

```

-----X
INVESTIGATIONS OFFICER,      :
      Claimant,                :
      - v -                    :
SAM WHITNEY,                  :
Local 27                      :
      Respondent.              :
-----X

```

Affidavit and Agreement

```

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

```

SAM WHITNEY, being duly sworn, deposes, says and agrees as follows:

1. The Investigations Officer, Charles M. Carberry, appointed pursuant to the Consent Order entered on 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 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 27;

(b) I am a shop steward for IBT Local 27 and the Recording Secretary for IBT Local 27;

(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 27, any pension, health and

welfare funds or other such entities (collectively "IBT Entities");

(d) I shall resign, effective the date this Agreement is approved by the Independent Administrator (the "effective date"), as Recording Secretary with Local 27 and as a shop steward of Local 27. I may continue to be a member of the IBT;

(e) From the effective date of this Agreement forward, I shall not hold, seek, or accept election or appointment to any position or office, including any Local 27 Executive Board position, paid or unpaid, with Local 27 or any other IBT Entities; nor will I hold, seek, or accept election, appointment or employment as a shop steward, on-site steward, working foreman or any similar position with Local 27 or any other IBT Entities. From the effective date of this Agreement forward, I shall not hold, seek or accept any employment or position as a consultant, paid or unpaid, with Local 27 or any other IBT Entities;

(f) From the effective date of this Agreement forward, I shall receive no salary, allowances, gratuities, accrual of pension benefits or any other remuneration or compensation of any kind paid by or from Local 27 or any other IBT Entities. I represent that I am currently owed no payment, benefit or compensation of any kind from Local 27.

4. I have entered into this Agreement on the understanding that the Investigations Officer will not pursue the attached Charges against me.

5. I understand that the Investigations Officer's Agreement is limited to the Charges annexed as Exhibit A and that he expressly reserves the right to pursue any other charges against me which result from any investigation. Further, the Investigations Officer expressly reserves the right to pursue charges against any other officer or entity of the IBT or Local 27 arising out of the allegations contained in the Charges or as a result of any other investigations.

6. This agreement is permanent.

7. I agree this Agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I agree he will submit it to the United States District Court for the Southern District of New York for review and approval and, if approved, to be entered as an order.

8. I understand the Investigations Officer makes no representation as to the determination of the Independent Administrator or the court with respect to this Agreement.

9. I make this Agreement freely, under no duress or coercion of any kind, and after consultation with my attorney. I fully understand the terms of this Agreement.

10. This Agreement is not effective until it has been signed below by the Investigations Officer and the Independent Administrator.

SAM WHITNEY

Sworn to before me this the
21 day of May, 1992

Feliciano Alberto
Notary Public

FELICIANO ALBERTO JR.
Notary Public for the State of New York
Qualified in New York County
Commission Expires 8-27-92

Agreed:
June ~~April~~ 8, 1992

Approved:
6/18 1992

John Nicholas Iannuzzi, Esq.
Attorney for Sam Whitney

Charles M. Carberry
Charles M. Carberry
Investigations Officer

Frederick B. Lacey
Frederick B. Lacey
Independent Administrator

SO ORDERED:

6/18, 1992
New York, New York

Walter J. Easton
U.S.D.J.

Samuel Whitney
SAM WHITNEY

Sworn to before me this the
21 day of May, 1992

Fabian Albotz
Notary Public

Agreed:
April 8, 1992

Approved:
6/12 1992

SO ORDERED:

_____, 1992
New York, New York

John Nicholas Iannuzzi, Esq.
Attorney for Sam Whitney

Charles M. Carberry
Charles M. Carberry
Investigations Officer

Frederick B. Lacey
Frederick B. Lacey
Independent Administrator

U.S.D.J.

INVESTIGATIONS OFFICER,	X
Claimant,	:
- v -	:
	:
Sam Whitney	:
Recording/Secretary	:
Local 27	:
27 Union Square, West	:
New York, New York 10003	:
	:
Respondent.	:
	X

CHARGE

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 ("the Consent Order"). A copy of the consent order is enclosed.

The time and place of the hearing of this matter will be set by the Independent Administrator, Frederick B. Lacey, and he will notify you accordingly.

CHARGE ONE

You are charged with bringing reproach upon the IBT, violating your oath and embezzlement in violation of the IBT Constitution, Article II, Section 2(a) and Article XIX, Section 6(b)(1), (2) and (3) with breaching your fiduciary duties to the members.

To Wit; on June 20, 1991 you and other members of Local 27's Executive Board voted Robert Liborio Crapanzano a retroactive 8 weeks bonus of \$21,528.00 in 1990 when you had full knowledge that he had not performed the duties of his office during that period.

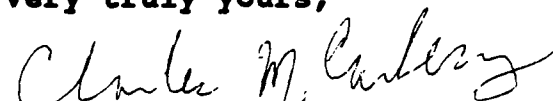
Charge Two

You are further charged with bringing reproach upon the IBT, violating your oath and embezzlement in violation of the IBT Constitution, Article II, Section 2(a) and Article XIX, Section 6(b) (1), (2) and (3) and with breaching your fiduciary duties to the members.

To Wit; On November 26, 1991 you and other members of Local 27's Executive Board voted Robert Liborio Crapanzano an eight week bonus in the amount of \$15,249 for 1991 when you had full knowledge that he had not performed the duties of his office during that period.

Dated: New York, New York
February 28, 1992

Very truly yours,



Charles M. Carberry
Investigations Officer

cc: Frederick B. Lacey, Esq.
Richard Gilberg, Esq.
Steven Bennett, Esq.