

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
	:	88 CIV. 4486 (LAP)
Plaintiff,	:	
	:	
v.	:	APPLICATION 165 OF THE
	:	INDEPENDENT REVIEW BOARD
	:	-- AGREEMENT BETWEEN THE
INTERNATIONAL BROTHERHOOD OF	:	INDEPENDENT REVIEW BOARD
TEAMSTERS, <u>et al.</u>	:	AND JERRY CONNER
	:	
Defendants.	:	
	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board for the International Brotherhood of Teamsters ("IRB Rules"), the Independent Review Board ("IRB") files this Application submitting the Agreement with Jerry Conner ("Conner"), a member of Local 279 in Decatur, Illinois. The Agreement has been approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order.

On June 28, 2013, the IRB issued an Investigative Report to IBT General President Hoffa recommending a charge against Jerry Conner, the President and Principal Officer of Local 279 for embezzlement and breaching his fiduciary duty by causing the Local to pay him \$11,017 in unauthorized salary increases in 2012 and 2013 and \$258 for his personal campaign mailing in October of 2011. By his conduct, while an IBT member and Officer, Connor appears to have breached his fiduciary duty and embezzled

approximately \$11,275 union funds. In addition it appears that Conner brought reproach on the union by, giving false testimony about the Local's purchase of a trailer, and repeatedly violating the Local's Bylaws by trying to cover up his causing the Local to make discretionary donations totaling \$15,000 without the required Executive Board approval.

On July 8, 2013, IBT General President James P. Hoffa informed the IRB that he determined to adopt and file the Charges against Conner and schedule a hearing. On July 29, 2013, notice of the scheduled September 4, 2013 Hearing was issued to the IRB. Before the scheduled hearing was held, Conner forwarded to the IBT a signed agreement, which the IBT approved and forwarded to the IRB seeking to resolve the matter. The agreement, approved by the IRB, is enclosed.

This Application complies with former United States District Court Judge David N. Edelstein's February 2, 1994, Order stating that all IRB Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreement reached between the IRB and Jerry Conner satisfies this procedure. One original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective September 19, 2013 forward, Jerry Conner has agreed to a suspension from membership for a period of 3 years,

and a bar for a period of 5 years, he has further agreed not to:

(1) hold any position with Local 279 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 279, or any other IBT Entities;

~~(2) receive any gratuities, severance payments or gifts of any kind whatsoever from Local 279, or IBT Entities; or~~

(3) accept any pay, salary, allowance, fee or compensation of any kind, except that he may receive any fully vested pension benefits;

(4) accept any contributions on his behalf to any pension, health and welfare, severance or other benefit fund;

(5) participate in any manner in any of the activities or affairs of Local 279, or any other IBT entities.

We have found the Agreement serves to resolve the matter in a fair and equitable manner.

Therefore, we respectfully request that Your Honor execute the Agreement on the line provided. This will, in effect, serve to have the Agreement "so ordered" by the Court. Thereafter, it is respectfully requested that a member of Your Honor's staff file the fully executed original Agreement with the Clerk and transmit to me a confirmed copy of the Agreement as "so ordered."

Dated: September 19, 2013

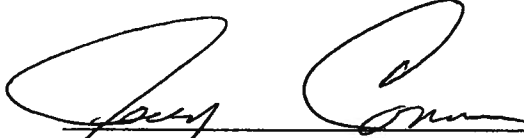
2013 and by allegedly causing the Local to pay at least \$258 for my personal campaign mailing in October of 2011; and

- Bringing reproach upon the IBT in violation of Article II, Section 2 (a) and Article XIX, Section 7 (b) (1) and (2) of the IBT Constitution by allegedly increasing my salary in August of 2012, causing Local 279 to purchase a trailer from me in June of 2012, causing Local 279 to make discretionary donations totaling \$15,000 in July 2012, all without Executive Board approval as Local 279's bylaws required. The General President subsequently adopted and filed these charges, without having made any judgments as to the underlying merits. He referred the charges to a Panel for a hearing.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the IRB charges described in paragraph 1. This Agreement does not constitute an admission or denial of the wrongdoing alleged in the IRB charges.
3. I represent and agree to the following:
 - (a) I have been a member of Local 279 of the International Brotherhood of Teamsters ("IBT") and the IBT since approximately 1989. I have held the position of President and

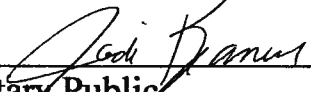
for the Southern District of New York it will be entered as a Court order. I understand that no representations have been made as to whether this Agreement will be approved by the IRB or the United States District Court for the Southern District of New York. If this Agreement is not approved by the IRB or the Southern District of New York, this Agreement will be null and void.

9. I make this Agreement freely, under no duress or coercion of any kind.
10. I will transmit this Agreement, signed by me, to the IBT. When it is signed by the IBT and the IRB, it will be submitted to the Court for review.



Jerry Conner

Sworn to before me this
20 day of August 2013



Notary Public



Witnessed _____

AGREED:



for the International Brotherhood of Teamsters

Dated: 8 / 27 / 13

APPROVED:

John J. Cronin
for the Independent Review Board

Dated: 9/19/13

So Ordered:

Loretta A. Preska
U.S. District Court Judge
Hon. Loretta A. Preska

Dated: September 24, 2013

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	88 Civ. 4486 (LAP)
	:	ACKNOWLEDGMENT OF RECEIPT
INTERNATIONAL BROTHERHOOD OF	:	OF THE AGREEMENT
TEAMSTERS, <u>et al.</u>	:	BETWEEN THE INDEPENDENT
	:	REVIEW BOARD AND
Defendants.	:	JERRY CONNER

This Court hereby acknowledges that the Agreement enclosed with Application 165 of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IBT") has been received by this Court, and that this Court has caused to be filed the original documents concerning the Agreement enclosed with Application 165 with the Clerk of the Court of the Southern District of New York.

This Court further certifies that the instant Acknowledgment of Receipt ("the Acknowledgment") has been filed with the Clerk of the Court of the Southern District of New York, and that a copy of the Acknowledgment has been forwarded to the following:

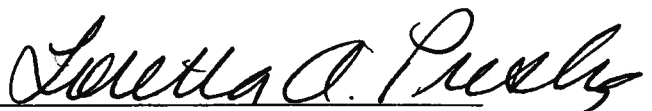
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Administrator of the Independent Review Board

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25 Louisiana Avenue
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Charles M. Carberry, Esq.
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17 Battery Place, Suite 331
New York, New York 10004

Dated: 9/24/, 2013
New York, New York


U.S.D.J.