

180
430
377
261
315
415

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	88 Civ. 4486 (DNE)
	:	
Plaintiff,	:	APPLICATION XX OF THE
	:	INDEPENDENT REVIEW BOARD
v.	:	-- AGREEMENT BETWEEN THE
	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD	:	AND DENNIS RAYMOND, JAMES
OF TEAMSTERS, et al.	:	GILMORE, LOUIS PARISI,
	:	CLIFFORD SOCQUET, JOSEPH
Defendant.	:	McALLISTER AND ANDRE RIVARD
	:	
	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), the IRB files this Application submitting the Compromise Agreement with the Officers of Local 677 in Waterbury, Connecticut. This Agreement was approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order. Although proposed charges against the officers of Local 677 for giving away a Local Union automobile to a retiring officer were never finalized by the Independent Review Board, this Agreement seeks to resolve the matter against them.

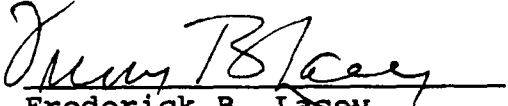
This Application recognizes the importance of Your Honor's February 2, 1994, Order in which Your Honor stated that all IRB Compromise Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreements reached between the IRB and the Local 677 Officers satisfy this procedure for Your Honor's review.

The Respondents are all officers of IBT Local 677 and members of the IBT. Raymond, Local 677's President; Gilmore, Secretary-Treasurer; Parisi, Vice President; Socquet, Recording Secretary; and Trustees McAllister and Rivard acknowledged and admitted the giving of an automobile to retiring officer Perley Rossignol despite the provision of the Local 677 Bylaws which mandates that the title to union-owned cars shall always remain in the name of the Local. This was in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) of the IBT Constitution and Article IV, Section 5 of the Local 677 Bylaws.

After the IRB raised the issue of a possible Bylaw violation, Perley Rossignol paid \$17,500.00 to the Local 677 general fund and Officers Raymond, Gilmore, Parisi and Socquet paid a fine of \$1000.00 each to the general fund.

We have found the Agreement comports with Your Honor's February 2, 1994, Order and serves to resolve the charges in a fair and equitable manner.

Therefore, we respectfully request that Your Honor execute the Agreement on the line provided. This will, in effect, serve to have this Agreement "so ordered" by the Court. Thereafter, it is respectfully requested that a member of Your Honor's staff file the fully executed original Agreement with the Clerk.

By: 
Frederick B. Lasey
Member of the
Independent Review Board

Dated: June 29, 1995

Agreement is subject to review by the United States District Court for the Southern District of New York and if, upon review, this Agreement is not approved by the United States District Court for the Southern District of New York, this Agreement will be void.

4. Each Respondent is a member of IBT Union Local 677 and was a member of the Local Union Executive Board and held the Local Union office set forth opposite their respective names:

Dennis Raymond	President
James Gilmore	Secretary-Treasurer
Louis Parisi	Vice President
Clifford Socquet	Recording Secretary
Joseph McAllister	Trustee
Andre Rivard	Trustee

5. Article IV, Section 5 of the Bylaws of Local Union 677 provides in pertinent part as follows:

The Local Union may provide its officers or representatives with automobiles upon authorization of the membership or in lieu thereof, they may be paid an allowance for use of their automobiles in such amount or at such rate as shall be approved by the Local Union Executive Board. In such instances where the Local Union provides an automobile, title to the automobile shall remain at all times in the name of the Local Union.... Upon authorization of the Local Union Executive Board, the Secretary is empowered to sell, exchange or lease automobiles or arrange financing therefor in behalf of Local Union.

6. It is acknowledged and admitted that we approved or ratified the giving of an automobile to Perley Rossignol, the retiring officer, on or about June 1, 1994 and that the value of the particular automobile was \$21,500.00. We did that after receiving advice from the Local's then counsel that the gift was not in violation of the Local's Bylaws.

