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February 20, 2024

Sent via email to:

Charging Party
Omar Salaam
Kim Athanasiadis
Damon Kinsey
Shermeka Core
Leonard Brown
Charles Carrington

Accused Party
Ernest Garrett

Re: JUDICIAL PANEL CASE NO. 23-053
Salaam et al. v. Garrett

GREETINGS:

Enclosed is Judicial Panel member Frank Piccioli's decision in the above-referenced case.

In Solidarity,

Carla Insinga
Judicial Panel Chairperson

CI:spp

cc: Lee Saunders, President
Elissa McBride, Secretary-Treasurer
Jim Howell, Regional Director O&FS
Maximus Weikel, AFSD
Patricia Collins, Esq.
Jordan Konell, Esq.

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JUDICIAL PANEL CASE 23-53
Salaam et al. v. Garrett

This case involves charges filed by Omar Salaam, Kim Athanasiadis, Damon Kinsey, Shermeka Core, Leonard Brown, and Charles Carrington against Ernest Garrett. The parties are all members of Philadelphia-Eastern Pennsylvania Public Employees District #33 of the American Federation of State County and Municipal Employees (AFSCME), AFL- CIO.

The Judicial Panel assumed original jurisdiction over this matter on October 25, 2023, pursuant to Article X and XI of the AFSCME International Constitution. The case was assigned to Judicial Panel Member Frank Piccioli, after the parties were given an 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 interested parties, the hearing was held via Zoom on December 14, 2023, and was continued on January 3, 2024. All testimony was given under oath and a complete transcript of the proceedings was made by a professional court reporter.

THE PARTIES

Charging Parties Omar Salaam, Kim Athanasiadis, Damon Kinsey, Shermeka Core, Leonard Brown, and Charles Carrington were present and represented by Mr. Jordan Konell, Esq.

Accused Party Ernest Garrett was present and represented by Ms. Patricia Collins, Esq.

THE CHARGES

(See Attached)

EVIDENCE IN SUPPORT OF THE CHARGES

Counsel for the Charging Parties, Mr. Konell, brought forth Romani Reynolds to testify and placed into evidence (CP31). Reynolds is the Executive-Secretary to District Council 33's President and Accused Party Ernest Garrett and was hired in November of 2020. (TR 25). Reynolds testified that at a delegate conference in March 2023 she was told she was going to get a bonus check for her recent work. (CP31). She received bonus pay in the amount of \$1,500.00 but did not tell the other officers of the District Council about it. After charges were filed against Brother Garrett, she was approached by him and questioned about the upcoming Judicial Panel trial and how one of the pieces of evidence was the bonus she received and whether she had said anything about the bonus. Sister Reynolds testified that this was not the first time that Brother Garrett questioned her loyalty to him and whether she was trustworthy. Sister Reynolds testified that there were several occasions over the course of three years that she was questioned about her loyalty; she felt that Brother Garrett demanded loyalty. (TR 29). Under cross examination Sister Reynolds testified that she was hired by President Garrett and that she received the bonus for the delegate seminar coming in under budget.

Charging Party Leonard Brown was then called to testify. Brother Brown testified that he is the Business Agent for Local 403 and has been with the union since 2006. He was questioned if regular budgets were presented by the Accused Party. Brother Brown

affirmed they were but that salaries were never listed. (TR 34-35). Mr. Konell then entered the FY 2022 Budget Comments into the record. (AP1). Brother Brown testified he did not recognize the document, that it was never presented to him, nor did he know who prepared it. It was pointed out that there is no date on the document and just the fiscal year 2022 is listed. (TR 37-38). The FY 2022 budget (AP2) was then entered into the record, and it was displayed for Brother Brown. He testified that he had seen and reviewed the document and voted on it but that the previous document (AP1) was never reviewed. (TR 38-39). The FY 2023 Budget Comments (AP 3) were then entered as evidence, Brother Brown testified that he did not recognize the document, was not presented with this document, did not know who prepared the document and did not vote on it. (TR 40). The FY 2023 Budget was then admitted into the record (AP4) and Counsel referred to the table of contents. Brother Brown, repeating his earlier testimony, testified that this document was reviewed and voted on. (TR 40-41).

Brother Brown was presented a document which he identified as an LM-2 form, a federal document that reports expenditures for District Council 33 from July 1, 2021, to June 30, 2022, and it was entered into the record (CP34). The LM-2 form covering a time period from July 1, 2022, through June 30, 2023, was then also entered into the record. (CP35) (TR 41-43).

Mr. Konell then asked Brother Brown about the state of maintenance services in District Council 33 and referred specifically to David Boskie, an individual mentioned in Charge 1C. Brother Brown did not know who the individual was and testified that neither

the Executive Board, the membership, the delegate body nor any subsidiary body of the Executive Board approved Mr. Boskies' hiring to perform maintenance services. (TR 44).

Mr. Konell then referred to Charge 1D referring to Monroe Bullock and once again Brother Brown testified that he was not aware of anyone approving his hiring. He was also not aware of this individual's salary and said that the Executive Board never had information about his salary. (TR 44-45).

