

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

ID-301  
ID-302

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

Administrator:  
John J. Cronin, Jr.

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Crandall, Pyles, Haviland & Turner  
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Charleston, WV 25301  
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Newark, NJ 07102-5490  
William H. Webster, Esq.  
Milbank, Tweed, Hadley & McCloy  
1825 Eye Street, NW, Suite 1100  
Washington, DC 20006

May 2, 2000

James P. Hoffa, President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2198

Re: Decision on Charges Against Former Local 531  
Officers Kevin Watts and James Bernardone

Dear Mr. Hoffa:

The Independent Review Board has received your letter of April 28, 2000, clarifying your decision of April 6, 2000 in the above-captioned matter, and finds the decision to be not inadequate.

Very truly yours,

Members of the  
Independent Review Board

By:

  
\_\_\_\_\_  
John J. Cronin, Jr.  
Administrator

cc: Patrick J. Szymanski, Esq.  
John Zirpoli, Trustee, IBT Local 531  
Mr. Kevin Watts  
Mr. James Bernardone

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

AFL-CIO



OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

April 28, 2000

**VIA FACSIMILE AND FIRST CLASS MAIL**


Mr. John Cronin  
Independent Review Board  
444 North Capitol Street, NW, Suite 528  
Washington, DC 20001

Re: IRB Charges Against Former Local 531 Officers  
Kevin Watts and James Bernardone

Dear Mr. Cronin:

Per your letter dated April 12, 2000, this is to clarify that my April 6, 2000, decisions in the above-referenced matters do, in fact, bar the above-named former officers from receiving compensation or money from Local 531 and any other IBT-affiliated entity and from having any contributions made on their behalf to any IBT-affiliated funds by Local 531 or any other IBT-affiliated entity during their imposed suspensions.

Very truly yours,

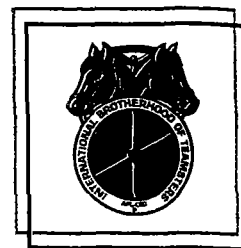
  
James P. Hoffa  
General President

JPH/ndb

cc: Patrick J. Szymanski, General Counsel

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

AFL-CIO



OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

April 6, 2000

UPS Next Day Air

Mr. Kevin Watts  
2330 Wickham Avenue  
Bronx, New York 10469

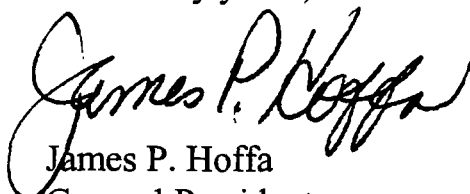
Re: IRB Charges Against Kevin Watts

Dear Sir and Brother:

You will find enclosed the report and recommendations of the Panel which conducted the hearing on the charges filed against you. I have had the opportunity to review the Panel's findings and conclusions and hereby adopt them as my own.

The Panel's recommendation is reissued as the decision of the General President.

Fraternally yours,

  
James P. Hoffa  
General President

JPH/ndb

Enclosure

cc: Independent Review Board  
Hearing Panel  
Teamsters Local Union 531  
Teamsters Joint Council 73

BEFORE A HEARING PANEL  
APPOINTED BY THE INTERNATIONAL UNION

JOHN ZIRPOLI  
Charging Member

v.

KEVIN WATTS  
Charged Member

I. The Charge

This matter arises from the October 22, 1999 charge referred by the Independent Review Board ("IRB") to the former Trustee of Local 531, IBT (Local 531), Val Fiorillo, pursuant to Article XIX of the IBT Constitution, against Local 531 member Kevin Watts. The IRB charge which was referred to former Trustee Fiorillo alleges as follows:

- A. While a member of Local 531 and the IBT, you brought reproach upon the IBT and failed to cooperate with the Independent Review Board in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), and (2) of the IBT Constitution, to wit:

While a member of Local 531 and the IBT, you failed to cooperate with the IRB during your June 22, 1999 and August 13, 1999 sworn examinations when you testified falsely about the use of Local 531 vehicles, during the six year period in which James Bernardone did not have a valid driver's license.