7. After the IRB raised the issue concerning a possible Bylaw violation, Perley Rossignol, on February 2, 1995, paid \$17,500.00 to the Local 677 general fund.

On February 2, 1995, the four salaried officers, Dennis Raymond Jr., James Gilmore, Louis Parisi and Clifford Socquet paid to the Local 677 general fund a fine of \$1,000.00 each for a total of \$4,000.00. These fines were paid out of our personal funds in order to resolve the charges in the IRB's report with no compensation, salary increase or repayment in any manner for such expenditure. Attached as Exhibit A are documents reflecting this payment to the Local 677 general fund.

8. On April 21, 1995 the Executive Board of Local 677

passed a resolution at the Local whereby they shall cease using the services of attorney Norman Zolot or his firm. As of April 21, 1995 Local 677 terminated all representation by Norman Zolot or his firm in the future. This resolution and a sworn certification as to his termination are attached as Exhibit B.

9. We have entered this Agreement on the understanding that the IRB agrees not to pursue the charges described in the attached report. We understand that this Agreement, which is subject to review by the United States District Court for the Southern District of New York, is limited to the charges detailed in the May 14, 1995 report and the IRB expressly reserves the right to pursue charges against any other officer, member, employee or entity of the IBT and Local 677 arising out of the allegations contained in the report of charges or any other investigations.

10. We make this agreement after consultation with our attorney and fully understand its terms.

Dennis Raymond
Dennis Raymond.

Clifford Socquet
Clifford Socquet

James Gilmore
James Gilmore

Joseph McAllister
Joseph McAllister

Louis Parisi
Louis Parisi

Andre Rivard
Andre Rivard

Sworn to before me this
2nd day of June 1995

Theresa M. Crabbell
Notary Public

Susan Martin
Susan Martin
Counsel for Respondents

My Commission Expires April 30, 1998

Recommended:

Charles M. Carberry
IRB Chief Investigator

By: Charles M. Carberry

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

5-5-97

Chief Investigator:

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

May 2, 1997

Board Members:

Grant Crandall, Esq.
Crandall, Pyles & Haviland
1021 Quarrier Street
Charleston, WV 25301

Frederick B. Lacey, Esq.
LeBoeuf, Lamb, Greene & MacRae
One Riverfront Plaza
Newark, NJ 07102-5490

William H. Webster, Esq.
Milbank, Tweed, Hadley & McCloy
1825 Eye Street, NW, Suite 1100
Washington, DC 20006

Administrator:

John J. Cronin, Jr.

VIA UPS NEXT DAY AIR

Hon. David N. Edelstein
United States District Court
40 Centre Street
Foley Square, Room 2104
New York, NY 10007

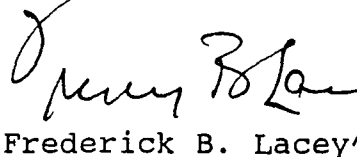
Re: REVISED APPLICATION XX OF THE INDEPENDENT REVIEW BOARD

Dear Judge Edelstein:

I transmit herewith one original and two copies of Revised Application XX of the Independent Review Board seeking entry of an order by Your Honor approving the resolution of Application XX regarding the charges and penalties imposed on the Officers of Local 677. Also enclosed are the "backed" original and two copies of a proposed Order and the "backed" original and two copies of the Acknowledgment of Receipt.

I respectfully request that, if Your Honor finds it appropriate to do so, you execute the proposed form of order and have a member of your staff file the "backed" original Order, Revised Application, Acknowledgment of Receipt and Affidavit of Service with the Clerk's office.

