

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 Carlos Borba

Dear Judge Jones:

Enclosed please find an Affidavit and Agreement signed by Carlos Borba which, if accepted, would resolve the charges the Independent Investigations Officer ("IIO") recommended against him. The IIO alleged in paragraphs 53-58 of its Memorandum Recommending Charges, dated July 18, 2023, that Mr. Borba engaged in conduct and communications that enabled and permitted Rome Aloise to violate his suspension. In sum, the Agreement provides that:

1. Mr. Borba will immediately, upon approval of the Agreement, serve a suspension of 2 months from all positions with IBT-related entities, including his positions as Teamsters Local 315 Vice President and Trustee on the Teamsters Benefit Trust and the Supplemental Income 401K Plan 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. Borba 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."

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

Hon. Barbara Jones
December 14, 2023
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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)

Affidavit and Agreement

CARLOS BORBA, being duly sworn, deposes and says, and agrees as follows:

membership and continuous good standing in Local 315, provided I pay dues covering that period and otherwise maintain my membership in good standing.


6. 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.

7. I hereby further agree that from the effective date of my suspension and during the entire period of my 2 month 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.

8. 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. If this Agreement is not approved by the IRO, this Agreement is null and void.

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

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



Carlos Borba

Dated: _____

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 Attached
for

(seal)

Notarization

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: 3-1-24

CALIFORNIA JURAT WITH AFFIANT STATEMENT**GOVERNMENT CODE § 8202**

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

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.

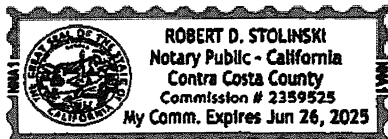
State of California

County of Contra Costa

Subscribed and sworn to (or affirmed) before me

on this 11th day of December, 2023
by Date Month Year(1) Carlos Borba

(and (2) _____),

*Name(s) of Signer(s)*proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.Signature Robert*Signature of Notary Public*

Seal
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 Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____