

-----X  
INVESTIGATIONS OFFICER, :  
: Claimant, :  
: against - : AFFIDAVIT AND AGREEMENT  
: JOSEPH ABBATE, :  
: Respondent. :  
-----X

STATE OF NEW YORK )  
) SS.:  
COUNTY OF NEW YORK )

JOSEPH ABBATE, being duly sworn, deposes, says and agrees as follows:

1. The Investigations Officer, Charles M. Carberry, appointed pursuant to the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (DNE) (SDNY) ("the Consent Order") has filed charges against me pursuant to the Consent Order ("the Charges"). A copy of the charges is attached as Exhibit "A" and made a part of this affidavit and agreement.

2. I make this affidavit and agreement ("the Agreement") to resolve the charges. The Agreement does not constitute an admission of the charges.

3. I represent and agree to the following:

- (a) I am a member of the International Brotherhood of Teamsters ("IBT") and a member of Local 945;
- (b) I am President of Local 945;
- (c) I am a trustee of the Local 945 Pension and Welfare Fund;

(d) I am a delegate to Joint Council 73;

(e) I was an elected delegate to the IBT International Convention in 1991;

(f) I currently hold no other elected or appointed office or position 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 resign from the IBT, Local 945 and from all my positions with Local 945, Local 945 Pension and Welfare Fund and all IBT Entities, effective upon the date this agreement is approved by the Independent Administrator ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date of this agreement forward, I further agree never to hold any position with Local 945, any positions mentioned in paragraphs 3(a)-(f) above, and any other employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 945, Local 945 Pension and Welfare Fund and any IBT Entities.

5. From the effective date of this agreement forward, Local 945 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, severance payment from the Local 945 severance plan or any other severance payment, allowance, fee or compensation of any kind, except that I may receive my fully vested 401(k) plan and pension benefits, if any, from Joint Council 73 and the IBT.

6. From the effective date of this agreement forward, Local 945 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. I will receive no benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 945 or IBT Entities.

7. I represent that Local 945 paid \$1,600 for my legal fees to my attorney, Gustave H. Newman. I represent that I have paid \$1,600 of my own funds into an escrow account. A copy of my personal check in the amount of \$1,600 is attached hereto as Exhibit B. I agree that this sum shall remain in such escrow account until the Independent Administrator determines the validity of Local 945's payment of my legal fees. Should the Independent Administrator determine that Local 945's payment of my legal fees was improper, I agree that the \$1,600 in the escrow account shall be paid to Local 945.

8. From the effective date of this agreement forward, I shall not participate in any manner in any of the activities or affairs of Local 945 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of the Local 945 and IBT Entities. From the effective date of this agreement, I shall not enter or telephone the offices of Local 945 or any IBT Entities.

9. This agreement is permanent.

10. I have entered this agreement on the understanding that the Investigations Officer agrees he will not pursue the charges.

11. I understand the Investigations Officer's agreement is limited to the charges described above and attached as Exhibit A, and he expressly reserves the right to pursue charges against any other officer, member, employee or entity of the IBT and Local 945 arising out of the allegations contained in the charges or any other investigations.

12. I agree that this agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I understand he will submit it to the United States District Court for the Southern District of New York for that court to approve and, if approved, to enter as a court order.

13. I understand that the Investigations Officer makes no representation as to the determination of the Independent Administrator or court with respect to this agreement.

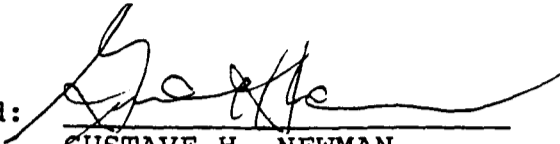
14. I make this agreement freely, under no duress or coercion of any kind and after consultation with my attorney.

15. I have authorized my attorney to transmit this agreement, signed by me, to the Investigations Officer. When it is signed by the Investigations Officer, he will submit it to the Independent Administrator for approval.


Sworn to me this 27<sup>th</sup> day  
of July 1992  
*Margaret C. Hislop*  
Notary Public

MARGARET C. HISLOP  
Notary Public, State of New York  
No. 6914500  
Qualified in Westchester County  
Commission Expires Jan. 31, 1993

*Joseph Abbate*  
\_\_\_\_\_  
JOSEPH ABBATE


Witnessed:   
GUSTAVE H. NEWMAN  
Attorney for Respondent

Agreed:

  
CHARLES M. CARBERRY  
Investigations Officer

Dated: 7/30/92

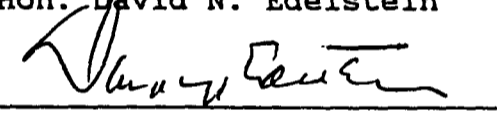
Approved:

  
FREDERICK B. LACEY  
Independent Administrator

Dated: 8/12/92

So Ordered:

Hon. David N. Edelstein

  
U.S.D.J.

