

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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May 19, 2016

Mr. Benjamin Civiletti, Esq.
Independent Review Officer
Independent Disciplinary Officers
444 North Capitol Street, N.W., Suite 528
Washington, D.C. 20001

Re: Disciplinary Decision Concerning Manny Quintero

Dear Mr. Civiletti:

I have reviewed your correspondence of May 18, 2016, in which you conclude that the IBT's decision in the above matter is "inadequate" because the hearing panel's report cited "principles of 'just cause'" in formulating the penalties recommended to and adopted by me. Those principles, as set forth in the Panel's report, include consideration of the nature and seriousness of the offense, the member's prior service and disciplinary record and the existence of any mitigating circumstances."

I have reconsidered the penalties recommended by the Panel and, respectfully, reach the same conclusions that the Panel recommended regarding the merits and the appropriate penalties for Mr. Quintero's conduct. The charge was clearly proven by a preponderance of reliable evidence. Although Mr. Quintero elected not to attend the hearing, the hearing was full and fair. In my view the penalties recommended by the panel, a one year suspension from membership and a one year bar from holding any Union office or employment are amply justified and should serve as a deterrent, for the disciplined member and other members.

Under any standards of which I can conceive the evidence against Mr. Quintero here was uncontested and overwhelming. The allegations in the charge were thus supported by more than a mere preponderance of evidence. The voicemail he left on Ms. McGowan's cell phone is part of the record appended to IRB's report. The conclusion that the recorded message was intended to intimidate Tom McGowan from becoming

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involved in Local 50's politics is likewise amply supported by the tone and content of the recorded message itself.

As to penalties, the Panel's recommendation that Quintero be subject to a one year membership suspension and a one year bar from holding Union office or employment is significantly more drastic than the penalty that was imposed, with IRB's approval, in Sean O'Brien (October 17, 2013) (two week suspension from office, only), a case in which the alleged statements that were the basis for the charge were somewhat similar to those that Quintero left on Ms. McGowan's cell phone. In short, it was the Panel's view, and it is mine, that a one year suspension from membership and from Union office and employment are appropriate penalties in the circumstances, given the seriousness of the allegations, the member's prior disciplinary record (none), his position in the Union (rank and file member), the uncontested evidence supporting the charge, the absence of other mitigating factors, the likelihood that these penalties will deter similar violations by Quintero or other members and the approved penalty imposed in the closest analogous case involving Mr. O'Brien.

Sincerely,


James P. Hoffa
General President

JPH/brc

cc: Joseph diGenova, Esq., Independent Disciplinary Officers
John J. Cronin, Jr., Administrator, Independent Disciplinary Officers
Manny Quintero
General Executive Board
Scott Alexander, President, Local Union 50
Bradley T. Raymond, Esq.
Roland Acevedo, Esq.
Hearing Panel