
In Re: :
: :
INVESTIGATIONS OFFICER, :
: :
 Claimant, :
: :
 v. :
: :
DENNIS SILVERMAN, MAX SANCHEZ, :
STEPHEN SILVERMAN AND JOHN :
CHAMBERS, :
: :
 Respondents. :
: :

SUPPLEMENTAL DECISION OF THE
INDEPENDENT ADMINISTRATOR

On July 16, 1993, I issued a Decision in the above-captioned matter regarding charges filed by the Investigations Officer, Charles M. Carberry, against Dennis Silverman ("D. Silverman"), Max Sanchez ("Sanchez"), Stephen Silverman ("S. Silverman"), and John Chambers ("Chambers"), all of whom are Executive Board members of IBT Local Union 810 in New York City, New York.

The first charge considered by me alleged that D. Silverman and Sanchez had wrongfully increased contributions to their retirement plan without approval from the IBT General President. I found that the Investigations Officer proved this charge and I imposed a period of suspension upon D. Silverman and Sanchez of three months.

The second charge involved all four Respondents and concerned the wrongful payment of attorneys' fees. I found that this charge was also proved and I imposed an additional six-month suspension on

D. Silverman and Max Sanchez and a six-month suspension on S. Silverman and John Chambers.

Accordingly, D. Silverman and Max Sanchez were suspended for a total of nine months and S. Silverman and John Chambers were suspended for a total of six months. So as not to disrupt the affairs of the Local, I directed that the Respondents would serve their suspensions in the following order: D. Silverman and Chambers would begin their suspensions first -- D. Silverman's suspension lasting nine months and Chambers' lasting six months. Following the termination of Chambers' suspension, the six-month suspension for S. Silverman was to begin. Following the termination of D. Silverman's nine-month suspension, Sanchez's nine-month suspension was to begin.

Subsequent to the issuance of my Decision, Respondents' attorney wrote to me on August 5, 1993.¹ A copy of that letter is attached hereto as Exhibit A. As indicated in the August 5 letter, the Executive Board terms of these Respondents end on January 1, 1995. The Respondents apparently have intentions of seeking re-election. According to the IBT Constitution, to be eligible for election one "must be eligible to hold the office if elected." IBT Constitution, Article II, Section 4(a)(1). Given the staggered

¹ Edward M. Shaw wrote the August 5, 1993, letter on behalf of all of the Respondents. Mr. Shaw, however, only represented D. Silverman and Max Sanchez at the hearing. S. Silverman and Chambers were represented by Moses Krislov. Mr. Shaw indicated in his letter that Mr. Krislov had consented to Mr. Shaw signing the letter on behalf of all four Respondents.

order in which I directed these suspensions to be served, even if these suspensions were to immediately begin (which they would not, given the stay that I voluntarily imposed), Sanchez's nine months would not begin to run until May of 1994, and his suspension would not end until February of 1995. Given the prohibition in the IBT Constitution, Sanchez would not be eligible for re-election since he would not be eligible to assume office in January of 1995.

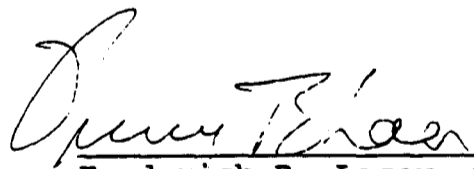
While recognizing the importance of staggering the periods of suspensions so that the Local can continue to operate without interruption, Respondents' attorney proposed a number of alternatives. After reviewing these alternatives, the Investigations Officer's opposition (attached hereto as Exhibit B), and Respondents' reply (attached hereto as Exhibit C), I have decided to modify my July 16 Decision and adopt the last alternative proposed by Respondents. This would entail D. Silverman and Max Sanchez serving traditional six-month suspensions, while for the last three months they would be allowed to perform the duties of their office without any compensation or benefits. With this modification, the following will result:

D. Silverman and Chambers would first begin their six-month suspensions. At the termination of these suspensions, D. Silverman would be permitted to return to work at Local 810 without receiving any compensation or benefits for the first three months following his return. In addition, following the termination of these six-month suspensions, the six-month suspensions of S. Silverman and

Sanchez would also begin. Following the six-month suspension of Sanchez, he too would be permitted to return to work, again without receiving any compensation or benefits for the first three months following his return.

I find this alternative reasonable in light of my July 16 Decision and the mitigating circumstances outlined therein. It was not my intention to preclude any of the Respondents from seeking re-election. The alternative proposed by the Investigations Officer (having all four Respondents serve their suspension simultaneously), does not take into consideration the impact upon the Local and the possible need for an appointment of a trustee to run the Local during the suspensions. Indeed, I originally staggered the suspensions so as to avoid such a result.

Accordingly, my July 16, 1993, Decision is modified consistent with this Supplemental Decision. In addition, the voluntary stay imposed by my July 16, 1993, Decision is lifted effective August 30, 1993, and D. Silverman and Chambers shall begin their six-month suspensions on that date. This short grace period should be sufficient to permit the Local to sort their affairs.



Frederick B. Lacey
Independent Administrator

Date: August 16, 1993