Mr. Konell then discussed Dwayne Fair Sr, the individual referred to in Charge 1F, and Brother Brown again testified that the Executive Board did not approve his hiring, nor did they know about his salary. (TR 45). Charge 1G was then brought up concerning David Fitzgerald. Brother Brown was asked whether he approved Fitzgerald's hiring or his salary, Brown testified that he did not approve either action. (TR 45-46).

Charge 1L refers to Amir Wheelings-Moore. Brother Brown did recognize that individual and stated that he represents Wheelings-Moore in the Department of Transportation. Brother Brown was aware that he worked as building maintenance for District Council 33. However, he also testified that no District Council 33 governing body approved his hiring or his salary. (TR 46-47).

Charge 1O discussed Carnell Turner. Brother Brown testified there was no approval for hiring Carnell Turner, or approval for his salary by a vote of a District Council 33 governing body. (TR 47-48).

Mr. Konell then referred to Khalil Jones Smith without reference to a specific charge and asked Brother Brown if he knows that person or if there was approval for the hiring of Khalil Jones Smith by the executive board, the delegate assembly, or a subsidiary body of the executive board. Brother Brown testified that no such approval occurred. (TR 48-49).

Counsel then referred to Quincy Turner who was hired for maintenance services, referring to charge 1T. Brother Brown was not aware of who this individual is and testified that there was no approval for his hiring or his salary by the Executive Board. (TR 49).

Mr. Konell then referred to (CP29). Brother Brown testified that this was a document showing Bret Coles' payroll number, title and department for the Philadelphia Police Department as a communication dispatcher in 2023. Brother Brown testified that Coles was working as a police communication dispatcher for the city while also working as the Communications Director for District Council 33, managing social media posts and photographs. Mr. Brown testified that he never received nor reviewed a job description and that the Executive board of District Council 33 had not approved his hiring or salary. (TR 49-53).

Under cross examination, Brother Brown testified that he is a member of the Executive Board of the District Council, and that President Matthews is Brother Garrett's predecessor. Brother Brown was asked by the Accused's Counsel, Ms. Collins, if he approved any hiring under former President Matthews and he testified that he was not

aware of any new hires during that term at least from when he came onto the Executive Board in 2017 to the end of President Matthews term in 2020. (TR 54-57). Brother Brown further testified that as part of his duties as a Union Officer he reviewed the charges and made sure every charge within the charging document was true before he signed the charges. (TR 58). Brother Brown was then questioned that in his role on the Executive Board if he approved the budget for 2023 and that if he knew there was a line item in that budget marked salaries as well as the total manpower chart lists. Brother Brown testified in the affirmative and that he approved it. (TR 66-68).

Mr. Konell then called Damon Kinsey to testify. Brother Kinsey testified that he is President of Local 403 and has been since 2019. Brother Kinsey testified that budgets were presented for approval to the Council 33 Executive Board but that salaries were never listed. (TR 77-78). Mr. Konell then referred to the FY 2022 Budget Comments (AP1) and Brother Kinsey testified that he did not recognize that document nor was it presented to him and that he did not know who prepared it. The FY 2023 Budget Comments (AP3) were shown again. Brother Kinsey testified the document was not presented to him, he did not know who prepared it and he did not see it before voting on the budget for 2023. (TR 78-80).

Mr. Konell referred Brother Kinsey to Charge 1J regarding Ronald Hughes. Brother Kinsey testified he knows who he is and that he works for the Parks and Recreation department but testified that he did not approve his salary or his hiring. (TR 80). Charge 1N referring to Romani Reynolds was then discussed, and Brother Kinsey

testified that in this case as well, he never approved her hiring or salary. (TR 80-81). District Council 33's LM-2 reports for FY 2022 and FY 2023 were then shown to Brother Kinsey and reference was made to JMB Investigations and Security. Brother Kinsey was not aware of what that firm did and did not approve of the expenditure of \$7,207.00 a month in his role as a member of the Executive Board. (TR 82-83) (CP34 & CP35).

Under cross examination, Brother Kinsley was asked to review the meeting minutes from February 9, 2022 (CP2). Ms. Collins referred to the minutes which referenced President Garrett's Administrative Assistant being an individual named Romani Reynolds. Brother Kinsey testified that he did not object or ask questions at that time about who was hired for the Administrative Assistant position or who this individual was. (TR 84-86). Under redirect Brother Kinsey testified that it was his understanding under AFSCME's Financial Standard Codes that the hiring of personnel and their salaries must be approved and that the JMB Security organization was never discussed, or their services approved. Brother Kinsey also testified that members are concerned about the expenditures from District Council 33 and what's going on financially. (TR 88-89, 92).

Mr. Konell then called Charles Carrington to testify. Brother Carrington testified that he has been the President of Local 427 for the last 10 years. Brother Carrington testified that the 2022 budget was presented for approval to the Executive Board but that salaries were never listed in that budget. (TR 95-96). The Budget Comments for FY 2022 were again shown (AP1), but Brother Carrington did not recognize the document or

know who prepared it and had never seen it. (TR 97). In reference to the FY 2023 Budget Comments (AP3), Brother Carrington testified that he did not recognize that document nor was it provided for review. (TR 97).

