

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

SEAN M. O'BRIEN
General President

25 Louisiana Avenue, NW
Washington, DC 20001



FRED E. ZUCKERMAN
General Secretary-Treasurer

202-624-6800
www.teamster.org

December 14, 2023

VIA EMAIL

Hon. Barbara Jones
Bracewell LLP
31 W. 52nd Street
Suite 1900
New York, NY 10019-6118

Re: Proposed Settlement Agreement to Resolve Charges against Dave Hawley

Dear Judge Jones:

Enclosed please find an Affidavit and Agreement signed by Dave Hawley which, if accepted, would resolve the charges the Independent Investigations Officer ("IIO") recommended against him, as well as charges the IBT independently made in a separate report.

The IIO alleged in paragraphs 53-58 of its Memorandum Recommending Charges, dated July 18, 2023, that Mr. Hawley engaged in conduct and communications that enabled and permitted Rome Aloise to violate his suspension. In addition, in a charge report dated August 15, 2023, IBT Chief Investigator Frank Hughes recommended charges against Mr. Hawley for failing to cooperate with the independent disciplinary process of the Final Order and making materially false statements to the IBT Office of Compliance Standards and Investigations in relation to his use and maintenance of a "burner phone" to communicate with Aloise during his suspension.

In sum, the Agreement provides that:

1. Mr. Hawley will upon approval of the Agreement, or by January 12, 2024, whichever is later, serve a suspension of 5 years from all positions with IBT-related entities, including his positions as Teamsters Local 137 President and Trustee of the Northern California General Teamsters Security Fund and, during that time, will not accept any salary, allowances, benefits contributions, other payments, or compensation of any kind from any IBT entity; and
2. During his suspension, Mr. Hawley will refrain from "any and all involvement in any IBT entity" and he will not be "appointed or hired as an employee or consultant by any of them, whether in a paid or unpaid capacity."

Hon. Barbara Jones
December 14, 2023
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Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Edward M. Gleason, Jr." with a stylized flourish at the end.

Edward M. Gleason, Jr.
General Counsel

Enclosure

EMG/pjp

cc: Patrick Szymanski (szymanski@me.com)
Thomas Kokalas (Thomas.kokalas@bracewell.com)
Robert Luskin (robertluskin@paulhastings.com)
David Kluck (David.kluck@idoiio.org)
Brian Kelly (bkelly@nixonpeabody.com)
Joshua Sharp (jsharp@nixonpeabody.com)

In the matter of:
Dave Hawley

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Affidavit and Agreement

1. On or about July 18, 2023, the Independent Investigations Officer ("IIO"), appointed pursuant to the Final Order, dated February 17, 2015, in *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (SDNY)(the "Final Order"), recommended that the following charges be filed against me: bringing reproach upon the IBT by enabling and permitting Rome Aloise to violate his suspension.

3. On or about August 15, 2023, the Chief Investigator of the IBT recommended that the following charges be filed against me: (1) violating the Independent Review Officer's permanent bar order, thereby failing to cooperate with the independent disciplinary process of the Final Order and the IBT constitution, bringing reproach upon the IBT, and violating my oath as member and officer; (2) making a materially false statement to the IBT Office of Compliance Standards and Investigations with the intent and purpose of obstructing the IBT's investigation into violations of the Independent Review Officer's orders, thereby bringing reproach upon the IBT, and violating my oath as member and officer.

5. I make this Affidavit and Agreement (the "Agreement") to resolve the IIO-recommended charges described in paragraph 1 and the IBT charges described in paragraph 3. This Agreement does not constitute an admission or denial of the wrongdoing alleged in these charges.

6. I represent and agree to the following:

(a) I am a member of the International Brotherhood of Teamsters and a member of IBT Local 137. I serve as President of Local 137. I am a trustee of the Northern California General Teamsters Security Fund.

(b) Other than the above, I hold no elected or appointed positions or offices of any kind with the IBT, any local or any of their affiliated entities, including any other locals, superior bodies, inferior bodies, conferences, councils, committees, division, pension, health, welfare, severance plans or other such entities ("IBT entities").

