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# TEAMSTERS



# LOCAL 731

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EXCAVATING, GRADING, ASPHALT, PRIVATE SCAVENGERS AND RECYCLERS, AUTOMOBILE SALESROOM GARAGE ATTENDANTS,  
LINEN AND LAUNDRY AND MACHINERY, SCRAP IRON, STEEL AND METAL TRADE CHAUFFEURS, HANDLERS, HELPERS AND ALLOY FABRICATORS LOCAL UNION No. 731

Terrence J. Hancock, President  
John J. Lisner, Secretary-Treasurer

1000 Burr Ridge Pkwy., Suite 300 • Burr Ridge, IL 60527  
(630) 887-4100 Fax (630) 887-4114

February 2, 2016

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

**RE: CHARGE AGAINST IBT LOCAL 731 MEMBER MS. LOLITA DETTMERING**

Mr. Cronin:

Please be advised that I am the President and Principal Officer of Teamsters Local Union No. 731. I am writing to you on behalf of the Teamsters Local 731 Executive Board and in response to your letter of November 19, 2015 regarding the above referenced matter.

The members of the Executive Board reviewed your report regarding the failure of Ms. Dettmering to cooperate with the investigation of the IRB. In response to your report, the Executive Board charged Ms. Dettmering with violating Article II and Article XIX of the IBT Constitution. A copy of the Notice of Charges and Hearing dated December 8, 2015 is enclosed.

A hearing was convened on Friday, January 8, 2016 at 10:00 A.M. at the Offices of Teamsters Local 731. Ms. Dettmering arrived at the Hall at that time. She asked for and was provided an explanation of the Charges. She then refused to participate in the hearing and advised us that she no longer wished to be a member of the Union. She submitted a note of resignation and requested a withdrawal card. Copies of the resignation and withdrawal card request form are enclosed. At our request, Ms. Dettmering signed an affidavit confirming her refusal to participate in the hearing and permanently resigning from the Union. A copy of the affidavit is also enclosed.

These actions were considered by the Executive Board of Local 731 at a meeting on January 14, 2016. A copy of the Executive Board Minutes of that meeting are enclosed. Subsequently, the Executive Board approved a Resolution expelling Ms. Dettmering from the Union and revoking her withdrawal card on the basis of her failure to cooperate with the IRB investigation and her refusal to answer the Charges filed by the Local Union. A copy of that Resolution is enclosed and the determination of the Executive Board was served on Ms. Dettmering. A copy of the transmittal letter to her is also enclosed.

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It is our hope that the rights afforded to Ms. Dettmering and the determination of the Executive Board to first file Charges and then to expel Ms. Dettmering from membership are sufficient to meet our responsibilities under the International Constitution and are consistent with our obligations to cooperate with the work of the IRB.

Should you require additional information or should you recommend additional action on the part of the Local, please contact me at the Office of the Union.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Hancock", written in a cursive style.

Terrence J Hancock  
President

cc: Bradley T. Raymond, Esq  
Tara M. LaMorte  
Stuart W. Davidson, Esq  
Charles M. Carberry, Esq  
Lolita Dettmering

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.  
Investigations Office  
17 Battery Place, Suite 331  
New York, NY 10004

Administrator:  
John J. Cronin, Jr.

November 19, 2015

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

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

The Honorable William H. Webster  
1850 K Street, NW, Suite 1100  
Washington, DC 20006

Executive Board of Local 731  
1000 Burr Ridge Parkway  
Burr Ridge, Illinois 60527-0845

Re: Proposed Charge Against Local 731  
Member Lolita Dettmering

Dear Executive Board Members:

Enclosed are the Independent Review Board's (IRB) report and accompanying exhibits concerning Local 731 member Lolita Dettmering. This report is forwarded to you for appropriate action under Section G, paragraphs (d) and (e) of the March 14, 1989 Consent Order entered in United States v. IBT, 88 Civ. 4486 (S.D.N.Y.).

Upon review of the report, if you deem it appropriate, a charge under Article XIX of the IBT Constitution should be filed. You have ninety days within which to file the charge, hold a hearing and forward a final written report to the IRB. Pursuant to paragraph I(9) of the IRB Rules, not meeting this deadline may be considered a failure to cooperate with the IRB. Copies of hearing transcripts should be furnished to the IRB and to the Chief Investigator.