In reference to Charge 1K, Brother Carrington testified he believes that Antoine Little is a member of Local 427 and Brother Garrett's Assistant, but the Executive Board did not approve his hiring or salary. (TR 99-100).

Charge 1E was then brought up which refers to Ernest Garrett Jr. Brother Carrington testified that he assumed the individual to be Brother Garrett's son. (TR 100). A document that Brother Carrington identified as a timesheet for Ernest Garrett Jr. was then entered into evidence. (TR 101). Brother Carrington testified that the 2023 timesheet reflects that Earnest Garrett Jr., works for the Sheriff's Department in the City of Philadelphia. Brother Carrington testified that it is his understanding that Ernest Garrett Jr. was working for both District Council 33 and the City of Philadelphia at the same time. (TR 101). Brother Carrington said that he did not feel it was appropriate to have both jobs as he feels that he feels this is double dipping. Brother Carrington testified that no District Council 33 governing body approved this hiring or salary, and learned that Earnest Garrett Jr., was a District Council 33 employee from another officer. (TR 102).

Mr. Konell then asked Brother Carrington who Donald Cobb is. Brother Carrington testified he is Evon Sutton's son. Evon Sutton, is District Council 33's Political Director. He believes Donald Cobb is in charge of security because another Executive Board member told him that he was. (TR 103). Brother Carrington was presented with a

document that he identified as a timesheet (CP27) for Cobb, which purports that Cobb works for the Sheriff's Department earning \$63,944 a year. Brother Carrington affirmed that it is clear to him that Cobb works both for the City and the District Council and testified he felt such a thing was inappropriate and double dipping between the City and the District Council. (TR 103-105). Brother Carrington then testified no District Council 33 governing body approved Cobb's hiring or salary, and Brother Carrington did not ever approve what Cobb is doing. (TR 106)

Charge 1Q was then brought up. Brother Carrington testified that he does not know who Emir Garrett is. After being told by Mr. Konell that Emir Garrett is listed as an intern on the 2023 LM-2, Brother Carrington testified that he does not know of an internship program at District Council 33, or what an intern for the District Council does. He further testified that he did not vote on Emir Garrett's hiring or his salary and neither did the Executive Board nor the Delegate Assembly. (TR 107). In reference to Charge 1V, Mr. Konell brought up Ethelind Baylor. Brother Carrington testified that neither her hiring, nor her salary was ever presented to the District Council 33 governing body for approval and that he only found out she was working for District Council 33 when another officer told him. (TR 107-108).

Brother Carrington then testified about an individual named Dominick Gibbs who runs the "Family Printing LLC" print shop on the first floor of the District Council's building. Brother Carrington testified that Gibbs is Evon Sutton's nephew and the former Vice President of Local 394, the shop opened after Brother Garrett took office, and he is

not aware of any rental contract between the District Council and Family Printing LLC. (TR 109-110). Brother Carrington was then asked to review page 36 of the 2023 LM-2 report (CP35). He testified that he saw an expenditure to Family Printing for member apparel in the amount of \$494,556. Brother Carrington testified he did not know what this money was spent on. (TR 110-111). Brother Carrington affirmed that in 2023, District Council 33 purchased hoodies and the money to purchase hoodies was authorized. (TR 111). The 2023 budget was again referenced, and on page 9 Brother Carrington testified the budget approved for membership hoodies at a cost of \$224,000. Brother Carrington was unaware of what half a million dollars was spent on at Family Printing LLC, but he felt that it could have gone into "someone's pocket." Additionally, he testified that he does not know whether the business is a union print shop. (TR 112-113) (AP 4).

In again referencing the 2023 LM-2 (CP34), Brother Carrington testified that twenty-four individuals appear as employees on the LM-2, but the manpower chart which appears in the 2023 budget only counts eighteen individuals. (TR 118-119). Brother Carrington's testimony turned towards catering. He testified that if you want to order catering at the District Council you contact, "Ms. Kim" who he testified is Brother Garrett's sister-in-law. An invoice (CP32) was then entered into the record, which lists "Catering Department" at the top of the document and displays among other things the District Council's address. The invoice states that it is an order for a "Mother and Son Dance" that took place on March 5, 2022. Brother Carrington, in reviewing the document,

testified that the invoice looks like it was paid by cash, and he was not aware of any accounting of that money or if it was deposited into a bank account. (TR 120-122).

Under cross examination Ms. Collins asked Brother Carrington if he felt it was the position of the Charging Parties that each new hire had to be approved by the Executive Board, and Brother Carrington testified in the affirmative. Brother Carrington was asked if it was the practice in the previous administration to approve each position within the District Council and Brother Carrington testified that he was not aware of any new people being hired during the previous President's administration. (TR 125-126).