Dated: 8/13/92

-----X  
INVESTIGATIONS OFFICER, :  
Claimant, :  
-v- : CHARGE  
JOSEPH ABBATE :  
President, Local 945 :  
Wayne, New Jersey, :  
Respondent. :  
-----X

SIR:

You are hereby advised that the Investigations Officer has charged you with the violations listed below in accordance with the powers granted him pursuant to Section F. (COURT APPOINTED OFFICERS), Paragraph 12(A) of the order entered in United States v. International Brotherhood of Teamsters, et al., 88 Civ. 4486 (DNE) (SDNY) on March 14, 1989 ("the Consent Order"). A copy of the Consent Order is enclosed.

The time and place of the hearing of this matter will be set by the Independent Administrator, Frederick B. Lacey, and he will notify you accordingly.


CHARGE

While an officer of Local 945 you violated the IBT Constitution by bringing reproach upon the IBT in violation of Article II, § 2(a) and Article XIX, § 7(b), violated your fiduciary duties to the members; and violated the AFL-CIO Code of Ethical Practices (copy attached); to wit;

On June 12, 1992, you refused on grounds, inter alia, of self-incrimination to give a sworn statement pursuant to Paragraph 12(c) of the Consent Order, as required, concerning La Cosa Nostra; Louis Gatto, Sr., Matthew Ianniello, Michael Borelli, James Failla and other members of La Cosa Nostra; whether you received money from employers of Local 945 members; gambling businesses; the making and collection of loans; the employment of Anthony Rizzo as an employee of Local 945; the award of an automobile to a Local 945 officer, Flen Chestnut; employer compliance with collective-bargaining agreements; and other subject-matters.

Dated: New York, New York  
June 15, 1992

Very truly yours,

  
Charles M. Carberry  
Investigations Officer

cc: Frederick B. Lacey, Esq.  
Richard Gilberg, Esq.  
Steven Bennett, Esq.  
Gustave H. Newman, Esq.

WITH ALL APPROPRIATE PUBLIC AGENCIES  
INVESTIGATING RACKETEERING  
(Adopted by the AFL-CIO Executive Council, January 29, 1957)

The American Federation of Labor and Congress of Industrial Organizations is pledged both by its constitution and by fundamental principles of trade union morality to keep the labor movement free from any taint of corruption.

While the AFL-CIO has its own responsibility for keeping its house in order and in attempting to meet this obligation to the best of its ability, this does not in any sense mean that appropriate agencies of government and the public do not have rights, obligations and responsibilities in eliminating racketeering and corruption from all segments of American life, including the labor movement.

No institution or agency, whether labor or business, public or private, enjoys special immunity from the equal application of the laws, from appropriate investigation by duly constituted legislative committees and from scrutiny of its operations by the members of the press or the general public.

Investigations by fair and objective legislative committees in the field of labor-management relations have been of tremendous help in eliminating abuses in this area.

The investigation conducted by the LaFollette Committee exposing as it did, unscrupulous and illegal practices on the part of important business interests, contributed greatly to the enactment of the Wagner Act and to the elimination of employer practices which prevented union organization and caused strife and violence in labor-management relations. The recent investigation by the Douglas subcommittee of the Senate Labor Committee, exposing as it did, instances of corruption and improper conduct by labor officials and others in the handling of health and welfare funds, has provided for the public and the labor movement invaluable information which has laid the foundation for proposed disclosure legislation in this field, endorsed by the AFL-CIO, and which in addition, has enabled the AFL-CIO and its affiliates to do a better job of keeping their house in order. Both law enforcement agencies, in the interest of enforcing law, and legislative committees in the interest of enacting corrective legislation, by reason of their power and authority to subpoena witnesses and to place them under oath, as well as their superior investigational facilities, have means beyond those of the labor movement to expose and bring to light corrupt influences.

It goes almost without saying that law enforcement agencies, legislative committees, and the labor movement itself share the common responsibility of conducting investigations fairly and objectively, without fear or favor and in keeping with due process concepts firmly imbedded in the tradition and constitution of our great country. It is a firm policy of the AFL-CIO that the highest ethical standards be observed and vigorously followed by all officials of the AFL-CIO and its affiliates in the conduct of their offices, in the handling of trade union and welfare funds, and in the administration of trade union affairs. Trade union and welfare funds are

interest of enacting corrective legislation, if the same be deemed and found to be in the right, through proper committees, to investigate corruption wherever it exists, whether in labor, industry or anywhere else.