If you decide to reject the IRB's recommendation, you must provide a written explanation with the specific reasons for failing

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)

to accept. Within seven days of receipt of this letter, please inform the IRB of the actions planned.

Very truly yours,

Members of the  
Independent Review Board

By:

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

Enclosures

cc: Bradley T. Raymond, Esq.  
Charles M. Carberry, Esq.  
Tara M. La Morte, AUSA  
Robert E. Bloch, Esq.  
Lolita Dettmering

To: Local 731 Executive Board  
From: Independent Review Board  
Re: Proposed Charge against Local 731 Member Lolita  
Dettmering  
Date: November 19, 2015

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### **I. RECOMMENDATION**

The Independent Review Board ("IRB") recommends, to the Local 731 Executive Board, that a charge be filed against Lolita Dettmering ("Dettmering"), a Local 731 member, for failing to cooperate with the IRB by refusing to appear for her IRB sworn examination scheduled on November 6, 2015.

By her actions, it appears that, while an IBT member, Dettmering violated Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution by obstructing, interfering and unreasonably failing to cooperate with the duties of the IRB as set forth in Paragraph G of the March 14, 1989 Consent Order in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (S.D.N.Y.).

### **II. JURISDICTION**

Pursuant to Article XIX, Section 14(c) of the IBT Constitution, this disciplinary matter is within the original jurisdiction of the Local 731 Executive Board. Paragraph G(e) of the Consent Order and Paragraph I (6) of the court-approved Rules and Procedures for Operation of the IRB ("IRB Rules") require that

within 90 days of the IRB's referral of a matter to an IBT entity, that entity must file with the IRB written findings setting forth the specific action taken and the reasons for such action. Pursuant to Paragraph I(9), not meeting this deadline may constitute a failure to cooperate with the IRB.

### **III. INVESTIGATIVE FINDINGS**

Local 731, located in Burr Ridge, Illinois, represents employees in excavating, grading, asphalt, private scavengers and recyclers, automobile salesroom garage attendants, linen and laundry and machinery, scrap iron, sheet and metal trade chauffeurs, handlers, helpers and alloy fabricators. (Ex. 11) According to its 2014 Form LM-2, the Local had 6,963 members. (Ex. 12)

Lolita Dettmering is a member of Local 731, allegedly employed at Emil & Ed's Tire. She signed the Collective Bargaining Agreement between Emil & Ed's Tire and Local 731, and identified herself as President. (Ex. 13) She has been a Local 731 member since November 22, 2004. Her dues were paid through October 20, 2015. (Exs. 1,2)

On September 25, 2015, by U.S. Express Mail, notices of sworn examination were sent to Dettmering at her addresses in the Local 731 records. (Ex. 3) Her sworn examination was scheduled for October 6, 2015. United States Postal Service records showed that

the sworn examination notice was delivered on September 28, 2015 and "signed for by L. Dettmering". (Ex. 4) At this examination, the Chief Investigator's Office planned to question Dettmering about matters, including, but not limited to, her Local 731 membership, the nature of her employment under the collective bargaining agreement and her relationship with the owner of the employer.

On October 1, 2015, at 9:50 A.M., Emil Dettmering ("E. Dettmering") telephoned the Chief Investigator's Office on behalf of his wife, Lolita Dettmering. E. Dettmering stated that his wife, was 70 ½ years old, and her appearance in Chicago would be a severe hardship. (Ex. 5) Her alleged employer was located in Matteson, Illinois, approximately 32.6 miles from Chicago, Illinois, with 35 minutes estimated travel time. (Ex. 10) E. Dettmering was informed that there would be an adjournment of the sworn examination to accommodate L. Dettmering's request.

On October 5, 2015, L. Dettmering's attorney, Robert E. Bloch ("Bloch") contacted the Chief Investigator's Office via e-mail, and noted his appearance and requested the new date for the examination. (Ex. 6) To accommodate Dettmering's request that she not be required to appear in the City of Chicago, a stenographically recorded telephone examination was scheduled for November 6, 2015 in Matteson, Illinois. This would have required Dettmering to travel a short distance from her farm in order to

appear. (Ex. 7) On November 3, 2015, her attorney notified the Chief investigator's Office, via email and faxed letter, that Dettmering "decline[d] to participate in the sworn examination or other investigation of her activities." (Exs. 8,9) As a consequence, she did not appear.

