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May 13, 2014

Raymond Stoddard

Todd Sokolowski

Re: JUDICIAL PANEL CASE NO. 13-95
Stoddard et al v. Sokolowski et al

GREETINGS:

Enclosed is Judicial Panel member Richard Gollin's decision in the above-captioned case.

In Solidarity,

Richard Abelson
Judicial Panel Chairperson

RA:spp

- cc: Lee Saunders, President
- Laura Reyes, Secretary-Treasurer
- Jim Howell, Regional Director O&FS
- John English, AFSD
- Sal Luciano, Executive Director, Council 4
- Russell Riggio (charging party)
- Kenneth Jennetti (charging party)
- Karl Anderson (charging party)
- Kathleen Alabsi (charging party)
- Michael Bower (charging party)
- Sean Lauck (charging party)
- David Lenczyk (charging party)
- Paul Mason (charging party)
- Kevin Randle (charging party)
- David Ricotta (charging party)
- Richard Rojek (charging party)
- Anthony Selice (charging party)
- Martin Surowiec (charging party)
- Richard Canazzi (charging party)
- Ken Turnbull (charging party)

- Lee Saunders
President
- Laura Reyes
Secretary-Treasurer
- Richard Abelson
Judicial Panel Chairperson
- Judicial Panel Members:
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- Richard Gollin
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JUDICIAL PANEL CASE NO. 13-95
Stoddard et al v. Sokolowski, et al

This case involves charges filed by Raymond Stoddard, Ken Turnbull, Andre Carrion, Maggie Gomez and Sorin Hicolescu et al of Local 391 against Todd Sokolowski, Local 391 Secretary/Treasurer, Collin Provost, Local 391 President, Ben Weiner, Treasurer Local 391, Marie DeSousa, Executive Board Member, Local 391 and Kevin Brace, Local 391 Recording Secretary. Local 391 represents 1800 Correction Workers in the State of Connecticut and is affiliated with Connecticut Council 4.

The Judicial Panel assumed original jurisdiction over this matter on November 20, 2013, pursuant to Article X and Article XI of the International Constitution. The case was assigned to Judicial Panel Member Richard Gollin after the parties were given the opportunity to strike names from a list of Judicial Panel Members pursuant to Article XI section 8 of the International Constitution. Following due notice to all parties, the trial was scheduled for January 16, 2014 and March 11, 2014 in Hartford, Connecticut. All testimony was given under oath and a complete transcript of the proceedings was made by a professional court reporter.

THE PARTIES

The charging parties in this case are Raymond Stoddard, Russell Riggio, Kenneth Jennetti, Karl Anderson, Kathleen Alabsi, Michael Bower, Sean Lauck, David Lenczyk, Paul Mason, Kevin Randle, David Ricotta, Richard Rojek, Anthony Selice, Martin Surowlec, Richard Canazzi, Ken Turnbull, Nickia Miller, Andre Carrion, Maggie Gomez and Sorin Nicolescu.

Raymond Stoddard, Ken Turnbull, Nickia Miller, Andre Carrion, Maggie Gomez and Sorin Nicolescu were present and represented by Raymond Stoddard.

Russell Riggio, Kenneth Jennetti, Karl Anderson, Kathleen Alabsi, Michael Bower, Sean Lauck, David Lenczyk, Paul Mason, Kevin Randle, David Ricotta, Richard Rojek, Anthony Selice, Martin Surowiec, Richard Canazzi were not present and are dismissed as charging parties.

The accused parties in this case are Todd Sokolowski, Collin Provost, Ben Weiner, Marie DeSousa and Kevin Brace.

All the accused parties were present and were represented by Local 391 Vice President David Caron.

THE CHARGES

(See attached)

EVIDENCE IN SUPPORT OF THE CHARGES

A great many of the charges filed in this case flow from or were addressed by The International Audit (CP 21) conducted by Kathy German of the AFSCME Auditing, Department in June of 2012. The charges dealing with this audit will be addressed jointly.

The International Audit herein referred to as "The Audit" states on page 2 the following:

Lost Time Payments

"Local 391 does not have a lost time policy. Their current practice is to pay officers \$60 net after taxes if they work less than four hours and \$120 net after taxes if

they work more than four hours. The following problems were noted when reviewing lost time payments.

1. Treasurer Sokolowski received lost time payments in 2011 and 2012 with W-2s issued in the amount of \$15,300 each year. During 2012 he was paid for 116 lost time days.
2. Lost time is reported on expense vouchers but the specific union business performed is not noted.
3. Officer expense vouchers with lost time are not always approved by the board.

