

In the Matter of
TODD MENDEZ

Before the
INDEPENDENT REVIEW OFFICER

DISCIPLINARY DECISION OF THE INDEPENDENT REVIEW OFFICER

July 5, 2022

On May 17, 2022, following a *de novo* hearing regarding charges filed against Todd Mendez by the Independent Investigations Officer (“IIO”), I issued a decision in which I found that a preponderance of the reliable evidence supported the charges that Mr. Mendez breached his fiduciary duties to the union, brought reproach upon the union and violated certain provisions of the IBT Constitution. *See In Re Todd Mendez, Opinion of the Independent Review Officer (“IRO Opinion”), May 17, 2022.* On June 13, 2022, the parties provided their submissions regarding the appropriate sanction in this matter.

I have considered the criteria set out in the Federal Sentencing Guidelines contained in Section 3553(a) of Title 18. *See In Re Rome Aloise, Disciplinary Decision, December 22, 2017; see also In re Rome Aloise, Disciplinary Decision, December 10, 2021.* These considerations include evaluating the “nature and circumstances of the offense and history and characteristics” of Mr. Mendez; the need for the discipline imposed to “reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;” the need for the “punishment to deter future violations; the kinds of penalties available; and the need to avoid unwarranted disparities amongst offenders with similar characteristics and who committed similar offenses.” *Id.*

In addition, I have considered all of the submissions from the parties that have been filed in this matter as well as testimony and evidence from the *de novo* hearing.

I. Todd Mendez’s Background and Contributions to the IBT

Mr. Mendez has been a member of the Teamsters for over 20 years. *See Charge Report at 4.* He began his career working as a driver for Sysco Foods and ultimately became a shop steward advocating for workers’ rights. *See Mendez Sanction Brief, (“Mendez Br.”) at 1, June 13, 2022.* In 2005, he was hired as a business agent for Local 683 and eventually became

President. *See* Transcript of the *de novo* Hearing in the Matter of Todd Mendez (“Hearing Tr.”) at 631:18-24. In 2009, Mr. Mendez ran for office and was elected Local 683’s Secretary-Treasurer. *Id.* at 632:1-12. He was subsequently elected Secretary-Treasurer in 2012 and 2015 by the membership and held that position until his December 2018 election loss. His term as Secretary-Treasurer ended on January 1, 2019.

During his ten-year tenure as Secretary-Treasurer, Mr. Mendez negotiated a number of collective bargaining agreements with new employers and doubled Local 683’s membership by adding approximately 1,000 new members to its ranks. *Id.* at 633:10-25. In addition, Mr. Mendez managed the finances of the local and increased its revenues by reducing unnecessary spending, organizing new members and investing in a new office building for the local that generated rent revenue from various third-party tenants. *See* Mendez Br. at 1. Mr. Mendez also served on the Executive Board of Joint Council 42, was appointed Vice President of the IBT’s Brewery and Soft Drink Conference and served as a Trustee for multiple benefit funds. *Id.* at 634:2-19. In addition, Mr. Mendez was tasked by the General President to oversee the Trusteeship of Local 36. *Id.*

Currently, Mr. Mendez is a member of Local 683 and works at Sysco Foods. He has not been an officer or an employee of Local 683 for over four years.

II. Relevant Considerations

As described in my decision, I found that Mr. Mendez was responsible for failing to properly post members’ dues remittances to TITAN in violation of 29 U.S.C. 501(a); failing to meet with or designate a willing and qualified representative to meet with the incoming officers following his elections loss to review pending grievances, open contract negotiations, and the Local’s financial records, and destroying union property and records in violation of 29 U.S.C. §

501(a), IBT Constitution Article XXII, Section 2(c), and IBT Constitution Article XIX, Sections 9(1) and (2); and bringing reproach upon the union by threatening a fellow member in violation of IBT Constitution Article II, Section 2(a) and Article XIX, Section 7(b)(2). *See* IRO Opinion at 12-13.

The charges that were substantiated are serious and harmed the interests of the membership.¹ As such, there must be some consequence to Mr. Mendez's actions. The IIO recommends that Mr. Mendez should be permanently barred from office or employment with any IBT entity and that he should be suspended from membership for five years. *See* IIO Brief on Proposed Sanction re Todd Mendez ("IIO Br.") at 1, June 13, 2022. To support its recommendation, the IIO claims, in part, that Mr. Mendez has a prior disciplinary record and that the misconduct he committed was motivated by personal gain. *See* IIO Br. at 2 and 3.

Mr. Mendez, however, does not have a prior disciplinary record. In 2019, charges were brought against Mr. Mendez and, as the IIO concedes, they remain pending. *See* IIO Br. at 2. Those charges have not been substantiated and it would be improper to consider them now. In addition, I do not find that Mendez personally gained from his misconduct. Mr. Mendez's misconduct was intentionally harmful to the incoming officers and, by extension, the members of Local 683.

There seems to be little dispute that prior to his election loss Mr. Mendez had been a capable union leader representing the interests of the membership. However, after he lost his election, he left the incoming officers with no access to grievance records or open contract negotiation records as required by the IBT Constitution. Further, records on the local's servers and computers had been deleted, which further frustrated the incoming officers from carrying out

¹ A previous charge that Mr. Mendez embezzled over \$110,000 was not supported by a preponderance of the evidence.

their duties upon taking office. While Mr. Mendez argues that no member suffered actual harm by this conduct, he misses the point. Officers are fiduciaries entrusted with the responsibility of advancing the interest and welfare of the members and protecting their rights. *See, generally*, 29 U.S.C. § 501(a). This is especially true during periods of transition, and Mr. Mendez breached his duty while also violating the IBT Constitution.

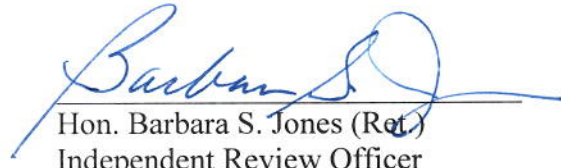
Thus, having considered all of the relevant factors, including a review of prior precedent, I find that a permanent ban from holding IBT office is an appropriate sanction in this matter. This includes a ban on positions such as shop steward, business agent or any other officer position, elected or otherwise, within the IBT. Through his conduct, Mr. Mendez lost the privilege of representing IBT members. *See In re Thornton et. al.*, IRB Opinion (January 25, 2012) (Those found to have breached their fiduciary duties must be prevented from ever again serving in that position of their brothers' trust of which they have shown themselves to be unworthy.) However, I do not find suspension from membership warranted. In reaching this decision, I am mindful that Mendez has remained a member – both actively and on withdrawal – since losing the election in 2018. Over four years have passed since then, and there seems little reason to remove him from the membership or otherwise impede Mendez's ability to earn a living as a Teamster.

* * *

III. Conclusion

For the reasons outlined above, and after having considered all of the relevant evidence in this matter, I find that Mr. Mendez should be permanently barred from holding office or employment with Local 683 or any other IBT entity.

SO ORDERED:



Hon. Barbara S. Jones (Ret.)
Independent Review Officer

July 5, 2022