

10. Status of Report on Local 945. (D'Aiuto)

The Board reviewed President Carey's decision of February 6, 1996, permanently barring D'Aiuto from membership. The Board approved the decision and no further action need be taken.

INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
AFL-CIO



OFFICE OF
RON CAREY
GENERAL PRESIDENT

February 6, 1996

Mr. John D'Aiuto
337 Vail Road
Parsippany, NJ 07054

Re: Internal Union Charges Filed by
Local 945 Temporary Trustee Joseph
Padellaro Against John D'Aiuto

Dear Sir and Brother:

This is my decision on the above-referenced charges filed against you by Local 945 Temporary Trustee Joseph Padellaro. These charges were referred to Trustee Padellaro by the Independent Review Board ("IRB").

A hearing on these charges was held on November 28, 1995 in Wayne, New Jersey. At the hearing, all parties were afforded the opportunity to present evidence and cross-examine witnesses. A transcript and exhibits from the hearing as well as the findings and recommendations of the hearing panel have been forwarded to me. I am enclosing a copy of the hearing panel's findings and recommendations.

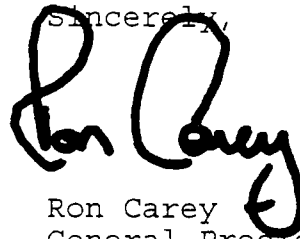
Based on the record of the hearing, I have adopted the findings and recommendations of the hearing panel in their entirety, and I hereby impose the following discipline:

1. John D'Aiuto is permanently barred from membership in Local 945 and the International Brotherhood of Teamsters ("IBT") and any of its affiliated entities.

2. D'Aiuto is permanently barred from accepting any salary, severance, allowance, fee or compensation of any kind from Local 945, the IBT or any other IBT entity.

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3. D'Aiuto is barred from receiving any benefits, gratuities, severance or gifts of any kind from Local 945, the IBT or any IBT entity, except that he may receive his fully vested benefits.

Sincerely,

Ron Carey
General President

RC/dnb

Enclosure

cc: Joseph Padellaro, Trustee Local 945
Anthony Magrene, Panel Chair
Richard Jones, Panel Member
Donna Santoro, Panel Member
John J. Cronin, Jr., IRB Administrator ✓
Charles Carberry, IRB Chief Investigator

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In re

Internal Union Charges filed by Local
Union 945 Temporary Trustee, Joseph
Padellaro against:

JOHN D'AIUTO

-----X

Introduction

Ron Carey, General President of the International Brotherhood of Teamsters (I.B.T.) pursuant to Article XIX, Section 11(A) of the Constitution of the IBT (International Constitution) appointed a hearing panel to hear charges alleging violations of the Local 945 Constitution and by-laws (Local 945 by-laws) and the International constitution brought by Temporary Trustee, Joseph Padellaro (Trustee) against John D'Aiuto, the former Trustee of Local 945.

Summary of Findings and Recommendations

Based on the preponderance of the reliable evidence submitted during the hearing, including oral testimony and documentary evidence, the panel makes the following findings:

While a member of Local 945, Brother D'Aiuto is guilty of bringing reproach upon the I.B.T. and Local 945

Procedural History

On or about July 12, 1995, Trustee, Joseph Padellaro received a report from The IRB concerning charges against Local 945 member, John D'Aiuto, Trustee. Ex1.

On or around August 14, 1995, the Trustee filed charges against D'Aiuto by letter dated November 6, 1995. General President, Ron Carey served D'Aiuto with a copy of the charges and advised him that he had appointed a panel to hear the charges on November 28, 1995 at Local 945-585, Hamburg Turnpike, Wayne, New Jersey. Also by letter dated November 6, 1995, President Carey acting under his authority, pursuant to Article XIX of the International Constitution, appointed Anthony Magrene, Trustee of Teamster Local 804, Donna Santoro, Business Agent at Local 810, and Richard Jones, Recording-Secretary of Local 11 to serve as a hearing panel for the charges.

A hearing was held on November 28, 1995 at the Local 945 Union hall located in Wayne, N.J. Brother D'Aiuto appeared at the hearing and participated fully, testifying, cross examining witnesses, and making a closing statement. He acknowledged timely receipt of the charges.

Findings

We address the charge brought against Brother D'Aiuto in the matter presented by Trustee, Joseph Padellaro at the hearing.

Charge

While a member of Local 945, The Trustee, alleges that Brother D'Aiuto brought reproach upon the IBT obstructing, interfering with and unreasonably failing to cooperate with the duties of the Independent Review Board as set forth in Paragraph G of the March 14, 1989 Consent Decree in United States V. IBT .

a. At all times relevant to these charges, Brother D'Aiuto was a member of Local 945 and he also served as a Trustee on the Executive Board of Local 945 from January, 1994 until on or about May 1, 1995.

b. Brother D'Aiuto unreasonable failed to cooperate with the Independent Review Board in the course of one of its investigations in that: 1) On June 26, 1995, he willfully and without justification refused to appear for his sworn in person examination

pursuant to Paragraph H.3(C) of the Rules and Procedures for operation of the Independent Review Board for the International Brotherhood of Teamsters and 2) On three occasions prior to June 26, 1995, Brother D'Aiuto failed to appear or arranged to postpone his sworn in person examination pursuant to Paragraph H.3(C) of the Rules and Procedures for operation of the Independent Review Board for the International Brotherhood of Teamsters (See Tr. IRB Inv Report Local 945 Vol 1, Exh 1-10 (D'Aiuto)).

