

To: Members of the Local 282 Executive Board  
From: Joseph E. diGenova, Independent Investigations Officer  
Re: Proposed Charges Concerning Local 282 member Michael Hintze  
Date: December 22, 2020

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## **I. RECOMMENDATION**

Pursuant to Paragraphs 30 and 31 of the Final Agreement and Order (Dkt. No. 4409-1) (“Final Order”) in *United States v. Int’l Br’d of Teamsters*, 88 Civ. 4486 (S.D.N.Y. Jan. 14, 2015), the Independent Investigations Officer (“IIO”) refers the below report to the Local 282 Executive Board with the recommendation that a charge be filed against Local 282 member Michael Hintze (“Hintze”) for violating the IBT Constitution, Article II and Article XIX, §§ 7(b)(1), (2) and (9) by being a long-time associate of Organized Crime. The Federal Bureau of Investigation (“FBI”) has provided an affidavit from a Special Agent stating that, in its expert opinion, Hintze is a long-time associate of the Bonanno Organized Crime Family.

By his actions, it appears that, while an International Brotherhood of Teamsters (“IBT”) member, Hintze violated Article II, Section 2(a) and Article XIX, Sections 7(b)(1), (2) and (9) of the IBT Constitution by being a long-time associate of Organized Crime and associating with other members of Organized Crime.

## **II. JURISDICTION**

Pursuant to Paragraph 32 of the Final Order, this matter is designated within the jurisdiction of the Local 282 Executive Board. The Final Order requires that within 90 days of the IIO’s referral of this matter, written findings setting forth the specific action taken and the reasons for that action must be filed with the Independent Review Officer. Pursuant to

Paragraph 32, copies of this report are being sent to each member of the General Executive Board and the United States Attorney's Office, Southern District of New York.

### **III. INVESTIGATIVE FINDINGS**

#### **A. Background of Local 282**

Local 282 is located in Lake Success, N.Y. As of March, 23, 2020 it had 3,778 members employed at various construction companies in the New York City area. (Ex. 1) Local 282 has a decades-long history of involvement with organized crime. (Ex. 2). In the past 16 months, the Independent Disciplinary Officers have caused two other Local 282 members to be expelled and permanently barred on charges related to their association with organized crime.<sup>1</sup>

#### **B. Michael Hintze's Local 282 membership**

According to Local 282 records, Hintze became a Local 282 member on March 15, 2007. (Ex. 3). Hintze's last dues payment was on February 7, 2020, and his dues are paid for through December of 2020. (Ex. 3, 4).

#### **C. Hintze's Indictment**

On March 23, 2017, a Grand Jury in the Eastern District of New York returned a 37-count indictment against Hintze and 9 other codefendants with racketeering conspiracy, including predicate acts of murder conspiracy, attempted murder, extortion, illegal gambling, robbery conspiracy, arson conspiracy, narcotics distribution conspiracy and obstruction of justice conspiracy. (Exs. 7, 8). Among Hintze's codefendants was his brother-in-law, Ronald "Ronnie G." Giallanzo, then an acting Bonanno Crime Family captain.

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<sup>1</sup> William Cioffi was expelled on November 8, 2019 (Ex. 5), and Joseph Marra was expelled on February 13, 2020 (Ex. 6).

The indictment alleged that Giallanzo “conducted a lucrative loansharking operation in which he provided money to, among others . . . Hintze . . . to extend extortionate loans to, and collect from, numerous individuals.” (Ex. 8 at 2) For instance, according to the Government’s sentencing memorandum, “While Giallanzo was in prison, [Hintze] collected approximately \$2,000 a week from [John Doe #14] (which did not reduce the principal of the loan). After Giallanzo was released from prison in April 2013, this victim could no longer make the weekly payments, and Giallanzo and another Bonanno associate (“Associate-1”) ultimately assaulted John Doe #14.” (Ex. 9 at 2) When John Doe #14 admitted to Giallanzo that he had used some of the money owed to him to make payments on his house, Giallanzo “smacked John Doe #14 to the ground. [Giallanzo] and Associate-1 then dragged John Doe #14 to Associate-1’s vehicle and viciously beat John Doe #14 until he soiled himself, with the defendant screaming, “Where’s the fucking money?”” (Ex. 10 at 7)

According to the Government’s sentencing memorandum, Giallanzo “took advantage of the support given by his actual family, specifically, his brother-in-law, co-defendant Michael Hintze, and had him watch over the loansharking operation on the street. \* \* \* And Hintze kept [Giallanzo] apprised of the progress of the illicit business through prison visits, call and emails.” (Ex. 10 at 8)

Hintze pleaded guilty to one count of racketeering on February 6, 2018. In so doing, the Court specifically read the portion of the indictment to which Hintze pleaded guilty, in which he is described having conspired with “persons employed by and associated with the Bonanno family,” and Hintze admitted to understanding that portion of the charge. (Ex. 11 at 13-14)

Later, Hintz allocuted to the Court:

From approximately 2007 to 2012, in Queens, New York, and elsewhere, I associated with members of a criminal organization. We used force or threats,

physical harm to collect money owed to them. During that same period of time, in Queens and elsewhere, I agreed with those members to assist in the collection of money owed from John Does 4 and 14, who I know as Paul and Simone. I was aware at the time that using threats or force to collect debt was unlawful and that my actions were illegal.