It is the firm policy of the AFL-CIO to cooperate fully with all proper legal committees, law enforcement agencies and other public bodies seeking fairly and objectively to keep the labor movement or any other segment of our society free from any and all corrupt influences. This means that all officials of the AFL-CIO and its affiliates should freely and without reservation answer all relevant questions asked by proper law enforcement agencies, legislative committees and other public bodies, seeking fairly and objectively to keep the labor movement free from corruption. We recognize that any person is entitled, in the exercise of his individual conscience, to the protection afforded by the Fifth Amendment and we reaffirm our conviction that this historical right must not be abridged. It is the policy of the AFL-CIO, however, that if a trade union official decides to invoke the Fifth Amendment for his personal protection and to avoid scrutiny by proper legislative committees, law enforcement agencies or other public bodies who alleged corruption in his part, he has no right to continue to hold office in his union. Otherwise, it becomes possible for a union official who may be guilty of corruption to create the impression that the trade union movement sanctions the use of the Fifth Amendment, as a matter of individual conscience, but as a shield against proper scrutiny of corrupt influences in the labor movement.




JOSEPH ABBATE  
RUTH ABBATE  
18 SYCAMORE TERRACE  
WAYNE, NJ 07470

1809

*July 27, 1992* 55-55/212

Pay to the Order of *NEW JERSEY ESCROW COMPANY* \$ 1600<sup>00</sup>  
*ONE THOUSAND SIX HUNDRED AND 00/100* Dollars

 **FIRST FIDELITY BANK**  
FIRST FIDELITY BANK, N.A.  
MEMBER FDIC  
PREAMIER OFFICE  
PREAMIER SHOP  
HAMBURG TOWER  
WAYNE, N.J. 07470

NAME *Esrow Acct* *[Signature]*

⑆021200559⑆ ⑆210008512⑆ 1809

DELIVER FLW

AUSTIN AMERICA

-----X  
INVESTIGATIONS OFFICER, )  
 )  
 Claimant, )  
 )  
 against - )  
 )  
 ANTHONY J. RIZZO, )  
 )  
 Respondent. )  
-----X

AFFIDAVIT AND AGREEMENT

STATE OF NEW YORK )  
 )  
 COUNTY OF NEW YORK ) SS.:

ANTHONY J. RIZZO, being duly sworn, deposes, says and agrees  
as follows:

1. The Investigations Officer, Charles M. Carberry,  
appointed pursuant to the Consent Order entered March 14, 1989 in  
United States v. International Brotherhood of Teamsters, 88 Civ.  
4486 (DNE) (SDNY) ("the Consent Order") has filed charges against  
me pursuant to the Consent Order ("the Charges"). A copy of the  
charges is attached as Exhibit "A" and made a part of this  
affidavit and agreement.

2. I make this affidavit and agreement ("the Agreement") to  
resolve the charges. The Agreement does not constitute an  
admission of the charges.

3. I represent and agree to the following:

- (a) I am a member of the International Brotherhood of  
Teamsters ("IBT") and a member of Local 945;
- (b) I am secretary-treasurer of Local 945;
- (c) I am a trustee of the Local 945 Pension and  
Welfare Fund;

(d) I am a delegate to Joint Council 73;

(e) I was an elected delegate to the IBT International Convention in 1991;

(f) I currently hold no other elected or appointed office or position 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 resign from the IBT, Local 945 and from all my positions with Local 945, Local 945 Pension and Welfare Fund and all IBT Entities, effective upon the date this agreement is approved by the Independent Administrator ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date of this agreement forward, I further agree never to hold any position with Local 945, any positions mentioned in paragraphs 3(a)-(f) above, and any other employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 945, Local 945 Pension and Welfare Fund and any IBT Entities.

5. From the effective date of this agreement forward, Local 945 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, severance payment from the Local 945 severance plan or any other severance payment, allowance, fee or compensation of any kind, except that I may receive my fully vested 401(k) plan and pension benefits, if any from Joint Council 73 and the IBT.

6. From the effective date of this agreement forward, Local 945 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. I will receive no benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 945 or IBT Entities.