By this course of conduct, Brother D'Aiuto obstructed, interfered and unreasonably failed to cooperate with the duties of the Independent Review Board and thereby brought reproach upon the IBT and Local 945 in violation of Article II, Sec 2A and Article XIX, Sec 7(B) (1) and (2) and Section 14 (I) of the IBT Constitution and Article IV < Sec 4.02 (C) and (F) and Article XXII, Sec 22.01 (A) (B), (D), (F), (K), (L) and (P) of the Local 945 by-laws.

We, the panel find that the preponderance of the reliable evidence, including Brother D'Aiuto admission that on June 26, 1995 he failed to appear or arrange to postpone his sworn in person examination pursuant to Paragraph H.3(C) of the Rules and Procedures for operation of the Independent Review Board for the International Brotherhood of Teamsters.

The Trustee charges that on three occasions prior to June 26, 1995, Brother D'Aiuto either failed to appear or arrange to postpone his sworn in person examination pursuant to Paragraph H.3(C) of the Rules and Procedures for operation of the Independent Review Board for the International Brotherhood of Teamsters.

We, the panel find that prior to June 26, 1995 that the IRB by rescheduling Brother D'Aiuto's sworn in person examination gave Brother D'Aiuto every opportunity to present himself for his sworn in person examination which he failed to do so. This part of the Trustee's charge is inconclusive by the evidence submitted (See Tr IRB Vol 1-10)

Conclusion

By this course of conduct, we find Brother D'Aiuto obstructed, interfered and unreasonably failed to cooperate with the duties of the Independent Review Board and thereby brought reproach upon the IBT and Local 945 in violation of Article 11, Sec 2(A) and Article XIX, Section 7(B) (1) and (2) and Section 14 (I) of the IBT Constitution and Article IV< Section 4.02 (C) and (F) and Article XXII, Section 22.0 (A), (B), (D), (F), (K), (L), and (P) of Local 945 by-laws.

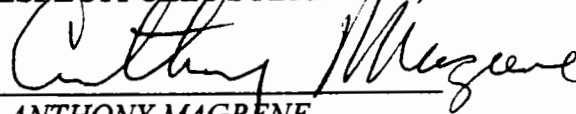
Recommendation

Based on the magnitude of the misconduct which Brother D'Aiuto has engaged in as well as the absence of any genuine remorse for his outrageous actions. We, the panel recommend that President Carey impose the most severe punishment permitted by the International Constitution and by-laws. Including, but not limited to:

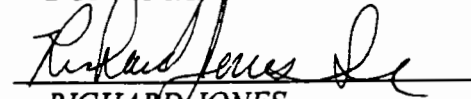
1. Expelling Brother D'Aiuto from membership in Local 945 and the International Brotherhood of Teamsters and any affiliate; forever.
2. Barring him from accepting any money or compensation from IBT, Local 945 or any affiliate in the future for any services performed.
3. Barring him from any affiliated employee benefit plan other than the receipt of vested benefits to which he may be lawfully entitled by reason of prior participation in an employee benefit plan.

DATED: NEW YORK, NEW YORK
JANUARY 23 1996.

RESPECTFULLY SUBMITTED,


ANTHONY MAGRENE


DONNA SANTORO


RICHARD JONES

LIST OF EXHIBITS

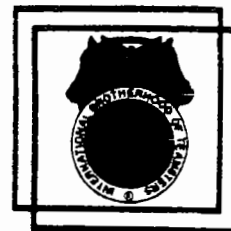
Trustee 1 - Testimony of IBT Trustee, Joseph Padellaro presented to hearing panel reviewing charges against John D'Aiuto.

Trustee 2 - Exhibits
I.R.B. Report on John D'Aiuto

Panel
Exhibit 1 - Letter from General President, Ron Carey to John D'Aiuto dated November 6, 1995 notifying him of hearing on charges.

INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

AFL-CIO



OFFICE OF
RON CAREY
GENERAL PRESIDENT

November 6, 1995

Mr. John D'Aiuto
337 Vail Road
Parsippany, NJ 07054

Re: Internal Union Charges Filed By
Local 945 Temporary Trustee Joseph
Padellaro Against John D'Aiuto

Dear Sir and Brother:

This is to advise you that the enclosed internal union charges have been filed against you by Local 945 Trustee Joseph Padellaro. Pursuant to my authority under Article XIX, I have appointed a panel to hear these charges. The hearing will be held on November 28, 1995, at Local 945, 585 Hamburg Turnpike, Wayne, New Jersey. The hearing will commence at 9:00 a.m.

Sincerely yours,

A handwritten signature in cursive script, reading "Ron Carey", is positioned above the typed name and title.

Ron Carey
General President

RC/lmb

Enclosure

cc: Joseph Padellaro, Trustee
Hearing Panel