(Ex. 11 at 38)

Hintze was sentenced to 36 months in prison on July 24, 2018.<sup>2</sup> (Ex. 12)

**D. FBI Expert Opinion That Hintze Is an Associate of the Bonanno Organized Crime Family**

In the expert opinion of the FBI, Hintze is a long-time associate of the Bonanno La Cosa Nostra (“LCN”) Organized Crime Family. (Ex. 13 ¶ 18) (“Based upon information developed during organized crime investigations and other reliable and credible sources of information regularly relied upon by the FBI, it is the opinion of the FBI that MICHAEL HINTZE . . . was an associate of the Bonanno LCN Family (BCF).”) “The Bonanno LCN Family is an organized criminal group headquartered in New York City.” (Ex. 13 at ¶ 17) “Throughout its history, the Bonanno LCN Family has furthered its criminal enterprise activities through murder, violence, extortion, labor union corruption, loansharking, gambling, white collar crime and narcotics trafficking.” (Ex. 13 at ¶ 17)

FBI Special Agent Steven Olewnick declared under penalty of perjury as follows:

In my position as a Special Agent, I became aware through conversations with the case Agents for the case in which HINTZE was arrested and source reporting that HINTZE was an associate of BCF member RONALD GIALLANZO. According to the case Agents, and/or source reporting, HINTZE is RONALD GIALLANZO’s brother-in-law. While GIALLANZO was incarcerated, HINTZE would transmit messages of criminal nature from GIALLANZO to other organized crime members and associates. Furthermore, HINTZE was responsible for collecting at least some of GIALLANZO’s loan shark proceeds from

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<sup>2</sup> Hintze was apparently held without bond or on high bond during the pendency of the charges, from March 28, 2017 until his July 24, 2018 sentencing, and received credit for that time. Based on Bureau of Prisons calculations, he was released from BOP custody on October 17, 2019. (Ex. 14)

GIALLANZO's victims. On February 6, 2018, HINTZE pled guilty to one count of RICO Conspiracy, in violation of 18 U.S.C. 1962

(Ex. 13 at ¶ 19).

#### **IV. ANALYSIS**

##### **A. Standard of Proof**

The standard of proof to establish the charge against Hintze is a preponderance of evidence. Rules Governing the Authorities of Independent Disciplinary Officers and the Conduct of Hearings, Section C ("The purpose of the hearing shall be to determine whether the proposed findings, charges, or recommendations regarding discipline or trusteeship found in the Independent Investigations Officer's Investigative Report are supported by a preponderance of reliable evidence"); *United States IBT [Simpson]*, 931 F. Supp. 1074, 1089 (S.D.N.Y. 1996), *aff'd*, 120 F. 3d 341 (2d Cir. 1997); IBT Constitution, Art. XIX, Sec. 1(e).

##### **B. Hintze's association with the Bonanno LCN Crime Family**

By being a long-time associate of the Bonanno LCN crime family, Hintze brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b) (2) of the IBT Constitution. Pursuant to Article XIX, Section 7(b)(2) of the IBT Constitution, charges may be preferred against a member for violation of the "oath of loyalty to the Local Union and the International Union." It is well settled that LCN membership violates the IBT membership oath and Article II, Section 2(a) of the IBT Constitution, which provides that members must conduct themselves "in such a manner as not to bring reproach upon the Union." *See, e.g., Investigations Officer v. Senese, et al.*, Independent Administrator Decision at 3-5, 26, *aff'd*, 745 F. Supp. 908 (S.D.N.Y.) *aff'd*, *United States v. IBT*, 941 F.2d 1292 (2d Cir. 1991), *cert. denied*, 502 U.S. 1091 (1992); *In Re: Vincent Federico*, July 22, 2010 IRB Dec. at 7. In addition, Article XIX, Section 7 (b) (9) of the IBT Constitution is necessarily violated by an IBT member who is

an Organized Crime member or who “knowingly associate[s] (as that term has been defined in prior decisions on disciplinary charges under this Article) with any member or associate of any organized crime family or any other criminal group.” *Id.* at 7.

Reliable hearsay evidence supporting the FBI’s expert opinion (Ex. 10), is adequate to support the factual finding of long-time LCN association. *See, e.g., United States v. IBT [Mireles and Roa]*, 315 F. 23d 97, 101 (2d Cir. 2002) (collecting cases). The conclusion of Organized Crime association is further corroborated through the sworn testimony of Hintze himself, who testified:

From approximately 2007 to 2012 . . . I associated with members of a criminal organization. We used force of threats, physical harm to collect money owed to them. During that same period of time . . . I agreed with those members to assist in the collection of money owed from [other individuals]. I was aware at the time that using threats or force to collect debt was unlawful and that my actions were illegal.

(Ex. 11 at 38)

## **V. PROPOSED CHARGE**

Based upon the above report, it is recommended that Michael Hintze be charged as follows:

### **Charge One**

While an IBT member, you brought reproach upon the IBT and violated your membership oath in violation of IBT Constitution Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9), *to wit*:

As detailed in the above report, while a member of Local 282, you were a long-time associate of the Bonanno Organized Crime family and associated with members of Organized Crime.