

-----X
INVESTIGATIONS OFFICER, :
: :
: :
Claimant :
: :
-v- :
: :
THOMAS BARON, :
: :
Respondent. :
: :
-----X

AFFIDAVIT AND AGREEMENT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

THOMAS BARON, 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") has filed charges against me pursuant to the Consent Order (the "charges"). A copy of the charges is annexed as Exhibit A and incorporated herein by reference.

2. I make this affidavit and agreement (the "agreement") to resolve the charges. This agreement does not constitute an admission or denial of the charges.

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 Union 531;

(b) I am a member of the Executive Board of Local 531, and hold the office of Trustee of Local 531.

(c) 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 531, or with any pension, health and welfare or other benefit plans or other such entities (collectively "IBT Entities");

(d) I currently receive no salary, allowances, or remuneration of any kind from any IBT Entities other than for the positions described in Paragraph 3(b);

(e) I shall resign, effective on the first day after this agreement is approved by the Independent Administrator, as an officer of Local 531, and from any other positions as an officer or employee of any IBT Entity. I may remain a member of Local 531.

(f) From the effective date of my resignation forward, I will not hold, seek or accept election or appointment to any office, paid or unpaid, in any IBT Entities nor will I hold, seek or accept any employment, consulting or other similar relationship of any kind with any IBT Entity;

(g) This agreement is permanent.

4. I have entered into this agreement on the understanding the Investigations Officer agrees he will not pursue the charges.

5. I understand the Investigations Officer's agreement is limited to the charges annexed as Exhibit A and he expressly

reserves the right to pursue charges against any other officer or entity of the IBT or Local 531, arising out of the allegations contained in the charges or any other investigations.

6. I agree 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 United States District Court for the Southern District of New York for review and approval and, if approved by the court, to be entered 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.

8. I make this agreement after consultation with my attorney and I fully understand its terms.

9. I have authorized my attorney to transmit this agreement, signed by me, to the Investigations Officer. When it

is signed by the Investigations Officer, he will submit it to the Independent Administrator for approval.

Thomas Baron
THOMAS BARON

Sworn to before me
this 2ND day of August, 1991

[Signature]
NOTARY PUBLIC

STEPHEN H. GELB
NOTARY PUBLIC, State of New York
No. 31-483763
Qualified in New York Co.
Commission Expires November 3, 1991

[Signature]
IRA DROGIN, ESQ.
Attorney for Thomas Baron

Agreed:

Charles M. Carberry
Charles M. Carberry
Investigations Officer

August 14, 1991

Approved:

Frederick B. Lacey
Frederick B. Lacey
Independent Administrator

Sept 6
August 6, 1991

SO ORDERED:

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

Sept 12
August 12, 1991

Exhibit
A

_____ X
INVESTIGATIONS OFFICER, :
Claimant, :
- v - :
THOMAS BARON, : CHARGE
Trustee, :
Local 531, :
Yonkers, New York, :
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.

Charge One

You are charged with bringing reproach upon the IBT, aiding the embezzlement of Local 531 money in violation of IBT constitution, Article II, section 2(a) and Article XIX, subsection 6(b)(1), (2) and (3) and breaching your fiduciary duties to the Local's members.

TO WIT, on September 17, 1984, Joseph M. Biasucci, Secretary-Treasurer of Local 531 was indicted by a federal grand jury for, inter alia, embezzling over \$100,000 of the assets of the Local 531 Pension Fund and taking bribes in connection with

his duties at the Fund. On April 19, 1985 Biasucci was convicted on three counts of violating the federal RICO statute and remanded to prison. On June 3, 1985 Biasucci was sentenced to a term of incarceration of seven years and fined \$75,000. On June 19, 1985 despite Biasucci's gross betrayal of the members his criminal conviction and allegations of his involvement with organized crime you and other members of the Local 531 executive board voted Biasucci severance, totalling \$25,610, which then he had not requested.

Charge Two

You are charged with bringing reproach upon the IBT in violation of Article XIX, section 6(b)(1), (2) of IBT constitution and Article II, section 2(a) of the constitution and breaching your fiduciary duties to the Local 531.

TO WIT, On or about June 19, 1985 following Biasucci's conviction and public allegations of his involvement with organized crime, you and other board members of Local 531 appointed Philip Tortorici, as Sick and Welfare Fund Administrator, despite both his being convicted of extortion for

activities while a union official and his being a member of La Cosa Nostra. You failed to investigate his background and to act appropriately. ..

Dated: New York, New York
June 17, 1991

Very truly yours,



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

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