

-----X
In The Matter of :
 :
John Clancy :
 : AFFIDAVIT AND AGREEMENT
 :
Before the :
 :
INDEPENDENT REVIEW BOARD :
 :
-----X
STATE OF ILLINOIS)
) ss.:
COUNTY OF COOK)

John Clancy, being duly sworn, deposes, 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"), recommended that charges be filed against me for bringing reproach upon the IBT and for violating my membership oath in violation of Article II, Section 2(a) and Article XIX, Section 7(b) (1) and (2) of the IBT Constitution and Paragraph E (10) of the Consent Order by allegedly having knowing and

purposeful contact with Dane Passo subsequent to Passo's permanent bar from the IBT. The General President subsequently adopted and filed these charges, and referred them to a Panel for a hearing which is scheduled to begin on December 18, 2007.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the IRB charges described in paragraph 1. This Agreement does not constitute an admission or denial of wrongdoing.
3. I represent and agree to the following:
 - (a) I have been a member of the International Brotherhood of Teamsters ("IBT") since 1978. From 1978 until 1983 I was a member of Teamsters Local 744. In 1983, I transferred my membership to Teamsters Local 714. In 1984, I transferred my membership to Teamsters Local 705, of which I continue to be a member.
 - (b) From 1999 to the present, I have been employed by the IBT, holding positions as an International Representative and International Organizer. My last position was as International Organizer. It is my understanding that I am currently suspended from my employment with the IBT, pending resolution of the IRB charges.

- (c) Other than the foregoing, I have held no other elected or appointed positions or offices of any kind with the IBT or any of its affiliated entities, including any locals, superior bodies, conferences, councils, joint councils, pension, health, welfare or severance plans or other such entities ("IBT entities").
4. I hereby agree that effective on December 18, 2007, I will unconditionally resign my employment with the IBT as well as my membership in Local 705 and the IBT.
5. I further agree that for a period of ten (10) years from and after the effective date of my resignation (i.e., until December 19, 2017) I shall not seek or accept elected or appointed office or position in or employment by the IBT or any other IBT entities in any capacity, nor shall I have any involvement or participation whatsoever in any of the activities or affairs of Local 705, the IBT or any other IBT entities. I additionally agree that for a period of ten (10) years from and after the effective date of my resignation (i.e., until December 19, 2017) I shall be barred from having any knowing contact, including social contact, with officers, employees and members of the IBT and any IBT entities.

6. I hereby further agree that from November 1, 2007, the date on which I was suspended by the IBT, forward, neither the IBT nor any IBT entities, shall pay me, nor shall I accept, any salary, gratuities, gifts, severance payments, allowance, fees, benefit payments or contributions or any other compensation of any kind, except that I may receive fully vested or accrued pension, vacation or other benefits for which I am eligible under any existing benefit plans or programs maintained or sponsored by the IBT or other IBT entities. This also means that from November 1, 2007, forward, I agree that no contributions may be made on my behalf to any IBT affiliated benefit funds by the IBT or any other IBT entities.
7. I understand and agree that this Agreement will be submitted to the Independent Review Board ("IRB") for its review and approval. 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 the 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. If this

Agreement is not approved by the IRB or the Southern District of New York, this Agreement will be null and void.

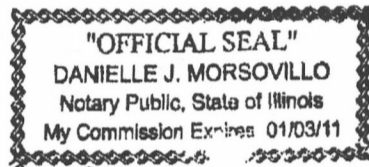
8. I make this Agreement freely, under no duress or coercion of any kind.

9. I will transmit this Agreement, signed by me, to the IBT. When it is signed by the IBT and the IRB, it will be submitted to the Court for review.

John Clancy
John Clancy

Sworn to before me this
14th day of December, 2007

Danielle J. Morsovillo
Notary Public



Witnessed Lori A. Clancy

RECOMMENDED AND APPROVED:

Bruce T. Ruel
for the International Brotherhood of Teamsters

Dated 12/17/07

APPROVED:

John J. Conish
for the Independent Review Board

Dated 2/20/08

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

Page 5 of 6

February 27, 2008

INDEPENDENT REVIEW BOARD
444 North Capitol Street, NW, Suite 528
Washington, DC 20001
(202) 434-8080
Facsimile (202) 434-8084
Corruption Hotline (800) CALL IRB

Chief Investigator:

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

Administrator:
John J. Cronin, Jr.

February 20, 2008

VIA UPS NEXT DAY AIR

Board Members:
Benjamin R. Civiletti, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004

Joseph E. diGenova, Esq.
diGenova & Toensing, LLP
1776 K Street, NW, Suite 737
Washington, DC 20006

William H. Webster, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1850 K Street, NW, Suite 1100
Washington, DC 20006

Hon. Loretta A. Preska
United States District Court
United States Courthouse
500 Pearl Street, Room 1320
New York, NY 10007

Re: APPLICATION 130 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 130 of the Independent Review Board, submitting the Agreement regarding John Clancy, approved by the IRB, to Your Honor for review, and if appropriate, to be "so ordered."

In addition to the Application, enclosed please find the original and one copy of:

- (a) the Agreement approved by the IRB on February 20, 2008;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

If you find it appropriate, I respectfully request that a member of Your Honor's staff file the original of the "backed" Application, Agreement, Acknowledgment of Receipt and Affidavit of Service with the Clerk's office.

