996
- Ex. 23 Attorney Neuman letter, April 24, 1996, to Office of Chief Investigator

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

ID-109
IB-494
ID-495

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
1021 Quarrier Street
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

August 7, 1996

FIRST CLASS MAIL

IBT Local 714 Executive Board
6815 W. Roosevelt Road
Berwyn, IL 60402

Re: Local 714 and Rocco D'Ambrosio

Local 714 and Sheldon Weinberg and
Brian J. Weinberg

Dear Members of Local 714 Executive Board:

The Independent Review Board has reviewed the Report and Decision regarding Rocco D'Ambrosio and the Reports and Decisions of Sheldon Weinberg and Brian J. Weinberg. The Board finds the Decisions not to be inadequate.

Very truly yours,

Members of the
Independent Review Board

By:


John J. Cronin, Jr.
Administrator

cc: Marvin Sacks, Esq.
Judith A. Scott, Esq.
David Neigus, Esq.



TEAMSTERS LOCAL UNION No. 714

Affiliated with the International Brotherhood of Teamsters

6815 WEST ROOSEVELT ROAD • BERWYN, ILLINOIS 60402-1098 • TEL. (312) 242-3215 • FAX: (708) 788-4662

July 1, 1996

REPORT AND DECISION OF THE LOCAL 714, I.B. OF T. EXECUTIVE BOARD

Charges Against Rocco D'Ambrosio

Background

On June 5, 1996, Joanne Schumacher, a member of Local 714, International Brotherhood of Teamsters ("Local 714"), brought an internal union charge against Local 714 member, Rocco D'Ambrosio, that had been recommended by the Independent Review Board ("IRB"), appointed pursuant to the Consent Decree entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ 4486 (S.D.N.Y.) (the "Consent Decree"). This charge alleged that Rocco D'Ambrosio, while a Local 714 member, brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in paragraph G of the Consent Decree by willfully and without justification refusing to appear on April 18, 1996 and on May 6, 1996 for his sworn in-person examination pursuant to the IRB Rules.

On or about June 5, 1996, a copy of the charge was sent, by certified mail return receipt requested, to Rocco D'Ambrosio at 10019 Hope Drive in Rosemont, Illinois. At the same time, Rocco D'Ambrosio was notified that a hearing on said charge would be held before the Local 714 Executive Board on June 18, 1996 at the hour of 1:00 p.m. at the Local 714 Union Hall. The charge and the notice of hearing were received by Rocco D'Ambrosio.

At the hearing on June 18, 1996, all members of the Local 714 Executive Board were present. Local 714 member Joanne Schumacher and Union attorney Marvin Sacks were also present. Rocco D'Ambrosio did not appear. The IRB Investigative Report, the May 28, 1996 IRB recommendation, investigative findings, proposed charge and exhibits, and the June 5, 1996 charge of Local 714 member Joanne Schumacher against Rocco D'Ambrosio, among others, were introduced into evidence.

There was a court reporter present at the hearing on June 18, 1996 and a transcript made of the proceeding.


Finding

After considering the record and evidence in this matter, the members of the Local 714 Executive Board unanimously find that Rocco D'Ambrosio violated Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2), and 14(i) of the IBT Constitution when he failed to appear for his sworn examination.

Decision

It is the unanimous decision of the members of the Local 714 Executive Board, based on the evidence in this matter, that Rocco D'Ambrosio, effective July 1, 1996, be permanently barred from:

- (A) IBT membership and from holding any positions with any IBT entity;
- (B) Receiving any payments from Local 714 or from any IBT entities;
- (C) Having Local 714 or any IBT entities make any contributions on his behalf to any IBT-affiliated benefit fund.


William T. Hogan, Jr.
Secretary-Treasurer



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July 22, 1996

REPORT AND DECISION OF THE LOCAL 714, I.B. OF T. EXECUTIVE BOARD

Charges Against Brian J. Weinberg

Background

On June 17, 1996, Joanne Schumacher, a member of Local 714, International Brotherhood of Teamsters ("Local 714"), brought an internal union charge against former Local 714 member, Brian J. Weinberg, that had been recommended by the Independent Review Board ("IRB"), appointed pursuant to the Consent Decree entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ 4486 (S.D.N.Y.) (the "Consent Decree"). This charge alleged that Brian J. Weinberg, while a Local 714 member, brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in paragraph G of the Consent Decree by willfully and without justification refusing to appear on February 23, 1996 for his sworn in-person examination pursuant to the IRB Rules.