7. I represent that Local 945 paid \$1,600 for my legal fees to my attorney, Gustave H. Newman. I represent that I have paid \$1,600 of my own funds into an escrow account. A copy of my personal check in the amount of \$1,600 is attached hereto as Exhibit B. I agree that this sum shall remain in such escrow account until the Independent Administrator determines the validity of Local 945's payment of my legal fees. Should the Independent Administrator determine that Local 945's payment of my legal fees was improper, I agree that the \$1,600 in the escrow account shall be paid to Local 945.

8. From the effective date of this agreement forward, I shall not participate in any manner in any of the activities or affairs of Local 945 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of the Local 945 and IBT Entities. From the effective date of this agreement, I shall not enter or telephone the offices of Local 945 or any IBT Entities.

9. This agreement is permanent.

10. I have entered this agreement on the understanding that the Investigations Officer agrees he will not pursue the charges.

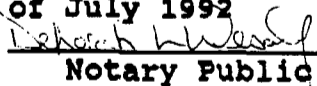
11. I understand the Investigations Officer's agreement is limited to the charges described above and attached as Exhibit A, and he expressly reserves the right to pursue charges against any other officer, member, employee or entity of the IBT and Local 945 arising out of the allegations contained in the charges or any other investigations.

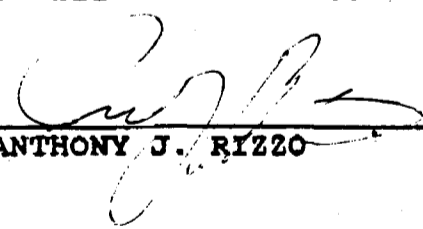
12. I agree that this agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I understand he will submit it to the United States District Court for the Southern District of New York for that court to approve and, if approved, enter as a court order.

13. I understand that the Investigations Officer makes no representation as to the determination of the Independent Administrator or court with respect to this agreement.

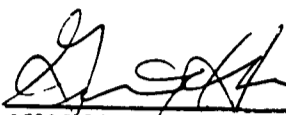
14. I make this agreement freely, under no duress or coercion of any kind and after consultation with my attorney.


15. I have authorized my attorney to transmit this agreement, signed by me, to the Investigations Officer. When it is signed by the Investigations Officer, he will submit it to the Independent Administrator for approval.

Sworn to me this 29<sup>th</sup> day  
of July 1992  
  
Notary Public


  
ANTHONY J. RIZZO

DEBORAH L. WESOLY  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 29, 1996

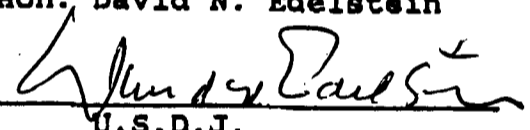
Witnessed:   
GUSTAVE H. NEWMAN  
Attorney for Respondent

Agreed:  
  
CHARLES M. CARBERRY  
Investigations Officer

Dated: 8/7/92

Approved:  
  
FREDERICK B. LACEY  
Independent Administrator

Dated: 8/12/92

So Ordered:  
Hon. David N. Edelstein  
  
U.S.D.J.

Dated: 8/13/92

-----x  
INVESTIGATIONS OFFICER,  
Claimant,

- v -

CHARGE

ANTHONY J. RIZZO  
Secretary-Treasurer, Local 945  
Wayne, New Jersey,  
Respondent.

-----x

SIR:

You are hereby advised that the Investigations Officer has charged you with the violations listed below in accordance with the powers granted him pursuant to Section F. (COURT APPOINTED OFFICERS), Paragraph 12(A) of the order entered in United States v. International Brotherhood of Teamsters, et al., 88 Civ. 4486 (DNE) (SDNY) on March 14, 1989 ("the Consent Order"). A copy of the Consent Order is enclosed.

The time and place of the hearing of this matter will be set by the Independent Administrator, Frederick B. Lacey, and he will notify you accordingly.

CHARGE

While an officer of Local 945 you brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b) of the IBT Constitution; obstructed, interfered and unreasonably failed to cooperate with the duties

of the court-appointed officers under the Consent Order; and violated the AFL-CIO Code of Ethical Practices (copy attached), to wit:

On June 19, 1992, you refused on grounds, inter alia, that you cannot be compelled to be a witness against yourself to give a sworn statement pursuant to Paragraph 12(c) of the Consent Order, as required, concerning your performance of your fiduciary responsibilities, duties and activities as a Local 945 officer and representative.

Dated: New York, New York  
July, 1992

Very truly yours,

*Charles M. Carberry*  
Charles M. Carberry  
Investigations Officer

cc.: Frederick B. Lacey, Esq.  
Richard Gilberg, Esq.  
Steven Bennett, Esq.  
Gustave H. Newman, Esq.