Respectfully yours,



Frederick B. Lacey

FBL:saw
Enclosures

cc: via UPS NEXT DAY AIR
Grant Crandall, Esq.
William H. Webster, Esq.
John J. Cronin, Jr.
Susan Martin, Esq.
David Neigus, Esq.
Karen Konigsberg, AUSA
Charles M. Carberry, Esq.
Jay Gilmore, Secretary-Treasurer of Local Union 677

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	88 Civ. 4486 (DNE)
	:	
Plaintiff,	:	REVISED APPLICATION XX
	:	OF THE INDEPENDENT
v.	:	REVIEW BOARD--SEEKING
	:	ENTRY OF AN ORDER
INTERNATIONAL BROTHERHOOD OF	:	APPROVING THE RESOLUTION
TEAMSTERS, <u>et al.</u> ,	:	OF APPLICATION XX
	:	
Defendant.	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), this Application is made seeking entry of an order approving the resolution of the matter regarding the charges and penalties imposed on the Officers of Local 677 in Waterbury, Connecticut. The six officers, Dennis Raymond, Jr. ("Raymond"), James Gilmore ("Gilmore"), Louis Parisi ("Parisi"), Clifford Socquet ("Socquet"), Joseph McAllister and Andre Rivard were charged with giving away a Local Union automobile to a retiring officer. Local 677 Officers Raymond, Parisi and Socquet agreed to pay the Local 677 general fund a fine of \$1,000.00 each, Gilmore agreed to pay \$3,500.00 to the Local 677 general fund, and Perley Rossignol, the retiring officer who received the automobile, paid \$17,500.00 to the Local 677 general fund. This Agreement was approved by the IRB and submitted to Your Honor for review on June 29, 1995, by way of Application XX (Ex. A). Thereafter, Your Honor returned the Application to the IRB indicating that the proposed penalties were inadequate. Acting under the IRB Rules Paragraph I., sec. 4, the

IRB referred its Investigative Report on the matter to IBT Joint Council 64 on November 3, 1995 (Ex. B). Under cover of letter dated June 3, 1996, the IBT Hearing Panel transmitted its determination imposing a 30-day suspension from office, without pay (Ex. C). On June 10, 1996, the IRB informed IBT Joint Council 64 that the decision of the hearing panel was inadequate as to the penalty (Ex. D). The IBT responded on June 20, 1996, modifying the penalty to a 90-day suspension (Ex. E). On July 10, 1996, the IRB wrote to the IBT informing it that its modified decision was "not inadequate" and that the modified decision would be submitted to Your Honor for review (Ex. F).

On December 13, 1996, the IRB received a letter from your Chambers requesting that the IRB submit an Application to this Court:

(1) informing this Court that all penalties imposed by the IRB in conjunction with Application XX have been satisfied; and

(2) seeking entry of an Order approving the resolution of Application XX.

These suspensions have now been completed and fines have been paid. Enclosed as Exhibit G is the April 15, 1997, letter from Jay Gilmore, Secretary-Treasurer of Local Union 677, attaching copies of membership ledgers, payroll records and Local 677 state unemployment tax returns which document each of the officer's suspensions. Documentation regarding payment of the fines was included as part of the original Application XX. See Ex. A of the original Agreement.

Therefore, we respectfully request that Your Honor execute the enclosed form of order. This will, in effect, serve to have the Agreement, as modified by the IBT's decision, to be "so ordered" by the Court. Thereafter, it is respectfully requested that a member of Your Honor's staff file the fully executed order with the Clerk.

By: Frederick B. Lacey
Frederick B. Lacey
Member of the
Independent Review Board

Dated: May 2, 1997

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, .

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, et al.,

Defendant.

88 Civ. 4486 (DNE)

ORDER

This matter being brought to the attention of the Court by the Independent Review Board by way of Revised Application XX and the Court having considered the Revised Application and accompanying exhibits and for good cause shown,

It is on this 12 day of MAY, 1997;

ORDERED that the Affidavit and Agreement in the matter of Raymond, et al., as modified by the IBT's revised penalty of 90-days suspension is hereby approved and so ordered.


Hon. David N. Edelstein, U.S.D.J.