

INDEPENDENT REVIEW BOARD
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June 28, 1996

FIRST CLASS MAIL

IBT Local 714 Executive Board
6815 W. Roosevelt Road
Berwyn, IL 60402

Re: Local 714 and Ronald Stella
Local 714 and Joseph E. Hogan

Dear Members of Local 714 Executive Board:

The Independent Review Board has reviewed the Amended Report and Decision regarding Ronald Stella and the Report and Decision regarding Joseph E. Hogan. The Board finds the Decisions not to be inadequate.

Very truly yours,

Members of the
Independent Review Board

by:


John J. Cronin, Jr.
Administrator

cc: Marvin Sacks, Esq.
Judith A. Scott, Esq.
David Neigus, Esq.



TEAMSTERS LOCAL UNION No. 714

Affiliated with the International Brotherhood of Teamsters

6815 WEST ROOSEVELT ROAD • BERWYN, ILLINOIS 60402-1098 • TEL. (312) 242-3215 • FAX: (708) 788-4662

June 4, 1996

AMENDED REPORT AND DECISION OF THE LOCAL 714, I.B. OF T. EXECUTIVE BOARD

Charges Against Ronald Stella

Background

On March 5, 1996, Nick Boscarino, a member of Local 714, International Brotherhood of Teamsters ("Local 714"), brought an internal union charge against Local 714 member, Ronald Stella, that had been recommended by the Independent Review Board ("IRB"), appointed pursuant to the Consent Decree entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ 4486 (S.D.N.Y.) (the "Consent Decree"). This charge alleged that Ronald Stella, while a Local 714 member, brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in paragraph G of the Consent Decree by willfully and without justification refusing to appear on January 23, 1996 for his sworn in-person examination pursuant to the IRB Rules.

On or about March 8, 1996, a copy of the charge was sent, by certified mail return receipt requested, to Ronald Stella at 8904 North Oleander in Morton Grove, Illinois. At the same time, Ronald Stella was notified that a hearing on said charge would be held before

the Local 714 Executive Board on April 1, 1996 at the hour of 2:00 p.m. at the Local 714 Union Hall. The charge and the notice of hearing were received by Ronald Stella on March 15, 1996.

On April 1, 1996, after having been notified that Ronald Stella was sick and unable to attend the scheduled hearing that day, the Local 714 Executive Board convened the hearing and agreed to reschedule same for April 11, 1996 at 1:00 p.m. at the Union Hall. Ronald Stella was notified, by certified mail return receipt requested, that the April 1, 1996 hearing was continued to April 11, 1996 at the hour of 1:00 p.m. at the Union Hall. He received said notice on April 4, 1996.

At the hearing on April 11, 1996, all members of the Local 714 Executive Board were present, except for Trustee Robert Riley. Local 714 member Nick Boscarino, Ronald Stella, and Union attorney Marvin Sacks were also present. The IRB Investigative Report, the February 23, 1996 IRB recommendation, investigative findings, proposed charge and exhibits, and the March 5, 1996 charge of Local 714 member Nick Boscarino against Ronald Stella, among others, were introduced into evidence. Ronald Stella was given an opportunity to make any statements or comments in his own defense in this matter, but refused to do so.

There was a court reporter present at the hearings on April 1, 1996 and April 11, 1996 and a transcript made of these proceedings.

Finding


After considering the record and evidence in this matter, the members of the Local 714 Executive Board unanimously find that Ronald Stella violated Article II, Section 2(a)

and Article XIX, Sections 7(b)(1) and (2), and 14(i) of the IBT Constitution when he failed to appear for his sworn examination.

Decision

It is the unanimous decision of the members of the Local 714 Executive Board, based on the evidence in this matter, that Ronald Stella, effective April 23, 1996, be permanently barred from:

- (A) IBT membership and from holding any positions with any IBT entity;
- (B) Receiving any payments from Local 714 or from any IBT entities;
- (C) Having Local 714 or any IBT entities make any contributions on his behalf to any IBT-affiliated benefit fund.