7. I hereby agree that effective upon when this Agreement is approved by the Independent Review Officer ("IRO"), or January 12, 2024, whichever is later, I will be suspended, without pay and benefits, from any and all positions with any IBT entities for a period of 5 years. The suspension will not affect my membership and continuous good standing in any local, provided I pay dues covering that period and otherwise maintain my membership in good standing.

8. I hereby further agree that during the period of my suspension from office, no IBT entities shall pay me, nor shall I accept, any salary, gratuities, gifts, payments, allowances, fees, benefit payments or contributions or any other compensation of any kind, except that I may receive any compensation or benefits which have accrued to me prior to the effective date of my suspension, including any fully vested or accrued (as of the effective date of my suspension) pension, vacation or other benefits under any existing benefit plans or programs maintained or sponsored by any IBT entities. In addition, I may receive payment for any salary or expenses I incurred with my work on behalf of any IBT entity prior to the effective date of my suspension and in accordance with existing policies and procedures of the relevant IBT entity. For the period of my suspension, I will not receive any expense allowances and will be responsible for personally paying any contributions required to maintain my eligibility for health or other benefits under the applicable plans.

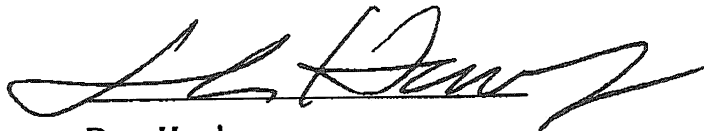
9. I hereby further agree that from the effective date of my suspension and during the entire period of my 5 years suspension, I will refrain from any and all involvement in any IBT entity and cannot be appointed or hired as an employee or consultant by any of them, whether in a paid or unpaid capacity.

10. With respect to the resolution of charges set forth in paragraph 1. I understand and agree that this Agreement will be submitted to the Independent Review Officer ("IRO") for her review. Approval by the IRO makes this agreement final and binding. I understand that no representations have been made as to whether this Agreement will be approved by the IRO.

11. With respect to the resolution of charges set forth in paragraph 3. the parties recognize the five-year suspension resolves charges both brought by the IIO (which are subject to review by the IRO pursuant to paragraph 36 of the Final Order) and charges brought directly by the IBT. In light of the nature of the settlement, the parties agree that this entire agreement shall be null and void should the IRO not approve the resolution of charges that were referred by the IIO.

12. I make this Agreement freely, under no duress or coercion of any kind.

13. I will transmit this Agreement, signed by me, to the IBT.



Dave Hawley

Dated: 12/12/23

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____
2023, by _____, proved to me on the basis of
satisfactory evidence to be the person who appeared before me.

**See Attachment
for Notary Seal**

(seal)

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

AGREED:

Dated: _____

for the International Brotherhood of Teamsters

APPROVED:


Independent Review Officer

Dated:

2-28-24

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of SHASTA)On DECEMBER 12th, 2023 before me, JACOB CHANDLER, NOTARY PUBLIC

Date

Here Insert Name and Title of the Officer

personally appeared DAVID RICHARD HAWLEY

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: AFFIDAVIT AND AGREEMENTDocument Date: DECEMBER 12th, 2023Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

MEMORANDUM

TO: IBT General President
FROM: Francis Hughes, Chief Investigator
RE: Recommended charges against Dave Hawley
DATE: August 15, 2023

RECOMMENDED CHARGES

As a member of Teamsters Local 633 and as Chief Investigator of the Office of Compliance Standards and Investigations of the International Brotherhood of Teamsters ("IBT"), I am bringing the following charges against Dave Hawley, a member of and President of Teamsters Local 137 and Trustee of Joint Council 7:

FIRST CHARGE: That HAWLEY, individually and in concert with others, during the period that Rome Aloise has been permanently barred by order of the Independent Review Officer, knowingly and with the purpose or effect of circumventing, frustrating, evading, and disregarding said permanent bar, did violate the Independent Review Officer's permanent bar order, thereby failing to cooperate with the independent disciplinary process of the Final Order and the IBT constitution, bringing reproach upon the IBT, and violating his oath as member and officer.