#### **IV. ANALYSIS**

The court-approved Rules and Procedures for Operation of the Independent Review Board for the International Brotherhood of teamsters empower the Chief Investigator,

To take and require sworn statements or sworn in-person examinations of any officer, member, employee, representative, or agent of the IBT, provided that the IRB has given the person to be examined at least ten days advance notice in writing and also provided that the person to be examined has the right to be represented by an IBT member or legal counsel..

Failure to appear for a duly-noticed in-person examination shall be deemed a failure to cooperate fully with the IRB.

(IRB Rules, Paragraph H(3)(c)) Additionally, Article XIX, Section 14(i) of the IBT Constitution provides:

All officers, members, employees, and representatives of the International Union and its affiliated bodies shall cooperate fully with the Independent Review Board in the course of any investigation or proceeding undertaken by it. Unreasonable failure to cooperate with the Review Board shall be deemed conduct which brings reproach upon the Union, and which is thereby within the Review Board's investigatory and decisional authority.

The failure to cooperate with the IRB by failing to appear to give a sworn statement is grounds for disciplining IBT members. See,



United States v. IBT (Hickey), 945 F. Supp. 96 (S.D.N.Y. 1996) ("the refusal of any IBT member - whether officer or rank-and-file member - to provide sworn testimony to the IRB on Fifth Amendment grounds, supports a finding that the IBT member brought reproach on the union by obstructing the IRB's ... investigation." (Citation omitted)); United States v. IBT ("Calagna"), 1991 U.S. Dist. LEXIS 11256, \*8-9 (August 14, 1991). Dettmering failed to appear for her duly noticed sworn examination on November 6, 2015. (Ex. 9)

**V. PROPOSED CHARGE**

Based on the foregoing, it is recommended that Lolita Dettmering be charged as follows:

While a member of Local 731 and the IBT, 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 Independent Review Board in exercise of its duties as set forth in Paragraph G of the March 14 1989 Consent Order in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (S.D.N.Y.). to wit:

Having received notice from the IRB that your sworn statement was scheduled for November 6, 2015, you willfully and without justification failed to appear for your scheduled in-person sworn 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. This interfered with and obstructed an IRB investigation.

**EXHIBITS TO THE REPORT CONCERNING LOLITA DETTMERING**

- Ex. 1 Dues History from Local 731 for Lolita Dettmering
- Ex. 2 Lolita Dettmering Application for Membership and Checkoff Authorization and Assignment for Local 731
- Ex. 3 Notice of Sworn Examination sent to Lolita Dettmerig
- Ex. 4 United States Postal Service Tracking Record and Return Receipt Card signed by Lolita Dettmering for Notice of Sworn Examination
- Ex. 5 Memorandum to File Prepared by Dan Healy
- Ex. 6 Email dated October 5, 2015 from Robert Bloch, Esq.
- Ex. 7 Email Correspondence dated October 29, 2015 to Robert Bloch, Esq.
- Ex. 8 Email dated November 3, 2015 from Robert Bloch, Esq.
- Ex. 9 Letter from Robert Bloch, Esq. regarding Dettmering declining to appear for sworn examination
- Ex. 10 Mapquest mileage from Matteson, Ill. to Chicago, Ill.
- Ex. 11 IBT Roster (excerpt)
- Ex. 12 Local 731 2014 Form LM-2
- Ex. 13 Emil & Ed's Tires Collective Bargaining Agreement

## Raymond Bradley

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**From:** Raymond Bradley  
**Sent:** Thursday, November 19, 2015 4:56 PM  
**To:** Schatz Tom (TSchatz@teamster.org); Witlen Gary (GWitlen@teamster.org); Willie C. Smith; Bell Richard C.  
**Cc:** Thompson Todd  
**Subject:** first shoe in 731  
**Attachments:** Dettmering.Charge Report.pdf

Looks to me like they may be going down the "sham contract" road in 731. The member charged signed the cba on behalf of the employer. Probably should have resigned before refusing to report for a sworn exam.