It should be noted that "Lost Time" in Local 391 refers to union business performed on the individual's own time. It does not necessarily refer to compensation paid in lieu of salary or earned time. The charging parties presented CP 7, the Local 391 Lost Time Policy, to support their charge.

The Audit notes the amounts received by Treasurer Sokolowski in lost time payments as \$30,600 for the years 2011 and 2012. No documentation was presented at this hearing to justify these payments.

Directly related to the audit are the charges dealing with the ability of the Local 391 Trustees to meet the responsibilities of these elected positions. To this end Brother Andre Carrion was called as a witness by the charging party. Brother Carrion was elected as a Trustee (TR 57). When asked about his ability to conduct an audit he testified as follows:

Q. "Did you ever conduct an audit or were part of an audit during your term as trustee?"

A. "No"

Q. "Did you ever try to have an audit conducted?"

A. "I did. I spoke with you and Jon Pepe several times asking about my responsibilities and duties as a trustee, and the response was that we'll talk to Todd and he would get the trustees together to do so, to have an audit." (TR 59)

Sister Nickia Miller testified that to date she has not been able to fulfill her duties as a Local 391 Trustee. (TR 293-294) Brother Sokolowski has not contacted her to perform an audit. President Provost told her that the trustees could contact her on September 20, 2013 to start auditing the books. No one contacted her. The matter of the audit was raised at the October 16th, 2013 Executive Board meeting where it was said that the trustees would schedule a meeting, but there was no mention of scheduling a trustees' meeting. Sister Miller stated that the in five months since the Executive Board meeting, no trustees' meeting have been scheduled. (TR 317)

The Audit continues as follows:

Credit Cards

AFSCME strongly recommend against the use of union-owned credit cards as they circumvent the requirement that two officers sign all disbursement checks. The following officers had credit cards during the review period: President Jon Pepe, Treasurer Todd Sokoloski, Vice President Joe Vecchitto and Executive Board Member/Purchasing Agent Jim Zuccalo. Due to the use of union-owned credit cards, the following problems were found:

1. Credit card vouchers were not submitted for all charges.
2. Itemized receipts were not submitted to substantiate all credit card charges.
3. The specific union business purpose was not noted on the credit card vouchers for most of the charges.

4. The credit card vouchers were not approved and the credit card statement was not reconciled prior to payment. Partial payments were made causing the local to incur over \$1,200 in interest charges on the unpaid balances.
5. Over \$12,000 was spent on meals without documentation. Group meals did not include names and specific union purpose of the meals. Individual meals were not reported as taxable W-2 income for the cardholders.
6. Several charges made by Vice President Vecchitto appear to be personal and were not included on his credit vouchers. AFSCME's Financial Standards Code prohibits personal charges to a union-owned credit card.

Sister Miller testified that "During two separate membership meetings, Todd at one and Collin at another expressed that Todd Sokolowski continues to have a credit card linked to the Local 391 which remains operational and continues to be used." (TR 312)

Brother Carrion testified that he attended ten out of sixteen membership meetings and that at those ten meetings there was no treasurer reports presented or voted upon by the membership. Also he testified that Treasurer Sokolowski did not attend any of these meetings. (TR61)

While there are numerous other charges, they do not rise to the level of a chargeable offense, or were not specific or were not tied to a specific violation.

EVIDENCE IN REFUTATION OF THE CHARGES

Charge 5 states in part: "Many of Treasurer Sokolowski's expense vouchers cite "President Designee" for treasurer work which is improper, unconscionable, and not permitted by the Local's Lost Time Policy or per the Constitution. No explanation has been offered to the members or given as to what treasurer's work the president

allegedly authorized Treasurer Sokolowski to conduct. Additionally, no Financial Statement has been filed with Council 4 since 2003 and the last time the Surety Bond Report was filed with Council 4 was 2007. "

The audit states "Lost Time is reported on the expense voucher but the specific union business performed is not noted" and "the specific union business purpose was not noted on the credit card voucher for most of the charges."

A great deal of testimony was elicited on behalf of the accused parties dealing with the concept of President Designee and whether or not the work was performed for this category. (The accused party, however, failed to address what the undersigned considers to be the most serious charge of what work was actually done to justify over \$30,000 dollars in lost time and credit card bills.)

Collin Provost testified that the Lost Time policy was not submitted to Sister German because of missing minutes. He testified he did not claim that there wasn't a Lost Time policy.

"I knew that there was a Lost Time Policy. I didn't know exactly when it was begun or when it was -- the original rule was made, but I knew there was the existence of one." (TR 388)

President Provost, in response to the testimony of Sister Miller testified that:

Q. "Earlier Nickia Miller testified that she came to the office to see you and you were not there. Can you explain to me what happened, why you weren't there that day?"

