

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

July 17, 2012

**VIA UPS GROUND**

Administrator:  
John J. Cronin, Jr.

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

Hon. Loretta A. Preska  
United States District Court  
United States Courthouse  
500 Pearl Street, Room 1320  
New York, NY 10007

Re: APPLICATION 160 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 160 of the Independent Review Board, submitting the Agreement regarding Louis Lombardo approved by the IRB, to Your Honor for review, and if appropriate, to be "so ordered."

In addition to the Application, enclosed please find the original and one copy of:

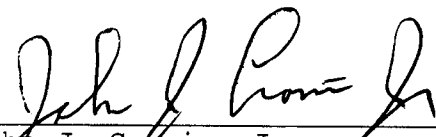
- (a) the July 17, 2012, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

If you find it appropriate, I respectfully request that a member of Your Honor's staff file the original Application, Agreement, Acknowledgment of Receipt and Affidavit of Service with the Clerk's office.

Respectfully submitted,

Members of the  
Independent Review Board

By:

  
John J. Cronin, Jr.  
Administrator

JJC:cft  
Enclosures

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)

cc: Tara M. La Morte, AUSA  
Charles M. Carberry, Esq.  
Bradley T. Raymond, Esq.  
David G. Ironman, Esq.  
Harry Nespoli, President Local 831

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|                              |   |                          |
|------------------------------|---|--------------------------|
| UNITED STATES OF AMERICA,    | : |                          |
|                              | : |                          |
| Plaintiff,                   | : | 88 CIV. 4486 (LAP)       |
|                              | : |                          |
| v.                           | : | APPLICATION 160 OF THE   |
|                              | : | INDEPENDENT REVIEW BOARD |
|                              | : | -- AGREEMENT BETWEEN THE |
| INTERNATIONAL BROTHERHOOD OF | : | INDEPENDENT REVIEW BOARD |
| TEAMSTERS, <u>et al.</u>     | : | AND LOUIS LOMBARDO       |
|                              | : |                          |
| Defendants.                  | : |                          |
|                              | : |                          |

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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 Louis Lombardo, a member of Local 831 in New York, New York.

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 March 1, 2012, the IRB issued an Investigative Report to IBT General President Hoffa recommending a charge against Louis Lombardo, a member of Local 831, for knowingly associating with LCN members Joseph Juliano and Vincent Romano, while a member of the IBT, thus bringing reproach upon the IBT, violating his oath of membership in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) of the IBT Constitution and Paragraph E(10) of the March 14, 1989 Consent Order in United

States v. IBT, 88 CIV.4486(S.D.N.Y.). The IBT filed the charge and referred the charge back to the IRB for adjudication.

The IRB scheduled a hearing of the charge for April 24, 2012 which was postponed and rescheduled to May 16, 2012. Before the scheduled May 16, 2012 hearing started, an agreement was negotiated 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 Louis Lombardo satisfies this procedure. One "backed" original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective July 17, 2012, Louis Lombardo has agreed to permanently resign from the IBT, Local 812 and all IBT-affiliated positions. From July 17, 2012 forward, he has further agreed not to:

(1) hold any position with Local 812 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 812, or any other IBT Entities;

(2) receive any gratuities, severance payments or gifts of any kind whatsoever from Local 812, 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 812, or any other IBT entities.

(6) knowingly associate with any member of the IBT except as necessary to perform my duties of employment.

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: July 17, 2012

-----X  
In the Matter of :  
LOUIS LOMBARDO :  
before the :  
INDEPENDENT REVIEW BOARD :  
-----X

AFFIDAVIT AND  
AGREEMENT

LOUIS LOMBARDO, pursuant to the provisions of 28 U.S.C. §1746, declares and agrees as follows:

1. The Independent Review Board ("IRB"), appointed pursuant to the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (LAP) (S.D.N.Y.) (the "Consent Order") recommended to the IBT that I be charged with knowingly associating with Joseph Juliano and Vincent Romano, whom the Federal Bureau of Investigation considers to be members of the Gambino La Cosa Nostra Family. The IBT filed the charges and referred them back to the IRB for adjudication.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the IRB-recommended charge described in paragraph 1. This Agreement does not constitute an admission or denial of wrongdoing.

3. I represent and agree to the following:

(a) I was a member of the International Brotherhood of Teamsters ("IBT"), a member of IBT Local 813, a member of IBT Local 282 and a member of IBT Local 831;

(b) I currently hold no elected or appointed offices 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 permanently resign from the IBT and all IBT entities effective upon the date this Agreement is approved by the IRB ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date forward, I further agree never to hold any position with any IBT entity or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with any IBT Entities.

5. From the effective date of this Agreement forward, no IBT Entities shall pay to me, nor shall I accept, any salary, allowance, fee or compensation of any kind, except that I may receive any fully vested pension benefits.

6. From the effective date of this Agreement forward, no IBT Entities shall make, nor shall I accept, any contributions on my behalf by any IBT entity to any pension, health and welfare, severance or other benefit fund. From the effective date of this

Agreement forward, I will receive no gratuities, severance payments or gifts of any kind whatsoever from any IBT Entities.

7. From the effective date of this Agreement forward, I shall not participate in any manner in any of the activities or affairs of Local 831 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 831 and any other IBT Entities.