Brother Carrington was asked if the Executive Board approved the purchases of hoodies and jackets. Mr. Carrington stated the Executive Board approved only hoodies, and he did not ask who the vendor was. Ms. Collins questioned Brother Carrington about the statement he made previously saying that he felt said some funds went into "somebody's pocket." Ms. Collins asked whose pocket that went into, and Brother Carrington testified he felt it went to Brother Garrett. (TR 127-128). When asked by Counsel for the Accused if there was evidence of that, Brother Carrington testified that he had a conversation with Brother Garrett in Brother Carrington's office, and during this conversation Brother Garrett told him that he "makes a dollar off everything that is sold in the print shop." Brother Carrington then testified that during this same conversation Brother Garrett offered him a \$60,000 job, but there was no title attached to the job; "[Brother Garrett] just said, 'I got a \$60,000 job for you.'" (TR 129).

Mr. Konell then called Sister Shermeka Core to testify. Sister Core testified that she is the Business Agent of Local 488 and has been in that position since February of 2022. Sister Core testified that she was present for the proposed FY 2023 Budget presentation to the Executive Board, but the budget was tabled and not approved. She stated that the salaries were not listed in that proposed budget. (TR 134-135).

Mr. Konell then called Kim Athanasiadis to testify. Sister Athanasiadis specified that she has been the President of Local 488 since 2000 and sits on the Executive Board for the District Council. (TR 137). She testified that the budget was presented for approval during Brother Garrett's time in office, and that she has voted on all budgets as an Executive Board member, but salaries were never listed. (TR 138-139). The FY 2022 and FY 2023 budget comments (AP1, AP3) were shown to Sister Athanasiadis. She testified that she did not recall ever seeing the documents or knowing who prepared it or presented it. (TR 139-140).

Mr. Konell then referred to Charge 1A and Sister Athanasiadis testified that neither she nor the Executive Board approved Evon Sutton's hiring or her salary. She further testified that Brother Garrett said that Sutton was hired as the Political Director to permit her to finish her pension eligibility. (TR 140-141).

In reference to Charge 1E, Sister Athanasiadis testified that neither she nor the Executive Board approved the hiring or salary of Kristi Billups. Further, her salary was not disclosed to the Executive Board. (TR 141-142).

In reference to Charge 1H and Vanessa Fleming's hiring as District Council 33's Chief Financial Officer, Sister Athanasiadis testified that neither she nor the Executive Board or the delegate assembly approved her hiring or her salary. She further testified neither were presented any documentation on the budget related to her salary. Sister Athanasiadis testified that she was told that Flemings is related to Brother Garrett by marriage. (TR 142-143).

Referring to Charge 1I, Sister Athanasiadis testified she knows who Aeisha Harris is, but the Executive Board did not approve her hiring or her salary. (TR 143-144).

Regarding Charge 1U, which references Roderick Benson, Sister Athanasiadis testified that she does not know who Benson is, and neither she nor the Executive Board approved his hiring or his salary. (TR 145).

Sister Athanasiadis was shown CP 29 and testified that this was a payment stub for Brett Coles who works as a Police Communications Dispatcher with the City of Philadelphia. She further testified that Coles' position with the City is a full-time job, and the payment stub reflects he is paid \$58,000.00 a year by the City. Additionally, she testified that the Communications Director for the District Council is a full-time job. Sister Athanasiadis testified she does not think an employee can work full-time for both the City and the District Council. (TR 146-147).

In reference to Ernest Garrett Jr., Sister Athanasiadis testified that while she knows Brother Garrett has two sons, she does not know which son is Ernest Garrett Jr. and which is Emir Garrett. She further testified that she does not know what Ernest Garrett Jr. does.

(TR 147). She was shown CP28 which purports to be a pay stub for Ernest Garrett Jr., in the Sheriff's Department, and the stub indicates he is an Administrative Assistant, a full-time role. (TR 148-149). She testified once again that she does not feel it is proper to work for the City and the District Council at the same time. (TR 149).

In reference to charge 2H, Mr. Konell discussed the 48th Street and Ludlow Street parking lot. Sister Athanasiadis testified that while the sale of the parking lot was approved by the Executive Board, the Executive Board did not approve a contract with the title company. (TR 150-151). She testified that she saw the revenue in the treasury report, is not aware of where the money went but it is her understanding that the money from the sale was invested. (TR 152). Under cross examination Sister Athanasiadis testified she has served on the District Council 33 Executive Board for eleven years, and she was not aware of any hiring done under the previous President. (TR 156-57).

Mr. Konell then called Brother Omar Salaam to testify. Brother Salaam testified that he is the Business Agent for Local 427 and represents Sanitation and the Police Department and is also Vice President of District Council 33. Brother Salaam testified that budgets were presented for approval but that salaries were never listed in that budget. (TR 162). Brother Salaam testified that he did not recognize the FY 2022 or FY 2023 Budget Comments (AP1 and AP3), did not know who prepared them and they were never presented to him. Regarding Charge 1U which discussed Roderick Benson, Brother Salaam testified that he knew who he was and stated that he is Ernest Garrett's cousin who works in the IT department for District Council 33. Brother Salaam testified that he

does not know if Benson is qualified to do that work, that Benson was hired after Brother Garrett became President, and no District Council 33 governing body approved Benson's hiring or his salary. (TR 163-165).