SECOND CHARGE: That HAWLEY made materially false statements to the IBT Office of Compliance Standards and Investigations with the intent and purpose of obstructing the IBT's investigation into violations of the

Independent Review Officer's orders, thereby bringing reproach upon the IBT, and violating his oath as member and officer.

The above charges are based upon the following violations of the IBT Constitution:

- A. violating his Oath of Office as an officer of Teamsters Local 137 and Trustee of Teamsters Joint Council 7, as contained in the IBT Constitution.
- B. violating his pledge of honor as a member, as contained in Article II, Section 2(a) of the IBT Constitution.
- C. violating Article XIX, Section 7(b)(1), on account his has having violated specific provisions of the IBT Constitution and failing to perform duties specified thereunder, namely his Oath of Office as an officer of Teamsters Local 137 and Teamsters Joint Council 7. and
- D. violating Article XIX, Section 7(b)(2) of the International Constitution for violating his oath of office to his Local Union, and the IBT;

The factual basis for the above charges is as follows:

1. On December 10, 2021, the Independent Review Officer Hon. Barbara S. Jones issued an order which permanently barred Rome Aloise from the IBT and permanently enjoined him from participating in IBT affairs. Judge Jones' Order was issued pursuant to her authority under the Final Order in *United States of America v. Int'l Brhd. of Teamsters*, No. 88-civ-4486 (S.D.N.Y.) Judge Jones' Order stated that:

Teamsters, including family members, may have contact with Mr. Aloise in social settings, however, they are prohibited from discussing any of the affairs or business of the Teamsters with Mr. Aloise. This prohibition includes, but is not limited to, seeking Mr. Aloise's advice or consultation regarding Teamster business, affairs or activities; soliciting or engaging Mr. Aloise in connection with any type of Teamster business, affairs or activities; allowing Mr. Aloise to participate in any Teamster sponsored events;

and/or allowing Mr. Aloise to participate in local union or international officer elections in any way. To be clear, no Teamster shall discuss or conduct any Teamster business with Mr. Aloise. Teamsters are also prohibited from permitting Mr. Aloise to exercise any control or influence, directly or indirectly, in any way or degree, in the affairs of the IBT or any of its constituent entities.

The order became effective on January 31, 2022.

2. HAWLEY was aware of Judge Jones' Order permanently barring Aloise from the IBT.

3. HAWLEY stayed in contact with Aloise subsequent to January 31, 2022, and discussed Teamster business with Aloise in violation of Judge Jones' Order.

4. In or around March 2022, former Teamster Stan Stroud provided HAWLEY with a so-called "burner phone" which HAWLEY used to contact Aloise, and Aloise used to contact HAWLEY, regarding Teamster business.

5. Stroud is a former Teamster who agreed to be permanently barred from the IBT and that agreement was deemed to be not inadequate by the Independent Review Officer on June 14, 2022. In or around January 2022, Stroud was arrested while driving his union vehicle in Redding, California. During the arrest, the police found Stroud to be transporting four pounds of methamphetamine, an assault rifle, a sub-machine gun, and a large amount of US currency.

6. In an investigatory interview with the Office of Compliance Standards and Investigations on July 12, 2023, HAWLEY falsely stated that he had no communication with Aloise from January 31, 2022, until the date of the interview.

7. In an investigatory interview with the Office of Compliance Standards and Investigations on July 12, 2023, HAWLEY falsely stated that Stroud did not provide him with a burner phone which HAWLEY used to stay in communication with Aloise.

Finally, in accordance with Article XIX, Section 11(a) of the IBT Constitution, I request that the General President assume original jurisdiction of these charges because they involve conduct by an

elected officer that presents an ongoing situation imminently dangers to the welfare of Local 137, Joint Council 7 and the International Union.

Respectfully submitted,

Francis P. Hughes

FRANCIS HUGHES
Chief Investigator
International Brotherhood of Teamsters
and Member, Teamsters Local 633

Dated: August 15, 2023