8. As a person permanently barred from the IBT under the Consent Decree, I understand that I may not knowingly associate with any member of the IBT except as necessary to perform my duties of employment.

9. This Agreement is permanent.

10. I understand and agree that this Agreement will be submitted to the IRB for its review and, if approved by the IRB, it will be submitted to the United States District Court for the Southern District of New York for review. I understand that, if this Agreement is approved by the United States District Court 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 United States District Court for the Southern District of New York, the

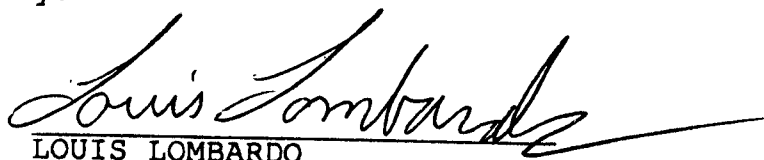


Agreement will be null and void.

11. I make this Agreement freely, under no duress or coercion of any kind.

12. I will transmit this Agreement, signed by me, to the IRB. If it is signed by the IRB, it will be submitted to the Court for review.

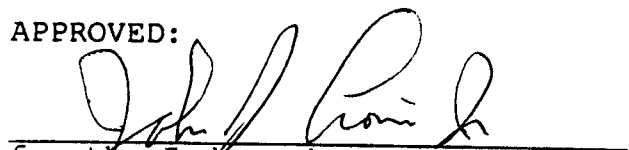
Pursuant to Title 28 U.S.C. §1746, I swear to the truth of the above under penalties of perjury.

  
LOUIS LOMBARDO

WITNESSED:

  
DAVID IRONMAN, ESQ.

APPROVED:

  
for the Independent Review Board

Dated: 7/17/12

So Ordered:

\_\_\_\_\_  
Hon. Loretta A. Preska  
U.S. District Judge

Dated: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
 :  
 :  
 Plaintiff, :  
 :  
 v. : 88 Civ. 4486 (LAP)  
 : ACKNOWLEDGMENT OF RECEIPT  
 : OF THE AGREEMENT  
 INTERNATIONAL BROTHERHOOD OF : BETWEEN THE INDEPENDENT  
 TEAMSTERS, et al. : REVIEW BOARD AND  
 : LOUIS LOMBARDO  
 Defendants. :  
 :  
 :

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This Court hereby acknowledges that the Agreement enclosed with Application 160 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 160 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:

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

David G. Ironman, Esq.  
176 Hart Boulevard  
Staten Island, NY 10301

Bradley T. Raymond, Esq.  
International Brotherhood of Teamsters  
25 Louisiana Avenue  
Washington, DC 20001

Harry Nespoli, President Local 831  
25 Cliff Street  
New York, NY 10038

Charles M. Carberry, Esq.  
Investigations Office  
17 Battery Place, Suite 331  
New York, New York 10004

Dated: \_\_\_\_\_, 2012  
New York, New York

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U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

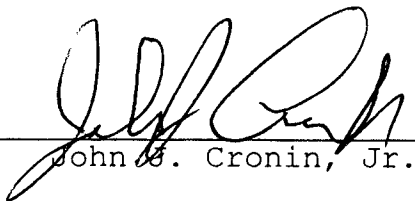
UNITED STATES OF AMERICA, :  
 :  
 Plaintiff, :  
 :  
 v. : 88 Civ. 4486 (LAP)  
 : AFFIDAVIT OF SERVICE  
 :  
 INTERNATIONAL BROTHERHOOD OF :  
 TEAMSTERS, et al. :  
 :  
 Defendants. :  
 :

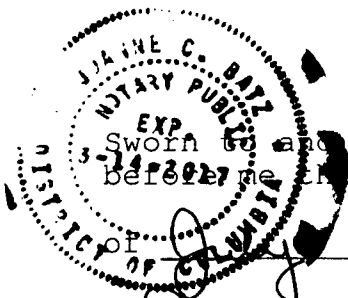
John J. Cronin, Jr. hereby deposes and says:

1. I am the Administrator of the Independent Review Board. On July 17, 2012, I caused to be delivered via UPS NEXT DAY to the Honorable Loretta A. Preska one executed original and one copy of Application 160, the executed original and one copy of the Agreement between the IRB and Louis Lombardo, and the original and one copy of the Acknowledgment of Receipt.

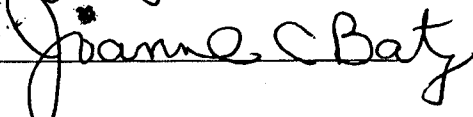
2. I also caused a copy of Application 160 along with the enclosures to be delivered to:

- Tara La Morte, AUSA, via UPS Ground
- Charles M. Carberry, Esq., via UPS Ground
- ✓ Bradley T. Raymond, Esq., via Hand Delivery
- David G. Ironman, Esq., via, UPS Ground
- Harry Nespoli, via UPS Ground

  
John J. Cronin, Jr.



I, \_\_\_\_\_, do hereby subscribe  
and sworn to before me this 17th day  
of \_\_\_\_\_, 2012

  
JOANNE C. BATZ  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires March 14, 2017