JAMES M. HOGAN
President



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June 4, 1996

REPORT AND DECISION OF THE LOCAL 714, I.B. OF T. EXECUTIVE BOARD

Charges Against Joseph E. Hogan

Background

On April 12, 1996, Joanne Schumacher, a member of Local 714, International Brotherhood of Teamsters ("Local 714"), brought an internal union charge against Local 714 member, Joseph E. Hogan, that had been recommended by the Independent Review Board ("IRB"), appointed pursuant to the Consent Decree entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ 4486 (S.D.N.Y.) (the "Consent Decree"). This charge alleged that Joseph E. Hogan, while a Local 714 member, brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the IRB as set forth in paragraph G of the Consent Decree by willfully and without justification refusing to appear on February 22, 1996 for his sworn in-person examination pursuant to the IRB Rules.

On or about April 12, 1996, a copy of the charge was sent, by certified mail return receipt requested, to Joseph E. Hogan at 11188 Tonya Drive in Woodruff, Wisconsin. At the same time, Joseph E. Hogan was notified that a hearing on said charge would be held

before the Local 714 Executive Board on May 6, 1996 at the hour of 2:00 p.m. at the Local 714 Union Hall. The charge and the notice of hearing were received by Joseph E. Hogan on April 15, 1996.

At the hearing on May 6, 1996, all members of the Local 714 Executive Board were present, except for Trustee Robert Riley. Local 714 member Joanne Schumacher and Union attorney Marvin Sacks were also present. Joseph E. Hogan did not appear. The IRB Investigative Report, the April 1, 1996 IRB recommendation, investigative findings, proposed charge and exhibits, and the April 12, 1996 charge of Local 714 member Joanne Schumacher against Joseph E. Hogan, among others, were introduced into evidence.

There was a court reporter present at the hearing on May 6, 1996 and a transcript made of the proceeding.


Finding

After considering the record and evidence in this matter, the members of the Local 714 Executive Board unanimously find that Joseph E. Hogan violated Article II, Section 2(a) and Article XIX, Sections 7(b)(1) and (2), and 14(i) of the IBT Constitution when he failed to appear for his sworn examination.

Decision

It is the unanimous decision of the members of the Local 714 Executive Board, based on the evidence in this matter, that Joseph E. Hogan, effective June 4, 1996, be permanently barred from:

- (A) IBT membership and from holding any positions with any IBT entity;
- (B) Receiving any payments from Local 714 or from any IBT entities;
- (C) Having Local 714 or any IBT entities make any contributions on his behalf to any IBT-affiliated benefit fund.


JAMES M. HOGAN
President

TO: IBT Local 714 Executive Board
FROM: Members of the Independent Review Board
SUBJECT: Proposed Charge against Local 714 Member
Joseph E. Hogan
DATE: April 1, 1996

I. RECOMMENDATION

The Independent Review Board recommends to the Local 714 Executive Board that Local 714 member Joseph E. Hogan be charged with bringing reproach upon the IBT by failing to cooperate with the Independent Review Board ("IRB") when he unreasonably failed to appear for his duly noticed sworn examination scheduled for February 22, 1996. By his conduct, it appears that Joseph E. Hogan violated Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution.

II. INVESTIGATIVE FINDINGS

Local 714 records reflect that Joseph E. Hogan, address 3849 North Page Street, Chicago, Illinois 60634, became a Local 714 member in April 1967 and is currently a Local 714 member. (Ex. 1)¹ According to Hogan's Titan dues printout, on January 8, 1996, Hogan paid quarterly dues through March 1996 to Local 714. (Ex. 1)

¹ U. S. Postal Service records showed that on or about October 15, 1995, Joseph E. Hogan moved to Woodruff, Wisconsin, which is approximately 400 miles from Chicago. (Ex. 2; Ex. 3 at 86) However, as discussed infra, subsequent to this move, Joseph E. Hogan paid dues to Local 714. (Ex. 1)

According to Local 714 records, Joseph E. Hogan is currently a member of the Local's Trade Show Division. (Ex. 4)

On January 3, 1996, the Chief Investigator's Office sent via overnight express mail a notice of sworn examination to Joseph E. Hogan scheduling his sworn examination for January 17, 1996. (Ex. 5) At this sworn examination, the Chief Investigator planned to ask Joseph E. Hogan questions concerning, among other things, his membership and work in the Local 714 Trade Show Division and questions concerning contacts with alleged organized crime figures.

