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**Independent Review Board
Meeting Minutes
June 7, 1996**

The Independent Review Board met at the Washington, D.C. office of the IRB on Friday, June 7, 1996 at 10:00 am. Attending were Mr. Crandall, Judge Lacey, Judge Webster, Mr. Carberry and Mr. Cronin.

4. Status of Reports on Local 813

- a. Carbone; Bizenza; Sirico
Dominick Vulpis; Barretti; Mongelli; Polidori**

The Board reviewed Mr. Carey's decision of May 10, 1996, and Mr. Cronin was directed to send a letter that the penalties were not inadequate, with the exception of Sirico. Mr. Cronin is to send a letter to Mr. Sirico, saying that he has 20 days to provide appeal materials to the IRB.

- b. Vigliotti**

The Board reviewed and approved the Agreement and Judge Lacey will forward it to Judge Edelstein.

- c. Guglielmo; Galante**

Mr. Cronin reported that hearings are scheduled for June 27, 1996. Mr. Cronin was directed to send a letter telling the panel to complete the decisions on an expedited basis because it is not within the sixty days provided in the report transmittal letter.

- d. Parise, Sr. and Parise, Jr.**

Mr. Cronin reported that a hearing is scheduled for June 27, 1996. Mr. Cronin was directed to send a letter telling the panel to complete the decisions on an expedited basis because it is not within the sixty days provided in the report transmittal letter.

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VIA EXPRESS MAIL

July 15, 1996

Ronald Carey
IBT General President
26 Louisiana Avenue, NW
Washington, DC 20001

Robert Fardella, Esq.
Fardella & Feldman
811 West Jericho Turnpike
Smithtown, NY 11787

RE: Robert Sirico

Dear Messrs. Carey and Fardella:

The Independent Review Board has reviewed the General President's May 10, 1996 decision regarding Robert Sirico and the June 27, 1996 appeal of this decision. The Board finds the decision regarding Robert Sirico not to be inadequate. The claim that the Rules for Operation of the IRB should have applied to a hearing before a panel the IBT General President appointed is rejected. The Rules for Operation of the IRB apply only to hearings before the IRB and not to hearings before IBT entities.

Very truly yours,

Members of the
Independent Review Board

By: John J. Cronin, Jr.
John J. Cronin, Jr. *cc*
Administrator

cc: Judith A. Scott, Esq.
David Neigus, Esq.
Joseph K. Foy, Trustee

private sanitation (carting) companies with which Local 813 had collective bargaining agreements at the time of the actions alleged in the charges.

Brothers Bizenza, Carbone and Sirico were to be questioned on August 9 or 10, 1995 about their Local 813 memberships, about whether they had any contact with any organized crime figures, and about the allegations in indictments pending against each of them that alleged that they had conspired to defraud the State Insurance Fund.

Each of the charged parties asserted as the basis for their refusal to appear for their sworn examinations their Fifth Amendment privilege against self-incrimination.

II. The Hearing Evidence

A duly noticed hearing on the charges was held on January 16, 1996 before a panel consisting of Chairman Lou Partenza, Angelo Martin and Roy McClam. None of the charged parties attended the hearing.²

At the hearing, temporary Trustee Foy introduced the IRB's recommendation and report on the charges, as well as IRB exhibits establishing the indictments against the charged parties, the notices that their sworn examinations would be taken, proof of receipt of same, and other exhibits establishing that the charged parties failed to appear at their sworn examinations.

III. The Panel's Recommendations

The hearing panel unanimously recommended that the charges be found proven against each of the charged parties, and that each charged party be permanently expelled from membership in Local 813 or any IBT affiliate.

IV. Conclusion and Penalties

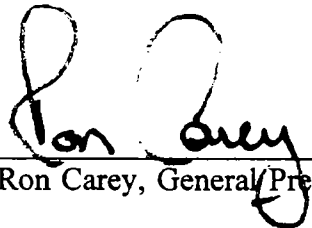
Members have an obligation to comply with the IBT Constitution. This includes the obligation not to bring reproach upon the IBT by failing to cooperate with the IRB. As the IRB's proposed charges against the charged parties state, the charged parties cannot be exempted from their obligation to cooperate with the IRB and answer questions in sworn examinations by asserting their Fifth Amendment privilege against self-incrimination. Accordingly, having reviewed and considered the evidence and recommendations of the hearing panel, I concur with the hearing panel's recommendation. I find proven the above charges against each of the charged parties. I also agree with the hearing panel's recommended penalties for each of the charged parties.