Regarding staff bonuses, brought up in prior testimony by Sister Reynolds and in Charge 2G, Brother Salaam testified that he overheard a conversation between Sister Aeisha Harris and another individual about how they were to receive bonus checks, and the District Council's Secretary-Treasurer later confirmed the bonuses. Brother Salaam testified the Executive Board never voted to approve that expenditure nor did any discussion occur at Executive Board meetings. (TR 166-167). Mr. Konell then entered into the record a new document which Brother Salaam identified as a parking ticket ledger (CP30) that he received from a Philadelphia Parking Authority employee. (TR 169) Brother Salaam testified that the vehicle on the documentation is registered to Brother Garrett and that he was told that the parking tickets were paid by the District Council via check and credit card. Brother Salaam testified no executive officer approved the paying of those tickets. (TR 169-170).

Regarding Charge 1N, Brother Salaam testified to knowing Aaron Sanders and identified him as a member of Local 394, and according to the 2022 and 2023 LM-2's (does not specify in transcript, but Sanders appears in both 2022 and 2023 LM-2) he provides event security. Brother Salaam then testified that neither he nor the Executive Board approved his hiring or his salary. (TR 170-171).

Charge 3 was then referenced by Mr. Konell which regards the District Council 33 Legal Services Fund. Brother Salaam testified that the city pays into this legal representation fund and that he recently learned he is a trustee of that fund. Brother Salaam testified that October of 2023 was the first trustee meeting he had ever attended. (TR 171-173). The IRS Form 990 for the Legal Services Fund (CP44) was entered into evidence. Brother Salam testified he had never seen CP44 and while that document shows on Page 7 that Brother Salaam was assigned to work for the Legal Service Fund at an average of one hour a week and thirty-nine hours per week for District Council 33, Brother Salaam said he was never told to carry out any duties related to the Legal Services Fund. (TR 175-176). Brother Salaam testified that he was only made aware that he was a trustee of the Legal Services Fund in August of last year, and that he was never told he was on the Board of Trustees. (TR 177-178) (CP39). Brother Salaam testified that Brother Garrett ignored his request for information on the fund and was not permitted to review the books, and a meeting to discuss the fund was not scheduled until legal action was threatened by Brother Salaam. (TR 178-179, 182).

The District Council 33 legal services plan (CP36) was entered into the record and Brother Salaam referenced page 3 in which the attorneys and paralegals that provide legal services are employed by a firm named Spear Wilderman. Brother Salaam testified that over \$600,000 was spent for this service but that there was no approval of that expenditure by the Trust Fund Board, nor was he as a Trustee, ever involved in the decision to hire that legal firm. Brother Salaam testified that there was never a meeting of

the Legal Services Fund board to discuss the hiring, and no request for proposal was ever sent regarding the contracting out of those legal services. (TR 183-184). Brother Salaam testified that President Garrett made the decision to hire Spear Wilderman. (TR 185). The District Council 33 Legal Services Plan personnel chart (CP41) was entered into evidence. Mr. Konell asked if the administration of the Legal Services Fund was ever transferred away from Spear Wilderman and Brother Salaam said yes but that he was not involved in that decision and that even as a Trustee of the Legal Services Fund, he was not involved in hiring any of those attorneys or paralegals. (TR 186-188).

In reviewing the Legal Services Plan again, Brother Salaam discussed the geographical area that the Legal Services Fund must cover to represent the client, referring to page 7 of the Plan. Brother Salaam testified that services are not being provided to District Council 33 members right now because the geographical area being serviced is currently only in the City of Philadelphia. Brother Salaam stated that members are being denied services because of the limitations of this new plan. (TR 188-190). Brother Salaam, while reviewing the Legal Services Plan's Declaration of Trust (CP39) testified that according to the document the Trustees must meet every four months and that meeting must be called by President Garrett. Since becoming a trustee, according to Brother Salaam, the Board of Trustees has never met, and the Board has not voted on any expenses related to the Legal Services Fund prior to the filing of charges. The trustees also did not vote to retain legal counsel or who to hire to assist the fund. (TR 190-192).

The minutes of the Legal Services Fund's October 17, 2023, meeting were entered into evidence. (CP 42). The minutes reflect Brother Garrett stated that he will take "full responsibility in making those decisions because he thought it was his job and that no one had issue with it until recently and that's how we got to where we are." (TR 194). The AFSCME Financial Standards Code was then entered into the record (CP43) and Brother Salaam testified that he believes that the decisions of District Council 33 are subject to the Financial Standards Code and that he believes Brother Garrett was in violation of that Code. Mr. Konell referenced Section 6 of the Financial Code and Brother Salaam read "all funds received, whether cash or check, that are the property of the affiliates, must be promptly deposited in full in a bank account in the name of the affiliate." Brother Salaam testified he feels Brother Garrett violated that provision. (TR 197-198). When asked if he has seen evidence that money received through catering has been deposited in a District Council 33 account, Brother Salaam testified "no." (TR 198).