APPENDIX IV  
AFL-CIO STATEMENT REGARDING COOPERATION  
WITH ALL APPROPRIATE PUBLIC AGENCIES  
INVESTIGATING BACKSTREETING  
(Adopted by the AFL-CIO Executive Council, January 24, 1957)

The American Federation of Labor and Congress of Industrial Organizations is pledged both by its constitution and by fundamental principles of trade union morality to keep the labor movement free from any taint of corruption.

While the AFL-CIO has its own responsibility for keeping the house in order and in attempting to meet this obligation in the best of its ability, this does not in any sense mean that appropriate agencies of government and the public do not have rights, obligations and responsibilities in effectuating such keeping and in keeping free all segments of American life, including the labor movement.

No institution or agency, whether labor or business, public or private, enjoys special immunity from the equal application of the law, from appropriate investigation by duly constituted legislative committees and from scrutiny of its operations by the members of the press or the general public.

Investigations by fair and objective legislative committees in the field of labor-management relations have been of tremendous help in eliminating abuses in this area.

The investigation conducted by the La Follette Committee exposing as it did, unscrupulous and illegal practices as part of important business interests, contributed greatly to the enactment of the Wagner Act and to the elimination of employer practices which prevented union organization and caused strikes and violence in labor-management relations. The recent investigation by the Douglas subcommittee of the Senate Labor Committee, reporting as it did, instances of corruption and improper conduct by labor officials and others in the handling of health and welfare funds, has provided the foundation for proposed disclosure legislation in this field, enacted by the AFL-CIO, and which in addition, has enabled the AFL-CIO and its Affiliates to do a better job of keeping their house in order. Both law enforcement agencies, in the interest of enforcing law, and legislative committees in the interest of enacting corrective legislation, by reason of their power and authority to subpoena witnesses and to place them under oath, as well as their superior investigational facilities, have means beyond those of the labor movement to expose and bring to light corrupt influences.

It goes almost without saying that law enforcement agencies, legislative committees, and the labor movement itself share the common responsibility of conducting investigations fairly and objectively, without fear or favor and in keeping with due process concepts firmly embedded in the tradition and constitution of our great country. It is a firm policy of the AFL-CIO that the highest ethical standards be observed and vigorously followed by all officials of the AFL-CIO and its Affiliates in the conduct of their offices, in the handling of trade union and welfare funds, and in the administration of trade union affairs. Trade union and welfare funds are

the common property of the members of our unions and must, therefore, be administered as a high and sacred trust for their benefit.

The AFL-CIO is determined that any remaining vestiges of backstreeting or cover-up in unions shall be completely eradicated. We believe that Congress, in the interest of enacting corrective legislation, if the need be deemed not beyond means has the right, through proper committees, to investigate corruption wherever arising, whether in labor, industry or anywhere else.

It is the firm policy of the AFL-CIO to cooperate fully with all proper legislative committees, law enforcement agencies and other public bodies working fairly and objectively to keep the labor movement or any other segment of our society free from any and all corrupt influences. This means that all officials of the AFL-CIO and its Affiliates should testify and without reservation answer all relevant questions asked by proper law enforcement agencies, legislative committees and other public bodies, seeking fairly and objectively to keep the labor movement free from corruption. We recognize that any person is entitled, in the exercise of his lawful conscience, to the protection afforded by the Fifth Amendment and we reaffirm our conviction that this historical right must not be destroyed. It is the policy of the AFL-CIO, however, that if a trade union official declines to furnish the Fifth Amendment for his personal protection and to avoid scrutiny by proper legislative committees, law enforcement agencies or other public bodies who alleged corruption, in his part, he has no right to continue to hold office in his union. Obviously, it becomes possible for a union official who may be guilty of corruption to create the impression that the trade union movement sanctions the use of the Fifth Amendment, as a matter of individual conscience, but to a shield against proper scrutiny by corrupt influences in the labor movement.



Patricia C. Rizzo  
1378 Ralzer Rd.  
Wayne, N. J. 07470

2705

55-055/212

7/21 1992

Pay to the order of Local 945 \$ 1600<sup>00</sup>/<sub>100</sub>

One Thousand Six Hundred dollars - Dollars



FIRST FIDELITY BANK, N.A., North Jersey  
Preakness Office  
Hamburg Turnpike  
Wayne, N.J. 07470

ESCROW  
For LEGAL FEES

Patricia C. Rizzo

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⑈27⑈23484⑈

2705