

Garage Employees Local Union No. 272

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

220 East 23rd St., Room # 801, New York, N.Y. 10010

Phone (212) 726-9726 • Fax (212) 726-9716

e-mail: teamsters272@aol.com

www.TeamstersLocal272.org

May 29, 2012



OFFICERS

Matthew Bruccoleri
Secretary-Treasurer Business Manager

Fred Alston
President

Joseph Mattesi
Vice President

Jose Rojas
Recording Secretary

BOARD OF TRUSTEES

Eddie Rivera
Business Agent

Michelle Barnett

Michael Binparuis

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND REGULAR MAIL

Mr. Richard Levy
160 Overlook Avenue
Hackensack, New Jersey 07601

Re: Amended Report and Decision on Internal Charges

Dear Brother Levy:

By letter, dated March 14, 2012, you were informed that a charge was filed against you by Local 272, IBT, pursuant to Article XIX of the IBT Constitution. A copy of the charge was enclosed.

You were also advised that the trial on the charge was scheduled for March 28, 2012, at 10:00 a.m. at the offices of Local 272. You were informed that you had a right to appear in person to answer the charge, to present evidence and testimony, to rebut testimony, to cross examine adverse witnesses and to select a member in good standing of Local 272 to represent you at the hearing. You were also advised that your failure to appear would be considered a waiver of appearance and that the trial will continue regardless of your absence.

On March 28, 2012, the hearing on the charge was held before the Trial Board; you failed to appear or to notify the Local Union that you were not available. During the hearing, testimony was taken and evidence presented in support of the charge. At the conclusion of the hearing, based on the record and the evidence presented, the Trial Board found you in violation of Article II, Section 2(a) and Article XIV, Sections 7(b)(1) and (2) and Section 14 (i) of the IBT Constitution.

Having found you guilty, the Trial Board, among other things, permanently expelled you from membership in Local 272 and permanently barred you from participating in any manner in any of the activities or affairs of Local 272 or any other IBT entity. A copy of the Trial Board's Amended Report and Decision is enclosed.

Please be further advised that if you disagree with the Trial Board's determination, the Independent Review Board is the sole review of a decision on IRB recommended charges.

Fraternally,

A handwritten signature in black ink, appearing to read "Fred Alston", is written over a horizontal line.

Fred Alston, President

cc: Charles M. Carberry, Esq., Chief Investigator (Encls.)
Bradley T. Raymond, Esq., General Counsel (Encls.)
Bruce J. Cooper, Esq. (Encls.)

GARAGE EMPLOYEES UNION LOCAL NO. 272, IBT

In the Matter of the Charges filed against

RICHARD LEVY,

Under Article XIX, Section 1(c) of the Constitution and By-Laws of the International Brotherhood of Teamsters and Section 27, of the Constitution and By-Laws of

GARAGE EMPLOYEES UNION LOCAL
NO. 272, IBT

AMENDED REPORT AND DECISION OF THE LOCAL 272 TRIAL BOARD

We, the members of the Trial Board, duly appointed in the Matter of the Charges filed against RICHARD LEVY, having heard and considered the evidence presented at the hearing on March 28, 2012, make the following findings:

The charging party, Matthew Bruccoleri, Secretary-Treasurer of Garage Employees Union Local No. 272, IBT ("Charging Party") filed a charge on March 14, 2012, against the accused, Richard Levy ("Accused" or "Levy"), a member of Local 272, for violating Article II, Section 2(a) and Article XIX, Section 7(b)(1) and (2) and Section 14 (i) of the Constitution of the International Brotherhood of Teamsters ("IBT") and Section 27 of the Constitution and By-Laws of Garage Employees Union No. 272 ("Local 272"). A copy of the charge attached to the Notice of Hearing was sent to Levy by certified mail, return receipt requested, on March 14, 2012. (Exhibits 1A, 1B and 2 were introduced into evidence.) The charge filed against the Accused alleged the following:

While a member of Local Union No. 272, IBT ("Local Union"), you brought reproach upon the union, and violated your oath of membership and oath of loyalty to the Local Union and the International Union in violation of Article II, Section 2(a) and Article XIX, sections 7(b)(1) and (2) and Section 14 (i) of the Constitution of the International Brotherhood of Teamsters, and Section 27 of the Constitution and Bylaws of Local 272, by obstructing, interfering and unreasonably failing to cooperate with the Independent Review Board ("IRB") as set forth in Paragraph G of the March 14, 1989 Order in *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (S.D.N.Y.) ("Consent Order").

