

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL UNION 917

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In the Matter of the IRB-
Referred Charges Against

SCOTT O'NEILL

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**FINDINGS, DECISION AND PENALTY BY
THE LOCAL 917 EXECUTIVE BOARD**

The following constitutes the unanimous findings, decision and penalty of the IBT Local 917 Executive Board regarding the IRB-referred charges against former Local 917 member SCOTT O'NEILL.

I. Introduction

On June 12, 2015, the Independent Review Board ("IRB") issued a report to the Local 917 Executive Board recommending that Scott O'Neill, a retired Local 917 member, be charged with bringing reproach upon the IBT by engaging in racketeering activity and failing to cooperate with the IRB during a deposition at which he gave intentionally false testimony.

The Local 917 Executive Board adopted the IRB-referred charges on July 15, 2015, and a hearing was held on the matter at the Local on August 18, 2015. Prior to the hearing, Mr. O'Neill, who is incarcerated in a New York State prison, was notified in writing and in person that he could participate in the hearing by telephone, written submission or by retaining counsel. Mr. O'Neill did not appear by counsel or telephone and did not submit any written opposition to the two charges.

The Local 917 Executive Board was represented by outside counsel, who presented the evidence in support of the charges against Mr. O'Neill.

The following findings are based on the Executive Board's review of record in this matter, including the arguments presented by counsel at the hearing and the exhibits that were admitted into evidence.

II. The Charges

The IRB recommended charges against Mr. O'Neill, which were adopted by the Local 917 Executive Board, were as follows:

1. Charge One: While an IBT member, you brought reproach upon the IBT and engaged in racketeering activity in violation of Article II, Section 2(a) and Article XIX, Sections 7(b)(1), (2) and (11) of the IBT Constitution, to wit:

While an IBT member, between March 2010 and June 2013, you intentionally conducted and participated in the affairs of a criminal enterprise in which IBT members both borrowed money and placed bets in the criminal enterprise's loansharking and gambling operations. As part of the criminal enterprise, you engaged in grand larceny by extortion in violation of New York Penal Law § 155.40(2)(a), which is racketeering activity as defined in 18 U.S.C. § 1961(1). The injunction in the Consent Order expressly prohibited IBT members from committing acts of racketeering.

2. Charge Two: While an IBT member, you brought reproach upon the IBT and failed to cooperate with the IRB in violation of Article II, Section 2(a) and Article XIX, Sections 7(b)(1), 7(b)(2) and 14(i) of the IBT Constitution, to wit:

While an IBT member, you failed to cooperate with the IRB during your sworn examination on May 15, 2012 when you gave intentionally false testimony concerning whether you collected for another's loan, in violation of New York Penal Law § 210.15.

III. The Hearing Evidence

The evidence presented at the hearing established that on July 9, 2013, Mr. O'Neill, Nicholas Bernhard, the former IBT Local 917 Principal Officer, and others were indicted in New York County for Enterprise Corruption and other crimes. The Indictment was admitted into evidence as IBT Local 917 Exhibit 1. On March 31, 2015, Mr. O'Neill pled guilty in the New York County Supreme Court to Enterprise Corruption and Perjury in the First Degree. A copy of Mr. O'Neill's guilty plea transcript was admitted into evidence as IBT Local 917 Exhibit 3.

During his guilty plea allocution, Mr. O'Neill was placed under oath by the Court and indicated that he wanted to plead guilty to Count One (Enterprise Corruption) and Count Six (Perjury) of the Indictment in exchange for a promised sentence of one to three years imprisonment. Mr. O'Neill told the Court that he participated in the affairs of a criminal enterprise, the Bonanno Crime Family. According to Mr. O'Neill, the enterprise participated in loansharking, extortion, gambling and drug dealing.

Mr. O'Neill also told the Court that at the time that he participated in the criminal enterprise, he was the assistant shop steward for a Local 917 union shop. According to Mr. O'Neill, union members sometimes borrowed money and placed

bets in the enterprise's loansharking and gambling operations. Mr. O'Neill also admitted to the Court that he participated in grand larceny by extortion when he threatened someone to get that person to repay a loan. Mr. O'Neill also said that he engaged in criminal usury and promoted gambling.

With respect to Charge Two, Mr. O'Neill admitted during his guilty plea allocution that he committed perjury before the IRB during his deposition on May 15, 2012. Mr. O'Neill said that during the deposition an IRB representative asked him: "Have you ever collected for someone else's loan?" Mr. O'Neill answered "no." Mr. O'Neill said that his answer was a lie and he admitted to the Court that he helped to collect payments for loans made by Nicholas Bernhard.

IV. Discussion

As noted above, Mr. O'Neill failed to appear at the hearing via telephone or through counsel, and he did not submit any written opposition to the IRB-referred charges. The Executive Board, after hearing the evidence and examining the exhibits in this matter, hereby finds that Mr. O'Neill's sworn testimony during his guilty plea allocution establishes by a preponderance of the evidence that he engaged in racketeering activity and gave intentionally false testimony during his IRB deposition on May 15, 2012. Based on the uncontroverted hearing evidence, including Mr. O'Neill's own sworn statements, the Executive Board finds that Mr. O'Neill violated the IBT Constitution when he engaged in racketeering activity and committed perjury before the IRB.

V. Decision and Penalty

The Executive Board concludes that the charges against Mr. O'Neill are hereby sustained. We have carefully reviewed the penalties that have been imposed upon other Teamsters in similar situations, including the Agreement that former Principal Officer Nicholas Bernhard entered into to resolve the IRB-referred charges that were filed against him. After a review of those decisions and Mr. Bernhard's Agreement, we impose the following penalty upon Mr. O'Neill:

i. Effective immediately, Mr. O'Neill is permanently barred from holding membership in the IBT;

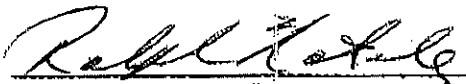
ii. Effective immediately, Mr. O'Neill is permanently barred from seeking or holding any position or employment, directly or indirectly, with the IBT or any IBT affiliated entity or fund; and

iii. Effective immediately, Mr. O'Neill is prohibited from seeking or accepting money or other compensation from the IBT or any IBT affiliated entity or fund, except for any vested benefits to which he may otherwise be lawfully entitled by reason of service or employment prior to the date of this decision and any benefits to which he may be entitled if he is lawfully employed in the trade.

The above findings, decision and penalty have been decided and rendered unanimously by the IBT Local 917 Executive Board on this 1 day of September 2015.

THE LOCAL 917 EXECUTIVE BOARD

By:



Ralph Natale

President and Principal Executive Officer