On or about June 17, 1996, a copy of the charge was sent, by certified mail return receipt requested, to Brian J. Weinberg at 3930 North Pine Grove in Chicago, Illinois. At the same time, Brian J. Weinberg was notified that a hearing on said charge would be held before the Local 714 Executive Board on July 3, 1996 at the hour of 1:00 p.m. at the Local 714 Union Hall. The charge and the notice of hearing were received by Brian J. Weinberg.

At the hearing on July 3, 1996, all members of the Local 714 Executive Board were present. Local 714 member Joanne Schumacher and Union attorney Marvin Sacks were

also present. Brian J. Weinberg did not appear. The IRB Investigative Report, the June 7, 1996 IRB recommendation, investigative findings, proposed charge and exhibits, and the June 17, 1996 charge of Local 714 member Joanne Schumacher against Brian J. Weinberg, among others, were introduced into evidence.

There was a court reporter present at the hearing on July 3, 1996 and a transcript made of the proceeding.

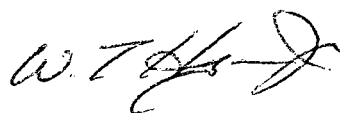
Finding

After considering the record and evidence in this matter, the members of the Local 714 Executive Board unanimously find that Brian J. Weinberg violated Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2), and 14(i) of the IBT Constitution when he failed to appear for his sworn examination.

Decision

It is the unanimous decision of the members of the Local 714 Executive Board, based on the evidence in this matter, that Brian J. Weinberg effective July 22, 1996, be permanently barred from:

- (A) IBT membership and from holding any positions with any IBT entity;
- (B) Receiving any payments from Local 714 or from any IBT entities;
- (C) Having Local 714 or any IBT entities make any contributions on his behalf to any IBT-affiliated benefit fund.



William T. Hogan, Jr.
Secretary-Treasurer



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July 22, 1996

REPORT AND DECISION OF THE LOCAL 714, I.B. OF T. EXECUTIVE BOARD

Charges Against Sheldon Weinberg

Background

On June 17, 1996, Joanne Schumacher, a member of Local 714, International Brotherhood of Teamsters ("Local 714"), brought an internal union charge against former Local 714 member, Sheldon Weinberg, that had been recommended by the Independent Review Board ("IRB"), appointed pursuant to the Consent Decree entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ 4486 (S.D.N.Y.) (the "Consent Decree"). This charge alleged that Sheldon Weinberg, while a Local 714 member, brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in paragraph G of the Consent Decree by willfully and without justification refusing to appear on February 23, 1996 for his sworn in-person examination pursuant to the IRB Rules.

On or about June 17, 1996, a copy of the charge was sent, by certified mail return receipt requested, to Sheldon Weinberg at 7045 North Hamlin in Lincolnwood, Illinois. At the same time, Sheldon Weinberg was notified that a hearing on said charge would be held before the Local 714 Executive Board on July 3, 1996 at the hour of 1:00 p.m. at the Local 714 Union Hall. The charge and the notice of hearing were received by Sheldon Weinberg.

At the hearing on July 3, 1996, all members of the Local 714 Executive Board were present. Local 714 member Joanne Schumacher and Union attorney Marvin Sacks were

also present. Sheldon Weinberg did not appear. The IRB Investigative Report, the June 7, 1996 IRB recommendation, investigative findings, proposed charge and exhibits, and the June 17, 1996 charge of Local 714 member Joanne Schumacher against Sheldon Weinberg, among others, were introduced into evidence.

There was a court reporter present at the hearing on July 3, 1996 and a transcript made of the proceeding.

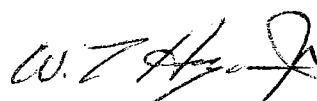
Finding

After considering the record and evidence in this matter, the members of the Local 714 Executive Board unanimously find that Sheldon Weinberg violated Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2), and 14(i) of the IBT Constitution when he failed to appear for his sworn examination.

Decision

It is the unanimous decision of the members of the Local 714 Executive Board, based on the evidence in this matter, that Sheldon Weinberg effective July 22, 1996, be permanently barred from:

- (A) IBT membership and from holding any positions with any IBT entity;
- (B) Receiving any payments from Local 714 or from any IBT entities;
- (C) Having Local 714 or any IBT entities make any contributions on his behalf to any IBT-affiliated benefit fund.



William T. Hogan, Jr.
Secretary-Treasurer