

TO: IBT Local 868 Executive Board
FROM: Members of the Independent Review Board
RE: Proposed Charges Against Local 868 Member Timothy Brown
DATE: November 13, 1996

I. RECOMMENDATION

The Independent Review Board refers the below report to the Executive Board of Local 868 for the purpose of initiating charges against Local 868 member Timothy Brown for failing to cooperate with the IRB by refusing to appear for a sworn examination scheduled for October 8, 1996. By failing to appear for his sworn examination, it appears that while an IBT member Timothy Brown violated Article II, Section 2(a) and Article XIX, Section 7(b) (1) and (2) and Section 14 (i) of the IBT Constitution by obstructing, interfering and unreasonably failing 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.).

II. INVESTIGATIVE FINDINGS

Timothy Brown ("Brown"), date of birth July 22, 1964, is currently a member of the IBT and Local 868. (Ex. 1) Local 868 is located in New York, New York. Local 868 records reflected that Brown's dues were paid through October 1996. (Ex. 2) According to Local 868 records, Timothy Brown is the only IBT member employed at Ebner Woodworking ("Ebner"). (Ex. 3) Brown

is listed as a driver for Ebner. (Exs. 1 and 3)

On November 6, 1996, the Chief Investigator's Office requested from the Local a copy of the collective bargaining agreement between Local 868 and Ebner, and was advised that the Local was unable to locate the contract.¹ (Ex. 4)

On September 24, 1996, a notice of Sworn Examination was sent to Brown by overnight mail to his residence, 2061 St. Raymond Avenue, Bronx, New York, scheduling his sworn examination for October 8, 1996. (Ex. 6) A postal receipt was returned to the Chief Investigator's Office indicating that delivery was made to Geraldine Brown on September 26, 1996. (Ex. 7) At this examination, the Chief Investigator planned to question Brown about his Local 868 membership, his employment at Ebner, whether Ebner employed any other drivers and whether Brown was associated with any organized crime figures.

On October 8, 1996, without explanation, Timothy Brown failed to appear for his sworn examination. (Ex. 8)

III. PROPOSED CHARGES

Based upon the foregoing, it is recommended that Timothy Brown be charged as follows:

While a member of Local 868 and the IBT, 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

¹ The Local's Bylaws, Section 9(C) require the Secretary-Treasurer to maintain a copy of all collective bargaining agreements at the Local Union office. (Ex. 5 at 7-8)

the IBT Constitution and obstructed, interfered and unreasonably failed 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. International Brotherhood of Teamsters, 88 Civ. 4486 (S.D.N.Y.) to wit:

On October 8, 1996, you wilfully 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 Independent Review Board for the International Brotherhood of Teamsters.

EXHIBITS TO REPORT CONCERNING TIMOTHY BROWN

- Ex. 1 Excerpt from Local 868 Membership List regarding Timothy Brown
- Ex. 2 Local 868 Dues printout for Timothy Brown
- Ex. 3 Local 868 Record of Members currently employed by Ebner Woodworking
- Ex. 4 November 6, 1996 memo by Inv. Jordan concerning Ebner Woodworking collective bargaining agreement
- Ex. 5 Local 868 By-Laws, Section 9 (C), Duties of the Secretary-Treasurer
- Ex. 6 September 24, 1996 Notice of Sworn Examination to Timothy Brown
- Ex. 7 Postal Receipt Card concerning Timothy Brown
- Ex. 8 Record of Timothy Brown's failure to appear for his sworn examination on October 8, 1996.

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-75

Chief Investigator:

Charles M. Carberry, Esq.
17 Battery Place, Suite 331
New York, NY 10004

Administrator:

John J. Cronin, Jr.

Board Members:

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Milbank, Tweed, Hadley & McCloy
1825 Eye Street, NW, Suite 1100
Washington, DC 20006

February 26, 1997

IBT Local 868 Executive Board
32 West 22nd Street
Third Floor
New York, NY 10010

Re: Decision on Charges against Local 868
Member Timothy Brown

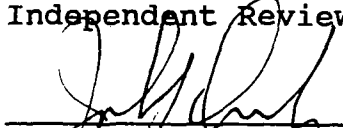
Dear Members of Local 868 Executive Board:

The Independent Review Board has reviewed your reconsidered decision of February 19, 1997, in the above-captioned matter, and finds the decision to be not inadequate.

Very truly yours,

Members of the
Independent Review Board

By:


John J. Cronin, Jr.
Administrator

cc: Earl V. Brown, Jr., Esq.
David Neigus, Esq.
Robert M. Baptiste, Esq.



INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO
LOCAL NO. 868

32 WEST 22ND STREET, 3FL., NEW YORK, NY 10010

MEMBER
JOINT COUNCIL NO. 16



February 19, 1997

(212) 989-1280
FAX: (212) 627-0302

Mr. Timothy Brown
2061 St. Raymond Avenue
Bronx, NY 11062-7163

Dear Mr. Brown:

By letter dated January 13, 1997, the Executive Board of Local 868 issued its decision on the proposed charges referred to the Union by the Independent Review Board under the Consent Decree in U.S. v. IBT, 88 Civ. 4486 (S.D.N.Y.) The Executive Board of Local 868 imposed a punishment of expulsion from membership in Local 868 and the International Brotherhood of Teamsters as a result of your obstructing, interfering and unreasonably failing to cooperate with the duties of the Independent Review Board.

Subsequent to our decision, the Independent Review Board advised the Local Union that the decision should be modified as to the penalty.

In accordance with the recommendation of the Independent Review Board, the Local 868 hearing panel issues the following modified penalty:

The expulsion from membership shall be a permanent bar from membership in Local 868, the International Union and any affiliate of the International Union. In addition, you are permanently barred from accepting or seeking employment, including consulting work, with the IBT or and IBT-affiliated entity. Finally, you may not receive any benefits, gratuities, severance payments or gifts of any kind whatsoever from Local 868 or any other IBT entities, except that you may receive any fully vested pension benefits.

Very truly yours,

Joseph Moran
President

JM:mb

cc: John Converse/IRB