Mr. Konell referenced Article V of the AFSCME Financial Code and Brother Salaam read "union money can only be spent with the proper authorization." Brother Salaam testified that Brother Garrett has spent money without proper authorization. It was his opinion that the union apparel, and money paid to staff whose hiring they did not approve all represent violations of the Financial Standards Code. (TR 199).

Brother Salaam then read Article V, Section 4 of the Financial Standards Code, noting that "payments may be authorized by a vote of the membership, executive board and the committee of the executive board or other delegate assembly outlined in the

Constitution of the affiliate." Brother Salaam continued "by itself, a budget does not authorize any particular expenditure. No payment should be made, or cost incurred until the proper approvals of the expenditure have been made." (TR 199-200). Brother Salaam when asked, "Do you have concern in the future about President Garrett unilaterally making these expenditure decisions without the vote of the executive board or other body?" testified, "Yes. Absolutely." (TR 200).

Mr. Konell then referred Brother Salaam to Article V, Section 4 of the AFSCME Financial Code under "Hiring for Employees". Brother Salaam read "Authority for hiring and firing must be established. . . Policy must clearly identify the staffing positions that qualify for permanent employment. . . Appropriate procedures must be developed to determine necessary qualifications for positions. . . Policy must also require process for obtaining applications, conducting any of use, obtaining maintaining all documentation required by law." Brother Salaam testified that Brother Garrett's authority to fire and hire was not established; he did not establish a policy to identify positions qualifying for permanent employment; and he did not create or develop appropriate procedures before making hiring decisions. (TR 203-204). He continued reading, "Policy must establish authority for the initial setting of wages and rates and for approvals and changes. It should include how wage rates are to be determined and should establish who has authority for approvals and changes." Brother Salaam testified that he did not believe President Garrett followed any of these sections of the Financial Code. (TR 205).

EVIDENCE IN REFUTATION OF THE CHARGES

Counsel for the Accused, Ms. Collins, called Brother Garrett to testify. Brother Garrett testified that he was the Business Agent of Local 394 before being elected as District Council President. (TR 226-227). Brother Garrett testified that Evon Sutton is the political director and had worked for District Council 33 for over 30 years, Sister Sutton was hired by President Matthews and President Matthews did not go to the Executive Board to have her salary approved or her hiring approved. (TR 228). Ms. Collins then asked Brother Garrett about Kristi Billups, an accountant for the District Council. Brother Garrett testified that Billups worked for District Council 33 for the past few years and that he lowered the salary for that position by approximately \$40,000. Brother Garrett testified that he in fact had evaluated all the salaries of the District Council and cut them in ranges from \$10,000 to \$50,000. (TR 230-231).

Brother Garrett testified that Dave Boskie was originally hired as a custodian for District Council 33 and that he had helped him get a job for the City. Brother Garrett testified that Monroe Bullock was a working supervisor in charge of cleaning and maintenance and that he, as President, merged jobs to cut down on spending money. Brother Garrett testified that he made other changes to reduce costs, that he discussed those changes with Brother Omar Salaam, and that he also discussed his hiring employees and salary reductions with Brother Salaam. (TR 231-234).

Brother Garrett testified that he hired Brett Coles to manage social media and IT and in doing so replaced an outside vendor, saving money. Brother Garrett testified that

Coles is not an employee of the District Council but rather a private contractor, and Brother Coles notified his department of his work at the District Council. (TR 234-235). Brother Garrett then discussed the hiring of Dwayne Fair as Building Maintenance Supervisor and that he hired him to replace the previous employee, Alan Matthews, and reduced the salary for that position by \$10,000 a year. Brother Garrett testified Alan Matthews is the son of the previous President Pete Matthews and that he was hired in 2016 and the Executive Board did not approve his hiring or his salary. (TR 235-237). Brother Garrett went on to testify that while he served on the Executive Board from 2015 President Matthews never asked for Executive Board approval of any hires or their salaries. Additionally, no charges were filed against President Matthews for those decisions. When asked whether it is District Council 33 practice that the President makes hiring decisions, Brother Garrett testified "It's a well-known practice because, several of the people on the charging party have come to me and asked me to hire individuals that they know. So everyone knows that this was the practice that existed way before Ernest Garrett came along" (TR 237-238).

Ms. Collins then asked Brother Garrett about David Fitzgerald who was briefly hired by the District Council, Brother Garrett testified that Fitzgerald is a former employee who was a maintenance supervisor and once he was hired by the City, his role was filled by Dwayne Fair. (TR 238-239). Ms. Collins proceeded to ask Brother Garrett who Vanessa Flemings was, and Brother Garrett testified she is the CFO or controller, and that the District Council always had a Controller or Chief Financial Officer, and she

was hired around the time he was elected. Additionally, Fleming's degrees surpass her predecessors. (TR 239-240).