Respectfully submitted,

Members of the
Independent Review Board

By: 

John J. Cronin, Jr.
Administrator

JJC:cft
Enclosures

Pursuant to the Consent Order of the United States District Court, S.D.N.Y.
United States -v- International Brotherhood of Teamsters 88 CIV. 4486 (LAP)

cc: Danna Drori, AUSA
Charles M. Carberry, Esq.
Bradley T. Raymond, Esq., IBT General Counsel
Robert M. Baptiste, Esq.

hearing on December 18, 2007. On December 14, 2007, the hearing was canceled. By letter of December 18, 2007, the IBT forwarded to the IRB a signed proposed Agreement between John Clancy and the IRB.

This Application complies with former United States District Court Judge David N. Edelstein's February 2, 1994, Order stating 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 John Clancy satisfies this procedure. One "backed" original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective December 18, 2007, John Clancy resigned his employment with the IBT as well as his membership in Local 705 and the IBT and agreed for a period of 10 years not to seek or accept elected or appointed office or position in or employment by the IBT or any other IBT entities in any capacity, nor shall he have any involvement or participation whatsoever in any of the activities or affairs of Local 705 or the IBT. He has further agreed:

(1) that for a period of 10 years from his resignation he shall be barred from having any knowing contact, including social contact, with officers, employees and members of the IBT and any IBT entities;

(2) that from November 1, 2007, the date on which he was suspended by the IBT, forward, neither the IBT nor any IBT entities shall pay him, nor shall he accept, any salary, gratuities, gifts, severance payments, allowances, fees, benefit payments or contributions or any other compensation of any kind, except that he may receive fully vested or accrued pension,

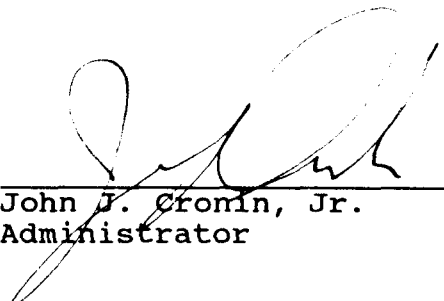
vacation or other benefits under any existing benefit plans or programs maintained or sponsored by the IBT or other IBT entities; and

(3) that from November 1, 2007, forward, he agrees that no contributions may be made on his behalf to any IBT affiliated benefit funds by the IBT or any other IBT entities.

We have found the Agreement serves to resolve the matter 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 the 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 and transmit to me a confirmed copy of the Agreement as "so ordered."

By:



John J. Cronin, Jr.
Administrator

Dated: February 20, 2008

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 In The Matter of :
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 John Clancy :
 : AFFIDAVIT AND AGREEMENT
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 Before the :
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STATE OF ILLINOIS)
) ss.:
 COUNTY OF COOK)

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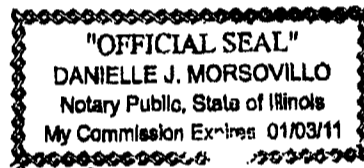
Agreement is not approved by the IRB or the Southern District of New York, this Agreement will be null and void.

- 8. I make this Agreement freely, under no duress or coercion of any kind.
- 9. I will transmit this Agreement, signed by me, to the IBT. When it is signed by the IBT and the IRB, it will be submitted to the Court for review.

John Clancy
John Clancy

Sworn to before me this
14th day of December, 2007

Danielle J. Morsovillo
Notary Public



Witnessed Lori A. Clancy

RECOMMENDED AND APPROVED:

Bruce T. Ruel
for the International Brotherhood of Teamsters

Dated 12/17/07

APPROVED:

John J. Coni
for the Independent Review Board

Dated 2/20/08

SO ORDERED
Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

February 27, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	88 CIV.4486 (LAP)
	:	ACKNOWLEDGMENT OF RECEIPT
INTERNATIONAL BROTHERHOOD OF	:	OF APPLICATION 130 OF THE
TEAMSTERS, <u>et al.</u>	:	INDEPENDENT REVIEW BOARD
	:	
Defendants.	:	

This Court hereby acknowledges that Application 130 of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IBT") has been received by this Court, and that this Court has caused to be filed the original documents concerning Application 130 of the IRB with the Clerk of the Court of the Southern District of New York.

This Court further certifies that the instant Acknowledgment of Receipt ("the Acknowledgment") has been filed with the Clerk of the Court of the Southern District of New York, and that a copy of the Acknowledgment has been forwarded to the following:

John J. Cronin, Jr.
444 North Capitol Street, NW, Suite 528
Washington, DC 20001
Administrator of the Independent Review Board

Robert M. Baptiste, Esq.
Baptiste & Wilder, PC
1150 Connecticut Ave., NW, Suite 500
Washington, DC 20036
Counsel for Respondent

Dated: _____, 2008
New York, New York

U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	88 CIV. 4486 (LAP)
	:	AFFIDAVIT OF SERVICE
INTERNATIONAL BROTHERHOOD OF	:	
TEAMSTERS, <u>et al.</u>	:	
	:	
Defendants.	:	

John E. Converse hereby deposes and says:

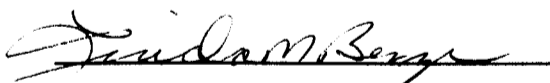
1. I am the Assistant to the Administrator in the office of the Administrator of the Independent Review Board. On February 20, 2008, I caused to be delivered via UPS NEXT DAY AIR to the Honorable Loretta A. Preska one executed original and one copy of Application 130 and the original and one copy of the Acknowledgment of Receipt.

2. I also caused a copy of Application 130 along with the enclosures to be delivered to:

Danna Drori, AUSA, via UPS Next Day
Charles M. Carberry, Esq., via UPS Next Day
Bradley T. Raymond, Esq., via Hand Delivery
Robert M. Baptiste, Esq., via Next Day Delivery


John E. Converse

Sworn to and subscribed
before me this 20th day
of February 2008



Linda M. Benzer
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires July 14, 2010