

**U.S. Department of Labor**

Employment Standards Administration  
Office of Labor-Management Standards  
New York District Office  
201 Varick Street  
Room 878  
New York, NY 10014  
(646)264-3190 Fax: (646)264-3191



January 21, 2010

Mr. Dan Kreiser,  
President  
Teamsters  
Local 35  
620 US Route 130  
Trenton, NJ 08691

Re: Case Number: [REDACTED]

Dear Mr. Kreiser:

This office has recently completed an audit of Teamsters Local 35 under the Compliance Audit Program (CAP) to determine your organization's compliance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). As discussed during the exit interview with you and Lisa Szymelewicz, Titan Operator on January 15, 2010, the following problems were disclosed during the CAP. The matters listed below are not an exhaustive list of all possible problem areas since the audit conducted was limited in scope.

The CAP disclosed the following:

**Reporting Violations**

The audit disclosed a violation of LMRDA Section 201(b), which requires labor organizations to file annual financial reports accurately disclosing their financial condition and operations. The Labor Organization Annual Report (Form LM-2) filed by Local 35 for fiscal year ending December 31, 2008, was deficient in the following areas:

**1. Cash Reconciliation (Form LM-2 Items 25A and 25B)**

It appears that the cash figures reported in Item 25 are not the cash figures according to the union's books after reconciliation to the bank statements. The instructions for Item 25 state that the union should obtain account balances from its books as reconciled to the balances shown on bank statements. Specifically, the audit showed that Item 25 A totaled \$63,082 and Item 25 B totaled \$115,092.

**2. Total Receipts (Form LM-2 Item 49)**

The union inadvertently reported in Form LM-2 Item 49 Total Receipts the amount of \$557,373 for the audit period December 31, 2008. However, the audit findings reflected total receipts as \$553,554.

**3. Repayment of Loans Obtained (Form LM-2 Item 62)**

The union underreported the total amount of payments made to GMAC for auto lease during period December 31, 2008. The organization reported in Item 62 \$4,788. However, the audit showed the total amount paid to GMAC was \$5,216.

**4. Contributions, Gifts and Grants (Form LM-2 Item 52)**

The union underreported the total amount of donations made during the audit period December 31, 2008. The union inadvertently reported in Item 52 \$1,000 only. However, the audit findings reflected \$3,500. The additional contribution of \$2,500 appears to have been reported inadvertently in Item 54 Union Administration.

**5. Total Disbursements (Form LM-2 Item 68)**

Local 35 inaccurately reported the total amount of disbursements in Form LM-2 during the audit period December 31, 2008. The organization's LM-2 report, Item 68 Total Disbursements reflected \$505,223. However, the audit disclosed that the organization's total disbursements were approximately \$501,554.

A review of the union's records showed that the differences mentioned above in items 1-5 were attributed to accounting errors. As a result, Local 35 must file an

amended Form LM-2 for fiscal year ending December 31, 2008, to correct the deficient items discussed above. I explained to you the filing procedures and the availability of filing software on the OLMS website ([www.olms.dol.gov](http://www.olms.dol.gov)). The amended Form LM-2 must be electronically filed as soon as possible, but not later than January 29, 2010. Before filing, review the report thoroughly to be sure it is complete and accurate, and properly signed with electronic signatures.

I want to extend my personal appreciation to Teamsters Local 35 for the cooperation and courtesy extended during this compliance audit. I strongly recommend that you make sure this letter and the compliance assistance materials provided to you are passed on to future officers. If we can provide any additional assistance, please do not hesitate to call.

Sincerely,



Investigator

cc: Roger Grover Jr., Treasurer