Brother Garrett was then asked who Aeisha Harris is, and he testified she is Evon Sutton's Assistant, and she replaced Mark Matthews who was identified as the grandson of former President Pete Matthews. Brother Garrett testified that Mark Matthews' hiring was never brought to the Executive Board nor was his salary. (TR 240-241). Ms. Collins continued and asked about Ron Hughes who was identified as a recently retired President from one of the locals who works for the District Council and was hired by former President Matthews in 2016. Brother Garrett responded that he lowered Hughes' salary by \$10,000 soon after becoming President. (TR 241-242). Brother Garrett testified that while he did not introduce all new hires to the Executive Board, he introduced several because he wanted the Executive Board to know who the employees were if they needed to contact an employee. He further testified that it was absolutely clear to the Executive Board that he was hiring employees, and ". . . they may say now that they don't understand the practice, but, you know, we're all 20-year employees. We know the practice, and they understand the practice." (TR 242-243).

Ms. Collins asked about Antoine Little and Brother Garrett said that Antoine Little was his Executive Assistant and that the Executive Board was aware that he was his assistant. Further Brother Garrett testified that he hired him and reduced that position's pay from \$90,000 to \$60,000. (TR 243-244). Brother Garrett then testified that he hired an individual named Amir Wheelings-Moore to perform custodial services, and he was

eventually hired by the City. (TR 244). Brother Garrett when asked, testified that after President Matthews took office following Evon Sutton, that he hired new people. (TR 245).

Brother Garrett was then asked about Romani Reynolds, and he confirmed that she was his executive secretary, he hired her, and she no longer works for District Council 33. Brother Garrett testified that Reynold's replaced Jayda Matthews, the granddaughter of former President Peter Matthew, and with Reynold's hiring he reduced the position's salary from "80-something thousand dollars..." to \$60,000. Additionally, he testified that no charges were ever filed against former President Matthews for hiring his granddaughter, and because she was hired in 2019 all parties were officers for the District Council at the time of her hiring. (TR 245-247). Brother Garrett further testified that no one brought the issue of approval to hire and set salaries up with him, and no one made efforts to exhaust the issue of authority on these matters prior to filing charges. (TR 248).

Testimony then resumed about the previous bonuses awarded. Romani Reynolds bonus was discussed, and Brother Garrett testified that she and Brett Coles received a bonus for going \$50,000 under budget at the Kalahari District Council 33 delegates seminar, and that the bonuses were between \$3,000 to \$5,000. Additionally, no other person on the staff received a bonus, including Evon Sutton and Aeisha Harris. (TR 249-252).

Ms. Collins then asked Brother Garrett about Aaron Sanders, who was hired by him to do security work for events. It was stated he is a part-time employee, and full-time

City employee. Brother Garrett further explained that he knows Sanders from their time together as members of Local 394, and Sanders is also used to bring support for AFSCME rallies. Brother Garrett believes Sanders is paid as an employee of the District Council and used vacation days to attend events. (TR 253-255). Brother Garrett testified that Cornell Turner is a working supervisor for housekeeping along with Monroe Bullock, and that he expanded their jobs to cover other entities in the District Council 33 building, like the JFK medical center and the Legal Services Fund. (TR 255-256). Brother Garrett testified that he lowered Turner's salary and reiterated that he lowered everybody's salary. (TR 257).

Brother Garrett confirmed that Ernest Garrett, Jr., is his son and testified that he was never employed by District Council 33 as an employee or contractor, nor did he ever receive a paycheck. It was also stated Don Cobb was never employed by Council 33 and did not receive a paycheck which is why Cobb and Garrett Jr., are not listed in the LM-2. (TR 258-259). Brother Garrett also testified that Emir Garrett is his son, and he came on as a summer intern, and he stayed on for a short time following the internship. Vanessa Flemings asked if he could work two to three days a week and Brother Garrett said yes. Emir Garrett was paid \$15.00 per hour. (TR 260-261). Regarding the internship program itself, Brother Garrett confirmed that there was such a program, and he broadened the pre-existing program. The program took applications from Local's affiliated with District Council 33 and took applicants between the ages of 16 to 19. He further testified that

applicants who graduated school and did not pursue higher education were sometimes hired by the District Council. (TR 261-262, 264).

Brother Garrett testified that he hired his nephew, Sean Garrett, to help with maintenance. Brother Garrett testified that there was a need to fill maintenance positions, and he even went to the Executive Board and encouraged them to send people who they knew were looking for a job to the District Council. Brother Garrett increased the wages of these positions from \$10.50 an hour to \$15.00 an hour. (TR 262-263).

Brother Garrett then testified that Quincy Turner is a member of Local 427 who works in the sanitation department and that he was hired to do general night cleaning. Brother Garrett testified Turner's hiring saved money rather than paying for outside services. Brother Garrett testified that these positions were all in place before he got there but that he combined positions and lowered salaries in order to save money. (TR 265-266). Ms. Collins brought up Roger Benson, and Brother Garrett testified he replaced an individual who was retiring to do medical records for the JFK center. He noted that Benson is not a family member. (TR 266-270). Brother Garrett also testified that Ethelind Baylor was initially hired to replace Evon Sutton, but she is no longer employed by District Council 33. (TR 270). Brother Garrett concluded his testimony on the first hearing date by affirming that some version of the positions at issue existed during his predecessor's administration, that no one has sought to change the hiring procedure or said he needs approval to hire employees, and the practice of the President hiring employees is a well-known, "everybody knew." (TR 271-272).

