

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

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

April 19, 2011

Administrator:
John J. Cronin, Jr.

VIA UPS NEXT DAY

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

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

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

Re: APPLICATION 149 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 149 of the Independent Review Board, submitting the Agreement regarding Anthony O'Donnell, 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:

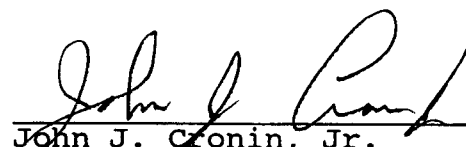
- (a) the April 18, 2011, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

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

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)

JJC:cft

Enclosures

cc: Brian Feldman, AUSA

Charles M. Carberry, Esq.

Bradley T. Raymond, Esq., IBT General Counsel

Thomas Gesualdi, President IBT Local 282

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 149 OF THE
	:	INDEPENDENT REVIEW BOARD
	:	-- AGREEMENT BETWEEN THE
INTERNATIONAL BROTHERHOOD OF	:	INDEPENDENT REVIEW BOARD
TEAMSTERS, <u>et al.</u>	:	AND ANTHONY O'DONNELL
	:	
Defendants.	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board for the International Brotherhood of Teamsters ("IRB Rules"), the Independent Review Board ("IRB") files this Application submitting the Agreement with Anthony O'Donnell, a member of Local 282 in Lake Success, New York. The Agreement has been approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order.

An IRB sworn examination was scheduled for February 11, 2011, and was postponed at the request of Counsel for Anthony O'Donnell. On February 21, 2011, the IRB was informed that Anthony O'Donnell would assert his Fifth Amendment privilege at his sworn examination where he would be questioned about having contact with individuals reported to be organized crime members and associates. Prior to the IRB filing a charge of "failing to Cooperate with the IRB" against him, Anthony O'Donnell submitted a signed agreement to the IRB seeking to resolve the matter. The agreement between Anthony O'Donnell and

the IRB is enclosed.

This Application complies with former United States District Court Judge David N. Edelstein's February 2, 1994, Order stating that all IRB Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected."

The Agreement reached between the IRB and Anthony O'Donnell 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 April 18, 2010, Anthony O'Donnell has agreed to permanently resign from the IBT, Local 282. From April 18, 2010 forward, he has further agreed not to:

(1) hold membership in the IBT or hold any position with Local 282 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 282 and any IBT Entities;

(2) accept any pay, salary, allowance, fee or compensation of any kind, except that he may receive any fully vested pension benefits;

(3) accept any contributions on his behalf to any pension, health and welfare, severance or other benefit fund;

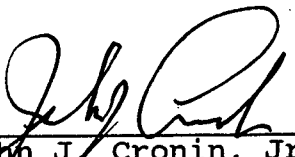
(4) receive any gratuities, severance payments or gifts of any kind whatsoever from Local 282 or IBT Entities; or

(5) participate in any manner in any of the activities or affairs of Local 282 or any other IBT entities, and that this agreement is permanent.

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

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: April 19, 2011

-----X
In the Matter of
ANTHONY O'DONNELL
before the
INDEPENDENT REVIEW BOARD
-----X

AFFIDAVIT AND
AGREEMENT

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

ANTHONY O'DONNELL, 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 (LAP) (S.D.N.Y.) (the "Consent Order") scheduled my sworn examination for February 11, 2011. At my counsel's request, this examination was postponed. By letter dated February 21, 2011, through counsel, I informed the IRB that I would assert my Fifth Amendment privilege at my IRB sworn examination. The IRB was investigating organized crime influence in the union and would have inquired into whether I had any contact with individuals reported to be organized crime members and associates. The IRB has informed me through counsel that it plans to recommend a charge against me for failing to cooperate with the IRB.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the planned IRB-recommended charge 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 am a member of the International Brotherhood of Teamsters ("IBT") and a member of IBT Local 282;

(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");

4. I hereby permanently resign from the IBT and Local 282 effective upon the date this Agreement is approved by the IRB ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date forward, I further agree never to hold any position with Local 282 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 282 and any IBT Entities.

5. From the effective date of this Agreement forward, Local 282 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, allowance, fee or compensation of any kind, except that I may receive any fully vested pension

benefits.

6. From the effective date of this Agreement forward, Local 282 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. From the effective date of this Agreement forward, I will receive no gratuities, severance payments or gifts of any kind whatsoever from Local 282 or IBT Entities.

7. From the effective date of this Agreement forward, I shall not participate in any manner in any of the activities or affairs of Local 282 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 282 and IBT Entities.

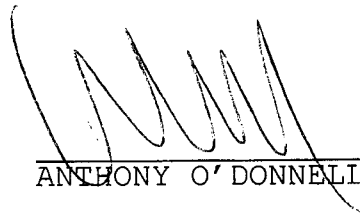
8. This Agreement is permanent.

9. I understand and agree that this Agreement will be submitted to the 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. If this Agreement is not approved by the IRB or the United States District Court for the Southern District of New York, the Agreement will be null and void.

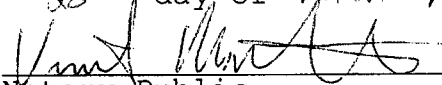
10. I make this Agreement freely, under no duress or coercion of any kind.

11. I will transmit this Agreement, signed by me, to the IRB. If it is signed by the IRB, it will be submitted to the Court for review.



ANTHONY O'DONNELL

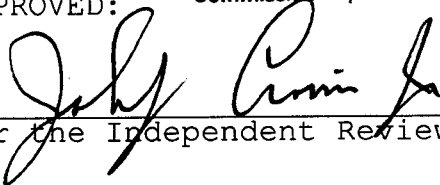
Sworn to before me this
28th day of March, 2011



Notary Public

VINCENT MARTINELLI
Notary Public, State of New York
No. 02MA5021818
Qualified in Richmond County
Commission Expires Dec. 27, ~~2012~~ 2013

APPROVED:



for the Independent Review Board

Dated: 4/18/11

So Ordered:

Hon. Loretta A. Preska
U.S. District Judge

Dated: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, et al.

Defendants.

:
:
:
:
: 88 Civ. 4486 (LAP)
: ACKNOWLEDGMENT OF RECEIPT
: OF THE AGREEMENT
: BETWEEN THE INDEPENDENT
: REVIEW BOARD AND
: ANTHONY O'DONNELL
:
:
:

This Court hereby acknowledges that the Agreement enclosed with Application 149 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 the Agreement enclosed with Application 149 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

Thomas Gesualdi, President
IBT Local Union 282
2500 Marcus Avenue
Lake Success, NY 11042

Dated: _____, 2011
New York, New York

Chief U.S.D.J.