II. The Panel Hearing

The hearing on these charges was held on March 28, 2000, in Yonkers, NY, before an Article XIX hearing panel appointed by the IBT General President. The hearing panel consisted of Ernie Soehl, Nicholas Picarello and Dave Lucas. The Trustee of Local 531, John Zirpoli, served as the charging party. The evidence presented by the charging party did not differ in any material respect from the IRB's findings.

The Panel has reviewed and considered all of the evidence submitted by the parties. The Panel finds that the charging party has sustained his burden of establishing by a preponderance of reliable evidence, as required by Article XIX, Section 1(a), that Kevin Watts did bring reproach upon the IBT by failing to cooperate with the IRB and by testifying falsely during sworn examination about the use of Local 531 vehicles during the period in which James Bernardone did not have a valid driver's license.

**III. Recommended Penalty**

As a result of aforesaid violation and conduct, the Panel recommends that Kevin Watts be suspended from membership for a period of three (3) years from the date of this decision. He shall be deprived of all rights associated with membership in the Teamsters Union. During the period of his suspension from membership, Watts shall not be eligible to serve in any capacity, including as an employee or consultant, by any affiliate of the International Union, or by the International Union. Nor shall he be entitled to represent himself as an agent of any affiliated labor organization, even in a non-compensated position.

4/5/00  
Dated

Ernie Soehl  
Ernie Soehl, Panel Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nicholas Picarello

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Lucas

The Panel has reviewed and considered all of the evidence submitted by the parties. The Panel finds that the charging party has sustained his burden of establishing by a preponderance of reliable evidence, as required by Article XIX, Section 1(a), that Kevin Watts did bring reproach upon the IBT by failing to cooperate with the IRB and by testifying falsely during sworn examination about the use of Local 531 vehicles during the period in which James Bernardone did not have a valid driver's license.

**III. Recommended Penalty**

As a result of aforesaid violation and conduct, the Panel recommends that Kevin Watts be suspended from membership for a period of three (3) years from the date of this decision. He shall be deprived of all rights associated with membership in the Teamsters Union. During the period of his suspension from membership, Watts shall not be eligible to serve in any capacity, including as an employee or consultant, by any affiliate of the International Union, or by the International Union. Nor shall he be entitled to represent himself as an agent of any affiliated labor organization, even in a non-compensated position.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Ernie Soehl, Panel Chairman

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nicholas Picarello

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Lucas

The Panel has reviewed and considered all of the evidence submitted by the parties. The Panel finds that the charging party has sustained his burden of establishing by a preponderance of reliable evidence, as required by Article XIX, Section 1(a), that Kevin Watts did bring reproach upon the IBT by failing to cooperate with the IRB and by testifying falsely during sworn examination about the use of Local 531 vehicles during the period in which James Bernardone did not have a valid driver's license.

**III. Recommended Penalty**

As a result of aforesaid violation and conduct, the Panel recommends that Kevin Watts be suspended from membership for a period of three (3) years from the date of this decision. He shall be deprived of all rights associated with membership in the Teamsters Union. During the period of his suspension from membership, Watts shall not be eligible to serve in any capacity, including as an employee or consultant, by any affiliate of the International Union, or by the International Union. Nor shall he be entitled to represent himself as an agent of any affiliated labor organization, even in a non-compensated position.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Ernie Soehl, Panel Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nicholas Picarello

4/6/00  
Date

Dave Lucas  
Dave Lucas

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

AFL-CIO



OFFICE OF  
JAMES P. HOFFA  
GENERAL PRESIDENT

April 6, 2000

UPS Next Day Air

Mr. James Bernardone  
3211 Country Club Road  
Bronx, New York 10465


Re: IRB Charges Against James Bernardone

Dear Sir and Brother:

You will find enclosed the report and recommendations of the Panel which conducted the hearing on the charges filed against you. I have had the opportunity to review the Panel's findings and conclusions and hereby adopt them as my own.

