

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.

June 21, 2012

VIA UPS NEXT DAY

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 159 OF THE INDEPENDENT REVIEW BOARD

Dear Judge Preska:

I transmit herewith one original and one copy of Application 159 of the Independent Review Board, submitting the Agreement regarding Siamak Shokoufande, 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:

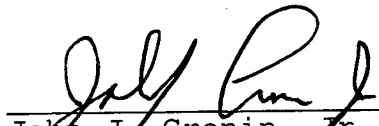
- (a) the June 21, 2012, Agreement approved by the IRB;
- (b) an Acknowledgment of Receipt; and
- (c) an Affidavit of Service.

If you find it appropriate, I respectfully request that a member of Your Honor's staff file the original of the 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.
Bruce J. Cooper, Esq.
James R. DeVita, Esq.
Matthew Bruccoleri

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	88 CIV. 4486 (LAP)
	:	
v.	:	APPLICATION 159 OF THE
	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD OF	:	-- AGREEMENT BETWEEN THE
TEAMSTERS, <u>et al.</u>	:	INDEPENDENT REVIEW BOARD
	:	AND SIAMAK SHOKOUFANDE
	:	
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 Siamak Shokoufande, a member of Local 272 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 April 5, 2012, the IRB issued an Investigative Report to the Local 272 Executive Board recommending a charge against Siamak Shokoufande, a member of Local 272 for failing to cooperate with the IRB by failing to appear for his sworn examination on March 7, 2012.

Subsequent, to being charged and prior to a hearing of the charge scheduled for May 18, 2012, Siamak Shokoufande did show for a sworn examination and signed an agreement. 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 Siamak Shokoufande satisfies this procedure. One original and one copy of an Acknowledgment of Receipt are enclosed with this Application for execution by Your Honor.

Effective June 21, 2012, Siamak Shokoufande has agreed to a 3 months Suspension from the IBT, Local 272 and all IBT-affiliated positions. From June 21, 2012 until the conclusion of the three months membership suspension, he has further agreed not to:

(1) hold any position with Local 272 or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 272, or any other IBT Entities;

(2) receive any gratuities, severance payments or gifts of any kind whatsoever from Local 272, 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 272, 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: June 21, 2012

In the Matter of Siamak
Shokoufandeh

AFFIDAVIT AND
AGREEMENT

STATE OF New York)
COUNTY OF New York) ss.:

Siamak Shokoufandeh, being duly sworn, deposes and says, 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 Local 272 of the IBT that I be charged with failing to cooperate with the IRB by failing to appear for my scheduled IRB sworn examination on February 10 and March 7, 2012. Local 272 filed the charges against me on April 19, 2012. A hearing on the charges is scheduled for May 18, 2012.

2. I make this Affidavit and Agreement (the "Agreement") to resolve the IRB-recommended charges described in paragraph 1. This Agreement does not constitute an admission or denial of wrongdoing. This Agreement constitutes the entire agreement among myself, Local 272 and the IRB.

3. I represent and agree to the following:

(a) I am a member of the International Brotherhood of Teamsters and a member of IBT Local 272;

(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. Effective upon the date this Agreement is approved by the IRB ("the effective date"), I agree to a three month suspension from IBT membership.

5. From the effective date of this Agreement forward, Local 272 and any other IBT Entities shall not 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, Local 272 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. From the effective date of this Agreement forward, I will receive no gratuities, severance payments or gifts of any kind whatsoever from Local 272 or IBT Entities.

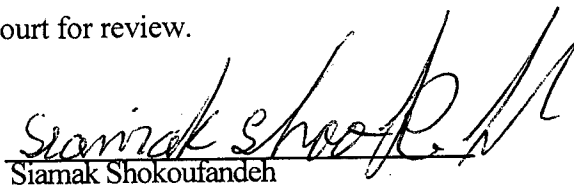
7. From the effective date of this Agreement forward until the conclusion of three month membership suspension, I shall not participate in any manner in any of the activities or affairs of Local 272 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 272 and IBT Entities; except that, to the extent necessary in connection with the performance of my duties as an employee of Astor Garage/Icon Parking, I may communicate with representatives of Local 272 in order to discuss and resolve matters relating to my employment or the

employment of other Local 272 members employed at Astor Garage/Icon Parking.

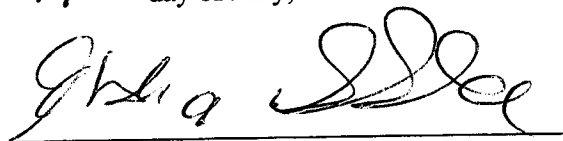
8. I understand and agree that this Agreement will be submitted to the IRB for its review and, if approved by the IRB, it will be submitted to the United States District Court for the Southern District of New York for review. I understand that, if this Agreement is approved by the United States District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

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

10. I will transmit this Agreement, signed by me, to counsel for Local 272 and the IRB. If it is signed by the IRB, it will be submitted to the Court for review.


Siamak Shokoufandeh

Sworn to before me this
17th day of May, 2012


Notary Public

ELISHA McRUTHEON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MC6118817
QUALIFIED IN BRONX COUNTY
MY COMMISSION EXPIRES 11/22/2012

AGREED:

Matthew Paul Spector
for Local 272

APPROVED:

John P. ...
for the Independent Review Board

Dated: *6/21/12*

So Ordered:

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

Dated: _____

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
	:	Siamak Shokoufande
Defendants.	:	

This Court hereby acknowledges that the Agreement enclosed with Application 159 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 159 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

Bruce J. Cooper, Esq.
Pitta & Giblin LLP
120 Broadway, 28th Floor
New York, NY 10271

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

James R. DeVita, Esq.
Day Pitney LLP
7 Times Square
New York, NY 10036

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

Matthew Bruccoleri, Secretary-Treasurer
Local Executive Board 272
220 East 23rd Street, Room 801
New York, NY 10010

Dated: _____, 2012
New York, New York

U.S.D.J.

