

INDEPENDENT DISCIPLINARY OFFICERS

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

Independent Investigations Officer
Robert D. Luskin, Esq.

July 8, 2021

Via Electronic Mail

Thomas Gesualdi
President
Building Material Teamsters, Local 282 IBT
2500 Marcus Ave.
Lake Success, NY 11042

Re: Michael Hintze Disciplinary Decision

Dear Mr. Gesualdi:

Enclosed please find the Independent Review Officer's Decision and Order in the above-referenced matter.

Sincerely,

Hon. Barbara S. Jones
Independent Review Officer

cc: Michael Hintze (Via First Class Mail)
Bradley Raymond, Esq.
Travis Mastroddi, Esq.
Daniel K. Healy, Esq.
David Kluck, Esq.

Enclosure

**IN RE: MICHAEL HINTZE
IBT LOCAL 282**

DECISION AND ORDER

I. Background

On December 22, 2020, the Independent Investigations Officer (“IIO”) referred a proposed charge report against Michael Hintze (the “Charge Report”) to the Executive Board of Teamsters Local Union 282 recommending that a charge be filed against Mr. Hintze. The Charge Report alleged that while a member of Local 282, Mr. Hintze was a long-time member of the Bonanno Organized Crime family and associated with members of Organized Crime in violation of IBT Constitution Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9).

On January 8, 2021, Local 282 adopted and filed the charges proposed by the IIO. Pursuant to Article XIX, Section 14 of the IBT Constitution and the Final Order, as well as past practice in Organized Crime matters, the charges were referred to the Independent Review Officer (“IRO”) for adjudication.

On March 22, 2021, the IRO served a notice on Mr. Hintze to appear for a hearing, which was scheduled for April 28, 2021. The hearing was rescheduled to May 12, 2021 because the IRO was engaged on another disciplinary hearing. On May 12th, Mr. Hintze appeared for the hearing, however, he did not have counsel with him. Mr. Hintze requested an adjournment of the hearing so that he could be represented during the proceedings. The IRO granted Mr. Hintze’s

request and rescheduled the hearing for June 30, 2021. *See* Hearing Transcript dated May 12, 2021. Additionally, on May 13, 2021, by Notice of Hearing, Mr. Hintze was ordered to appear for the hearing for June 30th. *See* Hearing Rule E(2)(a).

On June 30, 2021, a hearing was held on the charges. Mr. Hintze, however, did not appear. There was no request by Mr. Hintze to reschedule or otherwise adjourn the hearing. Based on the record that Mr. Hintze was properly notified of the proceedings, the IRO conducted the hearing in Mr. Hintze's absence. *See* Hearing Rule F ("The failure of a charged party...to attend a hearing shall constitute a waiver of the right to attend and the IRO may conduct the hearing in the absence of the charged party...").

At the hearing, the IIO submitted the Charge Report and the Charge Report's exhibits into evidence in support of the charges. *See* Hearing Transcript dated June 30, 2021.

II. Findings

Mr. Hintze became a member of Local 282 on March 15, 2007 and remained a dues paying member through December 2020. *See* Exhibits 3 and 4. On February 6, 2018, Mr. Hintze pleaded guilty to one count of racketeering in the Eastern District of New York. *See* Exhibits 11 and 12. During his allocution, Mr. Hintze admitted to conspiring with "persons employed and associated with the Bonanno family." *See* Exhibit 11. In addition, Mr. Hintze admitted that from approximately 2007 to 2012, he associated with members of a criminal organization and used force of threats and physical harm to collect money owed to them. *Id.*

The IIO also submitted a sworn affidavit from FBI Special Agent Steven Olewnick in support of the charges. *See* IIO Exhibit 13. Agent Olewnick is assigned to a unit that investigates the Bonanno, Colombo, and Genovese organized crime families. *Id.* Based on Agent Olewnick's investigative work, he confirmed that Mr. Hintze is a long-time associate of the Bonanno La Cosa Nostra Crime Family. *Id.*

Accordingly, based on the information submitted by the IIO, I find that the charge is supported by a preponderance of the reliable evidence and that Mr. Hintze was a member of Organized Crime while also a member of Local 282 in violation of the IBT Constitution.

III. Sanction

In disciplinary matters where Teamster members were found to be associated with Organized Crime, it has been the IBT's long-standing position that the members should not, under any circumstances, be members of the Union. *See William Cioffi*, November 8, 2019; *See also Joseph Marra*, February 13, 2020. Accordingly:

1. Effective immediately, Michael Hintze is permanently expelled from membership in Local 282, the IBT and any affiliate of the IBT and is forever barred from holding any membership, employment, office, consulting position or other similar relationship, whether paid or unpaid, with Local 282, the IBT, any affiliate of the IBT, or any affiliated employee benefit plan;
2. Effective immediately, Michael Hintze is permanently barred 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 the receipt of vested benefits to which he may be lawfully entitled by reason of participation in an employee benefit plan;
3. Effective immediately, Local 282 and any other IBT entities shall not make any contributions on Mr. Hintze's behalf to any pension, health and welfare, severance or other benefit fund nor shall Mr. Hintze receive any gratuities, severance payments or gifts of any kind whatsoever from Local 282 or any other IBT entities; and

4. Effective immediately, Mr. Hintze is barred from participating in any manner in any of the activities or affairs of Local 282 or any other IBT entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes, or any other business of Local 282 and IBT entities.

SO ORDERED

A handwritten signature in black ink, appearing to read "Barbara S. Jones", with a long horizontal flourish extending to the right.

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

DATED: July 8, 2021