

531
532
533

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	88 Civ. 4486 (DNE)
Plaintiff,	:	APPLICATION XIII OF THE
v.	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD	:	-- AGREEMENTS BETWEEN THE
OF TEAMSTERS, et al.,	:	INDEPENDENT REVIEW BOARD
Defendant.	:	AND PERRY SCALZA, RICHARD
	:	SCALZA AND ROBERT SCALZA
	:	
	:	

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 Agreements with Perry Scalza, former Secretary-Treasurer; Richard Scalza, former President; and Robert Scalza, former Business Agent of Local Union 819 in Rego Park, New York. The three Agreements were approved by the IRB and are submitted to Your Honor for review and, if appropriate, to be entered as orders. These Agreements seek to resolve the matter of The Independent Review Board v. Perry Scalza, Richard Scalza, and Robert Scalza. The Agreements, with a copy of the charges annexed thereto as Exhibit A, are enclosed herewith.

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 Perry Scalza, Richard Scalza and Robert Scalza satisfy this procedure for Your Honor's review.

Perry and Richard Scalza were charged with bringing reproach upon the IBT and violating the Local 819 Bylaws by permitting individuals who were not covered by any collective bargaining agreements to become members of the union to obtain health benefits, by permitting management personnel of employers under collective bargaining agreements with the local to join the Local and by allowing individuals outside the Local's geographic jurisdiction to join the Local in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) of the IBT Constitution and Article I, Section 2 of Local Union 819 Bylaws.

Robert Scalza was charged with breaching his fiduciary duties, bringing reproach upon the IBT and violating the Local Union 819 Bylaws by permitting individuals who were not covered by any collective bargaining agreements to become members of the Local to obtain health benefits in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) of the IBT Constitution and Article I, Section 2 of Local Union 819 Bylaws.

Effective the date the IRB approved the Agreements, August 8, 1994, Perry, Richard and Robert Scalza have agreed to permanently resign from membership in the IBT.

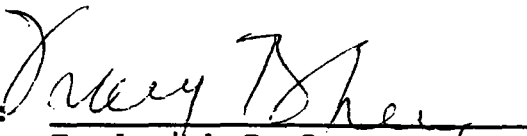
They have further agreed not to:

(1) contract with, seek or hold any office or employment with Local 819, the IBT, or any other IBT-affiliate or IBT-sponsored employee benefit plan; or

(2) seek or accept any money or other compensation for goods and services from Local 819, the IBT or any other IBT-affiliate or IBT-sponsored employee benefit plan, other than receipt of vested benefits.

We have found that the Agreements comport with Your Honor's February 2, 1994, Order and serve to resolve the charges in a fair and equitable manner.

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

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

Dated: August 29, 1994

AFFIDAVIT OF PERRY SCALZA

I, Perry Scalza, being duly sworn, depose and state as follows:

1. I agree to permanently withdraw from membership in Local 819, International Brotherhood of Teamsters ("IBT") and the IBT.

2. I further agree not to contract with or to seek or to hold any office or employment with Local 819, the IBT, or any other IBT-affiliate or IBT-sponsored employee benefit plan, at any time in the future and not to seek or to accept any money or other compensation for goods and services from Local 819, the IBT or any other IBT-affiliate or IBT-sponsored employee benefit plan, at any time in the future, other than receipt of vested benefits to which I am lawfully entitled by reason of prior participation in the Local 819, the IBT or any other IBT affiliated or IBT sponsored benefit plan or plans.

3. 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.

I declare under penalty of perjury that the foregoing is true and correct.

Perry Scalza
Perry Scalza

Sworn to before me this 19 day of July, 1994

Maureen D'Ambrosio
Notary Public

MAUREEN D'AMBROSIO
Notary Public, State of New York
No. 41-4856534
Qualified in Queens County
Term Expires June 23, 1996

Agreed:

John R. ... Dated: 8/8/94
for the Independent Review Board

So Ordered:

Hon. David N. Edelstein

David N. Edelstein Dated: 9/8/94
U.S.D.J.

AFFIDAVIT OF RICHARD SCALZA

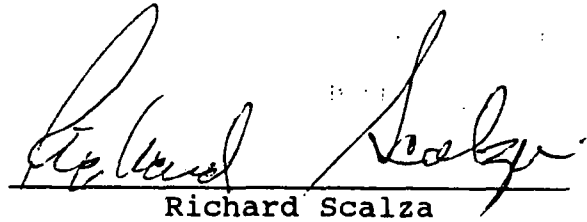
I, Richard Scalza, being duly sworn, depose and state as follows:

1. I agree to permanently withdraw from membership in Local 819, International Brotherhood of Teamsters ("IBT") and the IBT.

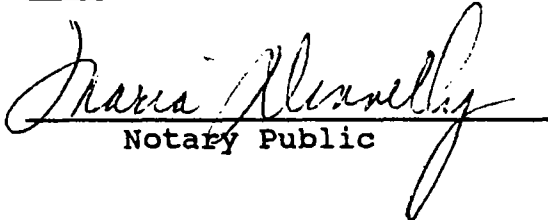
2. I further agree not to contract with or to seek or to hold any office or employment with Local 819, the IBT, or any other IBT-affiliate or IBT-sponsored employee benefit plan, at any time in the future and not to seek or to accept any money or other compensation for goods and services from Local 819, the IBT or any other IBT-affiliate or IBT-sponsored employee benefit plan, at any time in the future, other than receipt of vested benefits to which I am lawfully entitled by reason of prior participation in the Local 819, the IBT or any other IBT affiliated or IBT sponsored benefit plan or plans.

3. 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.

I declare under penalty of perjury that the foregoing is true and correct.


Richard Scalza

Sworn to before me this
21st day of July, 1994


Notary Public

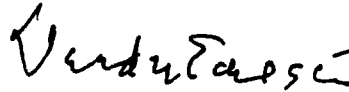
MARIA DONNELLY
Notary Public, State of New York
No. 43-4814665
Qualified in Richmond County 06
Commission Expires April 30, 1996

Agreed:

 Dated: 8/2/94
for the Independent Review Board

So Ordered:

Hon. David N. Edelstein

 Dated: 9/8/94
U.S.D.J.

AFFIDAVIT OF ROBERT SCALZA

I, Robert Scalza, being duly sworn, depose and state as follows:

1. I agree to permanently withdraw from membership in Local 819, International Brotherhood of Teamsters ("IBT") and the IBT.

2. I further agree not to contract with or to seek or to hold any office or employment with Local 819, the IBT, or any other IBT-affiliate or IBT-sponsored employee benefit plan, at any time in the future and not to seek or to accept any money or other compensation for goods and services from Local 819, the IBT or any other IBT-affiliate or IBT-sponsored employee benefit plan, at any time in the future, other than receipt of vested benefits to which I am lawfully entitled by reason of prior participation in the Local 819, the IBT or any other IBT affiliated or IBT sponsored benefit plan or plans.

3. 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.

I declare under penalty of perjury that the foregoing is true and correct.

Robert Scalza
Robert Scalza

Robert Scalza

Sworn to before me this
2 day of ~~July~~, 1994
August

Lois Krause
Notary Public

LOIS KRAUSE
NOTARY PUBLIC, State of New York
No. 30-4830058
Qualified in Nassau County
Commission Expires 5/9/96

Agreed:

John Paul Dated: 8/8/94
for the Independent Review Board

So Ordered:

Hon. David N. Edelstein

David N. Edelstein Dated: 9/8/94
U.S.D.J.