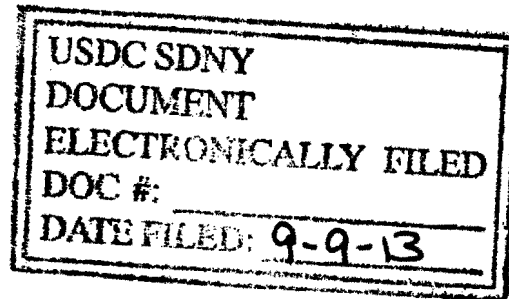


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 155 OF THE
	:	INDEPENDENT REVIEW BOARD
	:	-- OPINION AND DECISION OF
INTERNATIONAL BROTHERHOOD OF	:	THE INDEPENDENT REVIEW
TEAMSTERS, <u>et al.</u>	:	BOARD IN THE MATTER OF
	:	LEIF THORNTON, CHERYL MILISI
Defendants.	:	FRANCIS DIZOGLIO, JOHN LOGAN
	:	AND NICHOLAS MURPHY

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"), Application is made by the IRB for ruling by the Honorable Loretta A. Preska, United States District Judge for the Southern District of New York, on the issues heard by the IRB during a hearing on October 11, 2011, in Boston, Massachusetts.

The first charge in this inquiry, applicable to all respondents, arises out of two expenditures in excess of \$10,000 made by the local in connection with its 75th anniversary celebration. The first of these expenditures was a purchase of a 1933 Ford truck for \$13,300 by John Perry ("Perry") and Patrick Geary ("Geary") on June 20, 2008. The respondents in this inquiry did not become aware of this purchase until 20 days later at the June 30 executive board meeting. The members were not informed of the expenditures until the general membership meeting on September 21, at which time, no vote was taken nor was approval

sought. The second concerns the expenditure of over \$90,000 in connection with the anniversary party, including over \$45,000 for catering and over \$12,000 for video recording. These significant non-routine expenditures likewise were never put to a vote before the members, nor were the actual costs disclosed to the membership.

The second charge in this inquiry, applicable to respondents Francis Dizoglio ("Dizoglio"), John Logan ("Logan"), and Nicholas Murphy ("Murphy"), is that they violated Article X, Section 8(b) of the IBT Constitution and Section 12 of the Local 82 bylaws when they simply signed their approval of financial reports prepared by Perry without first verifying the bank account balances or any supporting financial documentation. Each of the three respondents testified previously that they had reviewed and signed only reports already completed by Perry.

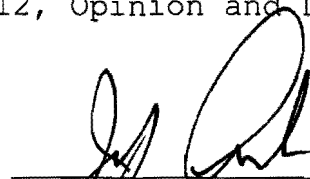
The IRB holds that each of the five respondents be barred permanently from holding office or employment with Local 82 or any successor union.

Enclosed with our January 25, 2012, Opinion and Decision are the October 24, 2010 Investigative Report (Exhibit A) and Exhibits 1-41 (Appendix to Exhibit A) on CD disk, CIO's Pre-Hearing Memorandum and Supplemental Exhibit 42 (Exhibit B) on CD disk, October 11, 2011 IRB Hearing transcript (Exhibit C), IRB Reference Documents 1-3 (Exhibit D), Exhibits IRB-1 to IRB-8 (Exhibit E), and Submissions introduced at the October 11, 2011 IRB Hearing from Leif Thornton (Exhibit F), Francis Dizoglio

(Exhibits G), John Logan (Exhibit H), and Nicholas Murphy (Exhibit I).

It is respectfully requested that an Order be entered affirming the IRB's January 25, 2012, Opinion and Decision if Your Honor finds it appropriate.

By:



John V. Cronin, Jr.
Administrator


Dated: January 25, 2012

After consideration of Mr. Murphy's letter received May 22, 2013, the IRB's letter dated May 31, 2013, the government's letter dated June 28, 2013, and all of the materials in the record,

It is hereby ordered that the IRB's January 25, 2012 Opinion and Decision is affirmed in all respects. Application 155 is granted

September 6, 2013

NO ORDER



LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE