

.....X  
 INVESTIGATIONS OFFICER,  
                   Claimant,  
                   - v -  
 ROBERT MCKAY  
 TRUSTEE  
     Local 64  
     Providence, R.I.  
                   Respondent.  
 -----X

Affidavit and Agreement

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

ROBERT MCKAY, being duly sworn, deposes, says and agrees as follows:

1. The Investigations Officer, Charles M. Carberry, appointed pursuant to the Consent Order entered on 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 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 64;  
 (b) I am ROBERT MCKAY a Trustee for IBT Local 64;  
 (c) 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 64, any pension, health and

welfare funds or other such entities (collectively "IBT Entities");

(d) I shall resign, effective the date this Agreement is approved by the Independent Administrator (the "effective date"), as a Trustee with Local 64. I may continue to be a member of the IBT;

(e) From the effective date of this Agreement forward, I shall not hold, seek, or accept election or appointment to any position or office, including any Local 64 Executive Board position, paid or unpaid, with Local 64 or any other IBT Entities. From the effective date of this Agreement forward, I shall not hold, seek or accept any employment or position as a consultant, paid or unpaid, with Local 64 or any other IBT Entities;

(f) From the effective date of this Agreement forward, I shall receive no salary, allowances, gratuities, accrual of pension benefits or any other remuneration or compensation of any kind paid by or from Local 64 or any other IBT Entities. I represent that I am currently owed no payment, benefit or compensation of any kind from Local 64.

4. I have entered into this Agreement on the understanding that the Investigations Officer will not pursue the attached Charges against me.

5. I understand that the Investigations Officer's Agreement is limited to the Charges annexed as Exhibit A and that he expressly reserves the right to pursue any other charges against me which result from any investigation. Further, the Investigations Officer expressly reserves the right to pursue charges against any other officer or entity of the IBT or Local 64 arising out of the allegations contained in the Charges or as a result of any other investigations.

6. This agreement is permanent.

7. I agree this Agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I agree he will submit it to the United States District Court for the Southern District of New York for review and approval and, if approved, to be entered as an order.

8. I understand the Investigations Officer makes no representation as to the determination of the Independent Administrator or the court with respect to this Agreement.

9. I make this Agreement freely, under no duress or coercion of any kind, and after consultation with my attorney. I fully understand the terms of this Agreement.

10. This Agreement is not effective until it has been signed below by the Investigations Officer and the Independent Administrator.

Robert McKay  
ROBERT MCKAY

Sworn to before me this the  
17<sup>th</sup> day of NOV, 1992

Notary Public 6/26/95

[Signature]  
Attorney for ROBERT MCKAY

Agreed: 9/14, 1992

Charles M. Carberry  
Charles M. Carberry  
Investigations Officer

Approved: 10/5, 1992

[Signature]  
Frederick B. Lacey  
Independent Administrator

SO ORDERED:  
10/7/92, 1992  
New York, New York

[Signature]  
U.S.D.J.

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