At the request of Marvin Sacks, counsel for Local 714, the sworn examinations of Joseph E. Hogan and other Local 714 members were rescheduled. (Ex. 6) By letter dated January 16, 1996, the Chief Investigator's Office informed Marvin Sacks that the sworn examination of Joseph E. Hogan would be held on January 24, 1996 and confirmed Marvin Sacks' agreement that he would advise Joseph E. Hogan and the other members he represented of the new date and time for his sworn examination. (Ex. 6)

On January 24, 1996, Joseph E. Hogan failed to appear for his sworn examination. On January 25, 1996, at the conclusion of the sworn examination of Joseph E. Hogan's son, James F. Hogan, Marvin Sacks stated that there was a "miscommunication" between his office and Joseph E. Hogan regarding the scheduling of Joseph E. Hogan's sworn examination and that Joseph E. Hogan "had intended" to appear for his sworn examination. (Ex. 3 at 86)

On February 6, 1996, the Chief Investigator's Office sent to Joseph E. Hogan via overnight express mail another notice scheduling his sworn examination for February 22, 1996. (Ex. 7)

The notice was sent to Joseph E. Hogan at the address reflected on the January 9, 1996 membership list. (Exs. 4 and 7) Records from the United States Postal Service reflected that the February 6, 1996 notice was forwarded to Joseph E. Hogan's address in Wisconsin and was received at Joseph E. Hogan's Wisconsin address on February 9, 1996. (Ex. 8) "Mrs. J. Hogan" signed to accept this notice. (Ex. 8)

Prior to February 22, 1996, the date of Joseph E. Hogan's second sworn examination, Marvin Sacks informed the Chief Investigator's Office that Joseph E. Hogan would not appear for his sworn examination. (Ex. 9) On February 22, 1996, Joseph E. Hogan failed to appear for his sworn examination. (Ex. 9) At no time did Joseph E. Hogan or his attorney request any adjournment of Joseph E. Hogan's sworn examination or a change in the location for the sworn examination.

III. PROPOSED CHARGE

Based on the foregoing, it is recommended that Joseph E. Hogan be charged as follows:

While a member of Local 714, you brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution and obstructed, interfered and unreasonably failed to cooperate with the duties of the Independent Review Board as set forth in paragraph G of the March 14, 1989 Consent Decree in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (S.D.N.Y.),
to wit:

On February 22, 1996, you willfully and without justification refused to appear for your sworn in-person examination pursuant to Paragraph H.3 (C) of the Rules and Procedures for Operation of the Independent Review Board for the International Brotherhood of Teamsters.

EXHIBITS

- Ex. 1 Titan Dues Record of Joseph E. Hogan
- Ex. 2 United States Postal Service Form indicating the change in Joseph E. Hogan's address from Chicago, Illinois to Woodruff, Wisconsin
- Ex. 3 Excerpt from January 25, 1996 sworn examination of James F. Hogan, son of Joseph E. Hogan
- Ex. 4 Excerpt from Local 714 membership list for Self Pay members in the Trade Show Division dated January 9, 1996
- Ex. 5 January 3, 1996 Notice of sworn examination to Joseph E. Hogan
- Ex. 6 January 16, 1996 Letter to Marvin Sacks, Esq. rescheduling sworn examinations, including Joseph E. Hogan's sworn examination
- Ex. 7 February 6, 1996 Notice of sworn examination to Joseph E. Hogan
- Ex. 8 United States Postal Service Form 3811-A showing overnight express mail delivery to Joseph E. Hogan on February 9, 1996
- Ex. 9 February 23, 1996 Statement for Record concerning Joseph E. Hogan Failure to Appear for his Sworn Examination on February 22, 1996