The Panel's recommendation is reissued as the decision of the General President.

Fraternally yours,

  
James P. Hoffa  
General President

JPH/ndb

Enclosure

cc: Independent Review Board  
Hearing Panel  
Teamsters Local Union 531  
Teamsters Joint Council 73



BEFORE A HEARING PANEL  
APPOINTED BY THE INTERNATIONAL UNION

JOHN ZIRPOLI  
Charging Member

v.

JAMES BERNARDONE  
Charged Member

I. The Charge

This matter arises from the October 22, 1999 charge referred by the Independent Review Board ("IRB") to the former Trustee of Local 531, IBT (Local 531), Val Fiorillo, pursuant to Article XIX of the IBT Constitution, against Local 531 member James Bernardone. The IRB charge which was referred to former Trustee Fiorillo alleges as follows:

A. While a member of Local 531 and the IBT, Brother Bernardone brought reproach upon the IBT and failed to cooperate with the Independent Review Board in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) of the IBT Constitution, to wit:

While a member of Local 531 and the IBT, Brother Bernardone failed to cooperate with the IRB during his June 22, 1999 and August 13, 1999 sworn examination, and testified falsely about the use of Local 531 vehicles, during the six (6) year period in which he did not have a valid driver's license.

B. While Secretary-Treasurer of Local 531 and a member of the IBT, Brother Bernardone brought reproach upon the IBT and violated his oath of membership by allowing employers to maintain sham membership in violation of Article XIV, Section 3, Article II, Section 2(a) and Article XIX, Section 7(b)(2) of the IBT Constitution, to wit:

Brother Bernardone entered into at least four (4) sham collective bargaining agreements with employers or their spouses who were

ineligible for membership in the union. These collective bargaining agreements appear to have been designed to provide the company owners or their spouses with health insurance even though these individuals did not perform bargaining unit work. In the cases of East Collision, there were employees who did perform bargaining unit work, but were not Local Union members, while Brother Bernardone placed management in the Local Union.

## II. The Panel Hearing

The hearing on these charges was held on February 10, 2000, in Yonkers, NY, before an Article XIX hearing panel appointed by the IBT General President. The hearing panel consisted of Ernie Soehl, Nicholas Picarello and Dave Lucas. The Trustee of Local 531, John Zirpoli, served as the charging party. The evidence presented by the charging party did not differ in any material respect from the IRB's findings, except to include evidence of additional alleged sham contracts negotiated by the charged party.

The Panel has reviewed and considered all of the evidence submitted by the parties. The Panel finds that the charging party has sustained his burden of establishing by a preponderance of reliable evidence, as required by Article XIX, Section 1(a), that James Bernardone did bring reproach upon the IBT by failing to cooperate with the IRB and by testifying falsely during sworn examination about the use of Local 531 vehicles during the period in which he did not have a valid driver's license, and brought reproach upon the IBT and violated his oath of membership by negotiating bargaining agreements intentionally designed to permit employers to maintain sham memberships for the purpose of receiving union health benefits.

## III. Recommended Penalty

As a result of aforesaid violation and conduct, the Panel recommends that James Bernardone be suspended from membership for a period of five (5) years from the date of this decision. He shall be deprived of all rights associated with membership in the Teamsters Union. During the period of his suspension from membership, Bernardone shall not be eligible to serve in any capacity, including as an employee or consultant, by any affiliate of the International Union, or by the International Union. Nor shall he be entitled to represent himself as an agent of any affiliated labor organization, even in a non-compensated position.

4-6-00  
Dated

*Ernie Soehl*  
Ernie Soehl, Panel Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nicholas Picarello

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Lucas

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Ernie Soehl, Panel Chairman



\_\_\_\_\_  
Date

\_\_\_\_\_  
Nicholas Picarello

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Lucas

