

REPORT TO ALL MEMBERS OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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

DATED: March 6, 2019

I. INTRODUCTION

The following is Magazine Report 1 of the Independent Disciplinary Officers (“IDO”) for 2019 regarding activities from December 1, 2018 through March 6, 2019, conducted pursuant to the Final Agreement and Order of February 17, 2015.

II. NEW MATTERS

A. Former Local 683 Principal Officer Todd Mendez

On March 6, 2019, the Independent Investigations Officer (“IIO”) issued a report to the IBT General President recommending that a charge be filed against former Local 683 Secretary-Treasurer Todd Mendez (“Mendez”) for bringing reproach upon the IBT in violation of Article II, Section 2 (a) and Article XIX, Sections 7(b)(1) and (2) and Section 14(a) of the IBT Constitution, through failing to reasonably cooperate with the IIO by intentionally testifying falsely during his IIO sworn examination on February 2, 2017. The report alleged that Mendez falsely claimed the Local’s lawyer drafted a “confidentiality agreement” as part of a settlement agreement for a lawsuit brought by a former employee against the Local and Mendez personally alleging sexual harassment and other causes of action.

Local 683 is located in El Cajon, California. Local 683 represents approximately 2,755 members in the San Diego area. Mendez was the Local’s Secretary-Treasurer and principal officer from January 1, 2010 until December 31, 2018, when his term of office ended after he lost a contested election.

On May 28, 2015, the Local’s former office manager filed a civil action in the Superior Court of California, San Diego County, against both Mendez and Local 683, alleging causes of action for Pregnancy/Gender Discrimination, Sexual Harassment, Wrongful Termination, and other claims.

On October 6, 2015, the office manager’s attorney sent a proposed “Confidential Settlement Agreement and General Release.” The proposal did not include a monetary penalty for any breach of confidentiality applicable to the Local or its Board members.

On October 8, 2015, the Local’s Executive Board held its monthly meeting. The minutes reflected a Board vote on the Settlement Agreement had been tabled.

Additionally, at that October 8 Board meeting, Mendez gave each Board member present a separate document entitled, “Confidentiality Agreement” (“Mendez Document”). The Mendez Document falsely purported to be between the parties to the lawsuit. In truth, it was not part of the settlement proposal from the office manager or the final Settlement Agreement with her that he signed on behalf of the Local. The Mendez Document purported to forbid Board members from discussing the terms of the settlement with anyone, including Local members, with a penalty clause purportedly making the Board member liable for \$5,000 in liquidated damages for each such disclosure.

At his IIO sworn examination on February 2, 2017, Mendez falsely testified that the attorney for the Local and for him, had drafted the Mendez Document he presented to the Board. Other Trustees testified that Mendez told them that the Local’s attorney had drafted the Mendez Document and he said she was the one advising they sign it.

Contrary to Mendez’ claim, the Local’s attorney testified under oath she had no involvement in the preparation, drafting, or circulation of the Mendez Document, and that she had never seen the Mendez Document before it was shown to her at her IIO deposition. Moreover, there would have been no purpose for the Local’s lawyer to draft a confidentiality agreement like the one Mendez distributed with a more severe punitive provision for breaches against the Local than that sought by the plaintiff.

Mendez was involved in a contested Local election during the period the lawsuit was pending. The Local’s attorney testified that Mendez had informed her he did not want the allegations against him to be known to the Local members before the election. Mendez never told the members about the settlement before the election, which was held on December 18, 2015. Mendez was re-elected.

The IIO’s Report recommended that a charge be filed against Mendez for testifying falsely during his IIO sworn examination concerning the document he distributed and caused Board members to sign, purportedly subjecting them to financial penalty for disclosing the terms under which the Office Manager’s lawsuit was settled. Accordingly, the IIO recommended that a charge be filed against Mendez for bringing reproach upon the IBT in violation of Article II, Section 2(a), and for violating Article XIX, Sections 7(b)(1) and (2) and Section 14(a) of the IBT Constitution by obstructing, interfering and unreasonably failing to cooperate with the Independent Investigations Officer as set forth in the Final Agreement and Order. Pursuant to ¶ 32 of the Final Order, the General President must file with the IRO written findings setting forth the specific action taken and the reason for such action within 90 days, or by June 4, 2019.

III. PROGRESS OF EXISTING MATTERS

A. Local 817 Member James Norizsan

On November 28, 2018, the 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 under oath that he was Radice’s brother-in-law. Norizsan admitted he knew union members’ contact with Radice was forbidden. Norizsan admitted 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.

On November 28, 2018, the IIO issued a report recommending to the Local 817 Executive Board that a charge be filed against 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, Radice, who was permanently barred from the IBT for being a member of organized crime.

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. On January 29, 2019, counsel for Local 817 submitted to the IRO a proposed affidavit and settlement disposing of the charges. However, after being advised by the IIO of additional discussions between counsel for Local 817 and counsel for Norizsan regarding the terms of the affidavit and settlement, the IRO is awaiting a modified proposed disposition.

IV. ONGOING INVESTIGATIONS

The IIO is currently conducting a number of investigations throughout the country. In the time period of this report, the IIO has received and processed approximately 52 hotline calls reporting alleged improprieties.

The IDO do 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 that fall within IIO jurisdiction by calling 1-800-CALL-472 (800-225-5472).

VI. RELOCATION OF IIO OFFICE

The Office of the Independent Investigations Officer has been in the process of relocating from its premises in New York City to a location in the Washington, D.C., metropolitan area. The relocation is currently expected to be completed on or about April 30, 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

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 Norizsan’s first trial; he was acquitted after a re-trial.

The toll-free hotline will continue to operate normally throughout the transition. Mail correspondence should be addressed to the new office in Arlington, VA beginning April 1, 2019.

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:

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