A hearing was held on March 28, 2012, at the offices of Local 272. The Accused was duly notified of the hearing but he failed to appear at the hearing or communicate with Local 272 that he was not available.

At the March 28, 2012 hearing, all members of the Executive Board, except trustee Eddie Rivera, Jr. and trustee Michael Binparuis were present. Local 272 members Thomas F. Casella, Sal Golofa and William Stiegel were present and participated in the deliberations and the decision of the Trial Board. Bruce J. Cooper as counsel to the Local Union and the Trial Board was also present.

A court stenographer was present at the hearing on March 28, 2012, and a transcript was made of the proceedings.

Chairperson Fred Alston called the hearing to order. He stated that although the accused Richard Levy was invited to attend, he failed to appear.

The Charging Party Matthew Bruccoleri testified that the Accused was a member of Local 272 since July 2009 and that he last paid his union dues in December 2011. He further testified that on January 20, 2012, the IRB sent Levy at the address indicated in the Local Union's records, that is, 160 Overlook Avenue, Hackensack, New Jersey 07601, a notice of sworn examination scheduling his sworn examination for February 1, 2012 at 1:00 p.m. at the offices of Jones Day located at 222 East 41st Street, 4th Floor, New York, New York, pursuant to Section H, Paragraphs (3) (c) and (7) of the Rules and Procedures for Operation of the IRB ("Rules"). The notice of examination was sent pursuant to the Consent Order, all members of the International Brotherhood of Teamsters are bound by the Rules. Levy failed to appear on February 1, 2012, and failed to contact the Chief Investigator's office to request a postponement of the scheduled examination. The Chief Investigator planned to question Levy about matters including, but not limited to, his membership in the Local Union and the Local Union's enforcement of its collective bargaining agreements. (Exhibits 3, 4, 5 and 6 were introduced into evidence).

On February 3, 2012, a second notice of examination was sent to the Accused notifying him that he failed to appear on February 1, 2012, and giving him an opportunity to cure his failure to appear. The notice also explained that if he did not appear for his scheduled examination, the IRB may recommend that he be charged with failing to cooperate with the IRB. The notice also explained that if Levy did not appear for his scheduled examination that such non-appearance could result in his expulsion from the Local Union and the International Brotherhood of Teamsters. This second examination was scheduled for February 15, 2012 at 9:30 a.m. at the offices of Jones Day. Levy failed to appear on February 15, 2012, and failed to contact the Chief Investigator's office to request a postponement of the scheduled examination. (Exhibits 7, 8, and 9 were introduced into evidence).

The IRB Rules, Excerpts from the IBT Constitution and an Excerpt from the Local 272 Constitution and By-laws were introduced into evidence as Exhibits 10, 11 and 12.

Based upon the record and evidence in this matter, and after due deliberation, the Trial Board finds that the preponderance of evidence established that the Accused Richard Levy brought reproach upon the IBT when he failed to appear for his sworn examination either on February 1, 2012 and February 15, 2012 and, therefore, violated Article II, Section 2(a) and

Article XIX, sections 7(b)(1) and (2) and Section 14 (i) of the Constitution of the International Brotherhood of Teamsters, and Section 27 of the Constitution and Bylaws of Local 272.

Having found the Accused Richard Levy guilty of violating the Constitution of the IBT and the Constitution and By-Laws of Local 272, the Trial Board hereby impose the following penalty:

Richard Levy is permanently expelled from membership in Local 272; permanently barred from participating in any manner in any of the activities or affairs of Local 272 or any other IBT entity; permanently barred from holding any union office; permanently barred from holding any other employment, office position or consulting or similar relationship, whether paid or unpaid, with Local 272 or any other IBT entity; permanently barred from seeking or accepting from Local 272 or any other IBT entity any salary, severance, payment, allowance, fee, payment for unused vacation, or compensation of any kind except fully vested pension compensation and fully vested welfare benefits; permanently barred from the date of expulsion from having any contributions made on his behalf by Local 272 or any other IBT entity to any pension, health and welfare, severance or other benefit fund, that Levy, effective immediately, be permanently barred as an IBT member.

The Independent Review Board, pursuant to Paragraph G of the Consent Order and Paragraph I of the Rules and Procedures for Operation of the Independent Review Board, is the sole review of this decision.

Dated: May 29, 2012