²Brother Mongelli showed up at the hearing, but left before it commenced after being advised that his attorney could not participate in the hearing.

Accordingly, I impose the following penalties on Dominick Vulpis, Robert Sirico, Ronald Carbone, Richard Bizenza, Philip Barretti, Paul Mongelli, and Raymond Polidori:

Dominick Vulpis, Robert Sirico, Ronald Carbone, Richard Bizenza, Philip Barretti, Paul Mongelli, and Raymond Polidori are hereby permanently expelled from membership in Local 813 or any affiliate of the IBT and permanently barred from accepting or seeking any employment, including consulting work, with Local 813 or any IBT affiliate. In addition, no future contribution from Local 813 or any IBT-affiliated entity may be made on the charged parties' behalf to any IBT-affiliated pension or welfare plan, except that they may receive fully vested pension benefits.

Dated: 5/10/96



Ron Carey, General/President

TO: Joseph Foy, Trustee of Local 813
FROM: Independent Review Board
RE: Proposed Charges Against Local 813 Member Ronald Carbone
DATE: September 12, 1995

I. RECOMMENDATION

The Independent Review Board ("IRB") recommends that the Local 813 Trustee file charges against Local 813 member Ronald Carbone for failing to cooperate with the IRB by refusing to appear for a sworn examination.

II. INTRODUCTION

An investigation has been conducted into allegations of wrongdoing by Local 813 member Ronald Carbone. The initial allegation was referred to the Independent Review Board by the Local 813 Investigations Officer appointed pursuant to the settlement of the federal civil RICO suit against Local 813.

Ronald Carbone refused to appear for a duly noticed sworn examination scheduled for August 9, 1995. At this examination, the Chief Investigator planned to question Carbone about his Local 813 membership, whether he had contact with any organized crime figures and the allegations in an indictment pending against him which alleged that he and others conspired to defraud the State Insurance Fund. By failing to appear for his sworn examination, it appears that while an IBT member Ronald Carbone 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.).

III. INVESTIGATIVE FINDINGS

A. Background

Ronald Carbone ("Carbone"), date of birth 09-17-58 , is currently a member of the IBT and Local 813. (Ex. 1) Carbone is the Secretary/Treasurer of CRP Sanitation and his signature appears on the current collective bargaining agreement with Teamster Local 813. (Ex. 2) According to Local 813 records, there are ten (10) Local 813 members employed at CRP Sanitation. (Ex.3) Local 813 records reflected that Carbone's dues and employer paid benefit contributions to the Local 813 Health and Welfare, Pension and Severance Funds were paid through August 14, 1995. (Ex. 4)

On May 3, 1995 an indictment was filed in United States District Court for the Southern District of New York against Carbone and others alleging that he engaged in a conspiracy to violate Title 18 U.S.C., Section 1341. (Ex. 5) This indictment alleged, among other things, that Carbone made payments to a co-conspirator not charged in the indictment "in return for fraudulent reductions in the insurance premiums charged" to CRP Sanitation by the State Insurance Fund for worker's compensation insurance. (Ex.

5) As discussed, CRP Sanitation is an employer of Local 813 members. (Ex. 2 and 3)

B. Failure to Appear

On July 14, 1995 a Notice of Sworn Examination was sent to Ronald Carbone by overnight express mail return receipt requested. (Ex. 6) The return receipt reflected that this notice was delivered to Carbone's home on July 16, 1995. (Ex. 7) Carbone's sworn examination was scheduled for July 27, 1995. (Ex. 6)

As a result of a request by Carbone's attorney, this sworn examination was rescheduled to August 9, 1995. (Ex. 8) By letter dated July 24, 1995, Carbone's counsel, Robert Ellis, inquired whether the sworn examination would relate to the subject matter of the indictment pending against Carbone and, if so, requested that the examination be postponed until after the disposition of the criminal charges against Carbone. (Ex. 9)

