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INVESTIGATIONS OFFICER, :  
: :  
: :  
-v- Claimant :  
: :  
FRANK MANZO : AFFIDAVIT AND AGREEMENT  
: :  
Respondent. :  
: :  
-----X

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

FRANK MANZO, 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 861;

(b) I am a member of the Executive Board of Local 861, and hold the office of Trustee of Local 861;

(d) 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 861, or with any pension, health and welfare or other benefit plans or other such entities (collectively "IBT Entities");

(e) I currently receive no salary, allowances, or remuneration of any kind from any IBT Entities;

(f) I shall resign, effective immediately, as an officer of Local 861, and from any other positions as an officer or employee of any IBT Entity;

(h) From the date of this agreement 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;

(i) 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 described above and he expressly reserves the right to pursue charges against any other officer or entity of the IBT or Local 861, 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 that court to enter 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 freely, under no duress or coercion of any kind and after consultation with my attorney.

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.

Frank Manzo  
FRANK MANZO

Sworn to before me ~~on~~ <sup>at</sup> this 1st day of ~~September~~ <sup>September</sup>, 1990

David Edelstein  
NOTARY PUBLIC

5/3/90

Agreed:

Charles M. Carberry  
Charles M. Carberry  
Investigations Officer

Approved:

Frederick B. Lacey  
Frederick B. Lacey  
Independent Administrator

SO ORDERED:

David N. Edelstein  
United States District Judge

EXPRESS MAIL

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INVESTIGATIONS OFFICER, :  
                  Claimant               :               CHARGE  
      - v -                                :  
FRANK MANZO,                             :  
                  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) on March 14, 1989. A copy of the 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.

You are charged as follows:

Violating Article II, section 2(a) and Article XIX, section 6(b) of the Constitution of the International Brotherhood of Teamsters ("IBT"), by conducting yourself in a manner to bring reproach upon the IBT and violating your oath.

TO WIT, on or about December 12, 1985, you were convicted of attempted robbery in the third degree, a felony, in the Criminal Court of the State of New York, Kings County. This conviction bars you from holding union office pursuant to 29 U.S.C. section 504. Despite your conviction for this crime, you have held and continue to hold the offices of shop steward and trustee in Local 861 of the IBT in New York, New York.

Dated: New York, New York  
August 30, 1990

Very truly yours,

*Charles M. Carberry*  
Charles M. Carberry  
Investigations Officer

cc: Frederick B. Lacey, Esq.  
James T. Grady, Esq.  
Edward T. Ferguson, III, Esq.  
Kenneth M. Piken, Esq.