

REPORT TO ALL MEMBERS OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

FROM: The Independent Disciplinary Officers
Hon. Barbara S. Jones
Hon. Joseph E. diGenova

DATED: November 30, 2018

I. INTRODUCTION

The following is Magazine Report 4 of the Independent Disciplinary Officers (“IDO”) for 2018 regarding activities from August 1, 2018 through November 30, 2018 conducted pursuant to the Final Agreement and Order of February 17, 2015.

II. NEW MATTERS

A. Local 817 Member James Norizsan

On November 28, 2018, the Independent Investigations Officer (“IIO”) recommended to the Executive Board of Local 817 that a charge be filed against former Local 817 member James Norizsan (“Norizsan”) for violating the IBT Constitution Article II, Section 2(a) and Article XIX, Sections 7(b) (1), (2), and (9), by knowingly associating with a prohibited person under the Final Agreement and Order, Frank Radice (“Radice”), who was permanently barred from the IBT for being a member of Organized Crime.

On December 19, 2013, the Independent Review Board (“IRB”) recommended to the General President that Local 817 member Radice be charged both with being a member of the Gambino organized crime family and with unreasonably failing to cooperate with the IRB by not appearing for his sworn examination. On December 20, 2013, the General President adopted and filed the charges against Radice. The General President referred the charges back to the IRB for adjudication, and on March 12, 2014, the hearing on the charges was held. The evidence included an affidavit from an FBI Special Agent concluding that in the FBI’s expert opinion Radice is a member of the Gambino Organized Crime Family. On June 18, 2014, after reviewing the evidence, the IRB found both that Radice was a member of the Gambino Organized Crime Family and that he had failed to reasonably cooperate with the IRB. On June 18, 2014, the IRB permanently expelled

Radice from membership in Local 817, the IBT and IBT affiliated entities. On June 18, 2014, the IRB filed Application 170 with United States District Judge Loretta A. Preska, seeking court approval of the order. On March 4, 2015, Judge Preska found the evidence supported the IRB Decision.

On April 3, 2015, the union sent to Norizsan and other members of Local 817 a notice that Radice had been permanently expelled from the IBT. Furthermore, Norizsan had notice of Radice’s bar based on notices that appeared in Teamster magazine, which were sent to all affiliates and members.¹

On September 29, 2016, Norizsan was indicted in the Eastern District of New York on charges relating to falsifying IRS forms and ERISA violations.² At trial, Norizsan testified that he was Radice’s brother-in-law. Norizsan admitted he knew union members’ contact with Radice was forbidden. Norizsan admitted under oath that he continued to have contact with Radice after he was barred. He admitted the communications went beyond family matters. That the contact was not for family reasons was further corroborated by their repeated scheduled meetings held at a bank, a location unrelated to family matters.

Pursuant to Paragraph 32 of the Final Agreement and Order, the IIO designated this as a matter within the jurisdiction of the Local 817 Executive Board. Paragraph 32 of the Order requires that within 90 days of the IIO’s referral, the Executive Board must file with the Independent Review Officer (“IRO”) written findings setting forth the specific action taken and the reason for such action.

III. PROGRESS OF EXISTING MATTERS

A. Local 282 Member Steven Murray

Local 282 is located in Lake Success, N.Y. As of December 2017, it had 3,758 members employed at various construction companies in the New York City area. Since 1991, under the Consent Order, thirty-four Local 282 members have been either permanently barred based upon decisions of the Independent Administrator, the IRB or the IBT or permanently resigned from the Local pursuant to an agreement. Sixteen of these members were barred based upon charges that they knowingly associated with members of organized crime or were members of organized crime and six were barred based upon charges that they knowingly associated with a barred IBT member.

On May 31, 2018, the IIO issued a report recommending to the Local 282 Executive Board that a charge be filed

¹ In addition, the April/May 2015 issue of the Teamster magazine also included a list of “Persons Permanently Barred from the IBT by Action Initiated by IRB”. Radice was on that list.