By letter dated July 26, 1995, Carbone's counsel was informed that the Chief Investigator intended to question Carbone about the pending indictment. (Ex. 10) In this letter, Carbone's counsel was informed that if Carbone failed to appear for his sworn examination, the Chief Investigator would recommend that charges be filed against him for failing to cooperate with the Independent Review Board. (Ex. 10)

By letter dated July 27, 1995, Carbone's counsel again requested that the sworn examination be postponed and stated that

as long as the indictment was pending, Carbone would exercise his Fifth Amendment privilege against self-incrimination and refuse to testify. (Ex. 11) In a July 27, 1995 letter the Chief Investigator informed Carbone's counsel that the August 9, 1995 sworn examination would not be postponed. (Ex. 12) Carbone's counsel was also informed that, in addition to questioning Carbone about the allegations against him in the indictment, the Chief Investigator planned to question Carbone about other matters including, but not limited to, his Local 813 membership and whether he had any contact with organized crime figures. (Ex. 12) On August 4, 1995, Carbone's attorney informed the Chief Investigator's office that Carbone would not appear for his August 9, 1995 sworn examination. (Ex. 13) Carbone's attorney's August 7, 1995 response to the Chief Investigator's office's August 4, 1995 letter (Ex.13) confirmed Carbone's intent to refuse to answer questions on Fifth Amendment grounds. (Ex.14) By letter of August 25, 1995, the Chief Investigator's office offered Mr. Carbone an opportunity to cure his failure to cooperate by appearing on September 7, 1995 after the court date on his pending indictment. (Nevertheless, Mr. Carbone again failed to appear.) (Ex. 15)

In prior cases under the Consent Decree, charges have been upheld against union members who asserted their Fifth Amendment privilege and refused to answer questions during their sworn examinations. United States v. IBT [Calagna], Dkt. No. 88 Civ. 4486 (DNE), slip opinion at 6-7 (S.D.N.Y., August 14, 1991). (Ex. 16)

IV. PROPOSED CHARGES

Based upon the foregoing, it is recommended that the Local 813 Trustee charge Ronald Carbone as follows:

While a member of Local 813 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 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 August 9, 1995, you willfully 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 RONALD CARBONE

- Ex. 1 Local 813 Dues Printout for Ronald Carbone
- Ex. 2 Collective Bargaining Agreement between Local 813 and CRP Sanitation
- Ex. 3 Local 813 Records of Members currently employed by CRP Sanitation
- Ex. 4 Local 813 Records Concerning Employer Contributions on Behalf of Ronald Carbone to the Local 813 Pension, Health and Welfare and Severance Funds
- Ex. 5 Indictment in United States v. Joseph DiNapoli et al, 95 Crim. 376 (S.D.N.Y.)
- Ex. 6 July 14, 1995 Notice of Sworn Examination to Ronald Carbone
- Ex. 7 Signed Return Receipt Requested Form
- Ex. 8 July 17, 1995 Letter from the Chief Investigator to Lewis Goldberg, Esq., counsel for Ronald Carbone
- Ex. 9 July 24, 1995 Letter from Robert Ellis, Esq. to the Chief Investigator
- Ex. 10 July 26, 1995 Letter from the Chief Investigator to Robert Ellis, Esq.
- Ex. 11 July 27, 1995 Letter from Robert Ellis, Esq. to the Chief Investigator
- Ex. 12 July 27, 1995 Letter from the Chief Investigator to Robert Ellis, Esq.
- Ex. 13 August 4, 1995 Letter from the Chief Investigator to Robert Ellis, Esq.
- Ex. 14 August 7, 1995 Letter from Robert Ellis, Esq. to the Office of the Chief Investigator
- EX. 15 August 25, 1995 Letter from the Chief Investigator's office to Robert Ellis, Esq.
- Ex. 16 Opinion in United States v. IBT [Calagna], Dkt. No. 88 Civ. 4486 (DNE), slip opinion (S.D.N.Y., August 14, 1991)