

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

_____	:	88 Civ. 4486 (DNE)
UNITED STATES OF AMERICA	:	
	:	APPLICATION LI OF THE
Plaintiff,	:	INDEPENDENT REVIEW BOARD
	:	-- AGREEMENT BETWEEN THE
v.	:	INDEPENDENT REVIEW BOARD
	:	AND ANTHONY GARBARINO
INTERNATIONAL BROTHERHOOD	:	
OF TEAMSTERS, <u>et al.</u>	:	
	:	
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"), the IRB files this Application submitting the Compromise Agreement with Anthony Garbarino ("Garbarino"), member of IBT Local Union 868 in New York, New York. This Agreement was approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order. The Agreement seeks to resolve the matter of The Independent Review Board v. Anthony Garbarino. The Agreement, with a copy of the charge annexed thereto as Exhibit A, is enclosed, with a transmittal letter thereof to General President Ron Carey.

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 Agreement reached between the IRB and Garbarino satisfies this procedure for Your Honor's review.

In compliance with Your Honor's December 16, 1996, Order, one "backed" original and two copies of an Acknowledgment of Receipt are

enclosed with this Application, for execution by Your Honor.

Garbarino was charged with bringing reproach upon the IBT and violating his membership oath in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) of the IBT Constitution for knowingly and purposefully associating with members of organized crime including, but not limited to, Joseph Corozzo.

Effective the date the IRB approves the Agreement, June 9, 1997, Garbarino has agreed to resign permanently from membership in the IBT.

Garbarino has further agreed not to:

(1) hold any position with Local 868, any positions mentioned in paragraphs 3(a)-(c) of the Agreement, and any other employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 868 and any IBT Entities;

(2) accept any salary, severance payment, allowance, fee or compensation of any kind from Local 868 and IBT Entities, except that he may receive any fully vested pension benefits;

(3) receive any benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 868 and IBT Entities;

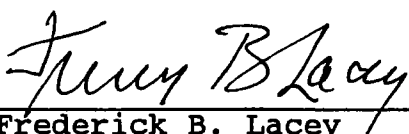
(4) accept any contributions on his behalf from Local 868 or any other IBT Entities to any pension, health and welfare, severance or other benefit fund;

(5) participate as a member of Local 868 in any manner in any of the activities or affairs of Local 868, the IBT or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 868 and IBT Entities.

We have found the Agreement comports with Your Honor's February 2, 1994, Order and serves to resolve the charge 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.

Dated: June 9, 1997

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

-----X  
:
  
In the Matter of :
  
:
  
ANTHONY GARBARINO :
  
:
  
Before the : AFFIDAVIT AND AGREEMENT
  
:
  
INDEPENDENT REVIEW BOARD :
  
:
  
-----X

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

ANTHONY GARBARINO, being duly sworn, deposes and says,  
and agrees as follows:

1. The Independent Review Board ("IRB"), 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"), plans to file charges against me for knowingly and purposefully associating with members of organized crime, including but not limited to Joseph Corozzo.

2. I make this Affidavit and Agreement (the "Agreement") to permanently resign my International Brotherhood of Teamsters ("IBT") membership and all IBT affiliated positions in order to resolve the planned IRB charges described in paragraph 1. This agreement does not constitute an admission of the planned IRB charges.

3. I represent and agree to the following:

- (a) I am a member of the IBT and a member of IBT Local 868;
- (b) I currently hold no elected or appointed

offices of any kind, paid or unpaid, in the IBT or any of its affiliated entities including any locals, superior bodies, conferences, councils, pension, health, welfare or severance plans or other such entities (collectively "IBT Entities");

(c) I currently receive no salary, allowances, or remuneration of any kind from any IBT Entity.

4. I hereby permanently resign from the IBT and from all my positions with Local 868 and all IBT Entities, effective upon the date this agreement is approved by the Independent Review Board ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date of this agreement forward, I further agree never to hold any position with Local 868, any positions mentioned in paragraphs 3(a)-(c) above, and any other employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 868 and any IBT Entities.

5. From the effective date of this agreement forward, Local 868 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, severance payment, allowance, fee or compensation of any kind, except that I may receive my fully vested pension benefits.

6. I will receive no benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 868 or IBT Entities. From the effective date of this agreement forward, Local 868 and any other IBT Entities shall not make, nor shall I accept, any contributions on my behalf to any pension, health and

welfare, severance or other benefit fund.

7. From the effective date of this agreement forward, I shall not participate as a member of Local 868 in any manner in any of the activities or affairs of Local 868 or any other IBT Entities, including, but not limited to, meetings, discussion, consultations, negotiations, votes or any other business or activity of Local 868 and IBT Entities.

8. This agreement is permanent.

9. I have entered this agreement on the understanding that the Independent Review Board agrees that it will not proceed with the planned charges described in paragraph 1 above.

10. I understand that the Independent Review Board's agreement is limited to the planned charges described in paragraph 1 and it expressly reserves the right to pursue charges against any other officer, member, employee or entity of the IBT and Local 868 arising out the allegations contained in the planned charges described in paragraph 1 or any other investigation.

11. I understand and agree that this agreement will be submitted to the Independent Review Board ("IRB") for its review and, if approved by the IRB, it will be submitted to the United States District Court for the Southern District of New York for review. I understand that, if this agreement is approved by the United States District Court for the Southern District of New York, it will be entered as a Court Order. I understand that no representations have been made as to whether this agreement will

be approved by the IRB or the United States District Court for the Southern District of New York.

12. I make this agreement freely, under no duress or coercion of any kind and after consultation with my attorney.

13. I have authorized my attorney to transmit this agreement, signed by me, to the Independent Review Board. When it is signed by the Independent Review Board it will be submitted to the Court for review.

*Anthony Garbarino*

ANTHONY GARBARINO

Sworn to before me this  
3rd day of June, 1997

*Gail F. Monagas*

Witnessed

GAIL F. MONAGAS  
Notary Public, State of New York  
No. 24-2744870  
Qualified in Kings County  
Commission Expires July 31, 1999-97

Agreed:

*James Blaney*  
for the Independent Review Board

Dated June 9, 1997

So Ordered:

Hon. David N. Edelstein

*David N. Edelstein*  
United States District Judge

Dated June 10 1997