A. "That day specifically I got held over at one of the facilities in a meeting that lasted a little bit longer than I had expected. Upon leaving the facility, I looked at my cell phone and saw that there were a couple messages. I don't remember exactly, but I tried calling back to the office.

Once I discovered that I had missed the meeting, upon returning to the office Nickia had already left, so Kevin and I were together that day in that meeting, and we ran upstairs and grabbed some of the information that I was going to review with Nickia that day to bring over to the facility so that we would - just because I felt bad about missing the meeting, and I thought it was important that I try to at least attempt to have some sort of a meeting with her to go over what we were going to go over."

Q. "So what did you do after you got back to the office and you and Kevin - you said you and Kevin had went over to -"

A. "Went over to their facility."

Q. "What took place over there?"

A. "When I went inside, I was approached by somebody who was working there, Andre Carrion, and he said he would try to contact her for me. Upon that conversation, he said that she wasn't going to be available to talk to me, so I attempted to leave the treasurer training manuals with Andre for her."

Brother Provost later testified regarding the Local Trustees and their concerns about conducting an audit:

Q. "Have your trustees done a review of an audit?" (TR 448)

A. "No."

In response to direct examination regarding the issue of credit cards, President Provost testified as follows:

Q. "Can you explain to me the situation with the credit card that Todd Sokolowski has? Is it the Union's credit card?"

A. "It's a confusing thing that I tried to understand myself and then tried to project to the membership and inform them that there was an account that was open in the credit of Todd Sokolowski, because he was the Treasurer, and that he had it mailed to the Local office and there was several other members of the Executive Board that had cards. We, upon taking office, thought that it was a bad practice, and that though there was going to be cards issued in our names, that we decided it would probably be best that

we eliminate all credit cards, aside from the one that has Todd Sokolowski's name on it because it was originally issued in his name; the account was in his name though it utilized the Local's address. So to try to clarify that to the membership is what I did at that time, was that we weren't using credit cards - individual officers under the Local's - any Local credit."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

It is clear to the hearing officer that Local 391 Treasurer Todd Sokolowski has abused his position. No evidence was presented to refute the overwhelming evidence presented against him. The audit pointed out that over a two year period Treasurer Sokolowski was paid over \$30,000 in lost time payments with little if any documentation to support these expenditures. No evidence was presented in response to the charges and testimony regarding his failure to provide monthly financial reports.

Although this audit did not specifically attach individuals to \$12,000 in credit card bills it noted that there were no documents to support that these expenditures were justified in terms of union business. The failure of Treasurer Sokolowski to either require some or provide it was an abandonment of the responsibilities of his elected office.

President Collin Provost was elected to office in April 2013 and cannot be held responsible for actions that took place prior to his taking office. It is troubling that the audit states that the local did not have a Lost Time Policy, when in fact it did. President Provost testified that he did not make such a statement. The fact is that the policy was not provided to the auditor. The undersigned does not believe that this was an oversight.

In light of the actions of Local Treasurer Sokolowski, it is hard to understand why he still has a credit card, while it is under his name. The bills are sent to the Local 391 Union Office. The fact that President Provost allowed this to continue is in the hearing officer's opinion, a failure by Brother Provost to act in a responsible manner.

Based on the evidence presented, I find Todd Sokolowski guilty of violating Article X Section 2A by not carrying out his duties as Treasurer of Local 391.

I further find Collin Provost guilty of violating Article X Section 2J and Article X Section 2A of the International Constitution.

Brother Provost has failed to allow the Local Treasurer to "audit" the local's financial records in spite of the recommendations of the International Audit.

The remaining charges were either not specific substantiated; or were not violations of the International Constitution.

DECISION

Todd Sokolowski shall be removed from the position of Local 391 Secretary/Treasurer and shall be suspended from the right to hold or seek any elected position at any level of the union for a period not to exceed four years.

President Collin Provost shall be issued a formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the accused is found guilty.

The local shall create a Lost Time Policy that mandates the type of work performed be included in any request for payment.

The credit card that is in Todd Sokolowski's name shall be cancelled. If the aforementioned card is Brother Sokolowski's personal credit card then the billing address should be changed to his personal mailing address.

The Local Trustees shall be allowed to perform the duties of these elected positions without delay.

All other charges not addressed herein are dismissed.

May 13, 2014
Jersey City, NJ

Richard Gollin
Judicial Panel Member
AFSCME AFL-CIO