² There was a hung jury in his first trial; he was acquitted after a re-trial.

against Steven Murray (“Murray”) for violating Article XIX, Section 7(b)(1), (2) and 14(a) of the IBT Constitution by unreasonably failing to cooperate with the IIO when he refused to answer nineteen questions concerning his contact with individuals alleged to have organized crime ties as well as involvement with gambling and loan activity with Teamster members. During the sworn examination, Murray and his counsel were informed that refusing to answer questions by asserting his Fifth Amendment privilege could result in internal union disciplinary charges being filed against him.

Pursuant to Paragraph 32 of the Final Agreement and Order, the IIO designated this as a matter within the jurisdiction of the Local 282 Executive Board. The Local 282 Executive Board held a hearing on the charges on July 12, 2018. On August 2, 2018, the Board found that the preponderance of the reliable evidence supported the charges against Murray. Effective the same day, it issued an order expelling Murray from Local 282, the IBT, and any affiliate of the IBT. Furthermore, it permanently barred Murray from holding membership or office in or employment with Local 282, the IBT, any affiliate of the IBT, or any affiliated employee benefit plan. Furthermore, it permanently barred Murray from seeking or accepting money or other compensation for any goods or services from Local 282, the IBT, any affiliate of the IBT, or any affiliated employee benefit plan, other than receipt of vested benefits to which he may be lawfully entitled.

IV. ONGOING INVESTIGATIONS

The IIO is currently conducting a number of investigations throughout the country. In addition to investigations ongoing as of August 1, 2018, during the period of this report, the IIO has conducted four on-site books and records examinations involving four Locals in three different states. Also in that time period, the IIO has received and processed approximately 68 hotline calls reporting alleged improprieties.

The IDO does not comment on ongoing investigations or identify areas or conduct under investigation until a formal recommendation of charges is served upon the IBT pursuant to the Final Order.

V. TOLL-FREE HOTLINE

Activities which should be reported for investigation include, but are not limited to, association with organized crime, corruption, racketeering, embezzlement, extortion, assault, or failure to investigate any of these.

To ensure that all calls are treated confidentially, the system which records hotline calls is located in a secure area on a dedicated line in the Independent Investigations Office and accessed only by an Investigator. Please continue to use the toll-free hotline to report improprieties which fall within IIO jurisdiction by calling 1-800-CALL-472 (800-225-5472).

VI. RELOCATION OF IIO OFFICE

In the Spring of 2019, the Office of the Independent Investigations Officer will be relocating from its premises in New York City to a location in the Washington, D.C., metropolitan area. The relocation is tentatively scheduled for April 15, 2019. The new address of the IIO will be as follows:

Hon. Joseph E. diGenova
Office of the Independent Investigations Officer
1515 N. Courthouse Rd, Suite 330
Arlington, VA 22201

The toll-free hotline will continue to operate normally throughout the transition. Mail correspondence should be addressed to the New York City address through March 31, 2019. Beginning April 1, 2019, correspondence should be sent to the Arlington, VA address.

VII. CONCLUSION

The task of the IDO is to ensure that the goals of the Final Agreement and Order are fulfilled. In doing so, it is our desire to keep the IBT membership fully informed about our activities through these reports. If you have any information concerning allegations of wrongdoing or corruption, you may call the toll-free hotline number, or write to the Independent Investigations Officer Hon. Joseph E. diGenova for all investigations at the following IIO office address:

THROUGH MARCH 31, 2019:

Hon. Joseph E. diGenova
Office of the Independent Investigations Officer
17 Battery Place, Suite #331
New York, NY 10004

ON OR AFTER APRIL 1, 2019:

Hon. Joseph E. diGenova
Office of the Independent Investigations Officer
1515 N. Courthouse Rd, Suite 330
Arlington, VA 22201.