On Day 2 of the hearing Brother Garrett continued his testimony and Ms. Collins brought up Dominick Gibbs. Brother Garrett testified Gibbs has been a vendor for District Council 33 since 2012. He rents space on the first floor of the District Council 33 building and is a vendor for union paraphernalia. Gibbs has a lease agreement with District Council 33 and supplies union jackets and hoodies. Brother Garrett testified that he does not get any kickbacks on the shirts as was previously testified to by Brother Carrington, and that the Executive Board approved expenditures for such items. (TR Vol 2: 17-20)

Ms. Collins then brought up the firm JMB Investigations. Brother Garrett testified JMB is a security company that has worked for District Council 33 for the past 15 years and the Executive Board approved expenditures for security in the budget. (TR Vol 2: 20-21). Brother Garrett then testified that Michael Jones has worked at the District Council office for 15 years and is an employee. (TR Vol 2: 21-22). Brother Garrett then discussed the vendor Triple Play Sports which is under contract with the District Council to produce apparel, and Garrett testified he took steps to consolidate vendors in order to save money. Brother Garrett also stated that he made sure apparel such hoodies and jackets is accounted for, and detailed a policy by which members who receive apparel must sign for it and give their payroll number. (TR Vol 2: 22-25).

Brother Garrett then testified that William McLeod is a paid officer of the District Council, and members should know that elected officers get paid by the District Council. (TR Vol 2: 26) Brother Garrett also confirmed that Kim Carr is his sister-in-law. He testified that Carr took over as caterer for the District Council and also provides services

to people who rent the facilities; additionally, she has a "certafit" certification. Brother Garrett described that having a catering service in their building would help save money and bring in more money as District Council 33 rents the space in their ten-story building to members for various activities. Carr is paid directly by the individuals who rent space for events, and turns money received over to the controller of the JFK facility, Carl Graham. Brother Garrett said he reduced the salary for catering from \$100,000 with the previous company to \$60,000 a year by hiring Carr, and Carr is paid by JFK. (TR Vol 2: 26-32).

Brother Garrett then discussed his previous testimony about offering bonuses to some employees because they came under budget for the delegate seminar at Kalahari. Brother Garrett felt he could offer those bonuses because the previous President gave lucrative bonuses out for similar cost saving measures in the past. (TR 32-36).

Brother Garrett then testified about the parking lot on 48th and Ludlow. He described how he navigated and brought offers of sale to the Executive Board and that the Executive Board accepted the offer. Brother Garrett testified the funds from the sale of the lot were placed where all other District Council 33 assets are kept by Frank Wallace. (TR Vol 2: 38-39). Regarding the parking tickets, Brother Garrett testified he uses a vehicle for his work as President. Brother Garrett accepted responsibility for tickets he received inside the City and testified that he personally paid for each ticket except one. He stated he never directed anyone to pay a ticket for him. Brother Garrett said that he was told the

Secretary Treasurer, and the Auditor made the decision to pay that particular ticket on his behalf. (TR Vol 2: 39-40).

Testimony then resumed regarding the charges about the \$494,000 spent on member apparel. Brother Garrett testified the apparel came from Family Printing LLC because the vendor came in at the lowest price and that this was approved by the Executive Board. (TR Vol 2: 45). Ms. Collins entered AP6 into the record and Brother Garrett identified the exhibit as Executive Board meeting minutes from the May 18, 2022, meeting. Brother Garrett testified that the minutes show that the Executive Board meeting had all officers present including Brother Carrington and that there was discussion about taking money previously allocated for a trip to purchase new member paraphernalia. The minutes show there was a suggestion and discussion of using money, previously allocated for a trip to Dorney Park, to be used to purchase jackets and hoodies instead due to COVID concerns. Brother Garrett testified that the minutes show that the originator of the discussion was Brother Carrington. Brother Garrett testified that those hoodies and jackets purchased after the reallocation are located on the second floor of District Council 33's office. (TR Vol 2: 46, 49-51). The 2023 Budget (AP4) was shown to Brother Garrett, and he testified that this is the budget for 2023 and on the bottom of page four there is approval for delegate and membership hoodies. (TR Vol 2: 53).

Brother Garrett then testified that when he came to the office, he had District Council 33 audited by an outside law firm. The audit recommended that practices and policies be set up and put in place and one of the issues the outside law firm discovered

was that the District Council's Legal Service Fund did not have meetings on a regular basis and was supposed to have a chosen committee voted in. Brother Garrett further testified he discovered that it had been over 20 years since the Legal Service Fund had this committee. He testified that after Brother Salaam requested information about the fund and before charges were filed, he reached out to an attorney to gather information on the Fund, and after obtaining information he took it to the Executive Board. At the Executive Board meeting, Brother Salaam said he did not want to be a part of the meeting on the advice of his counsel, and he left. The meeting continued and at the meeting two officers were voted in to serve on the Legal Services Committee with Brother Garrett, Brother Frank Halbherr, and Brother Salaam who by virtue of their offices automatically sit on the committee. (TR Vol 2: 55-60). Brother Garrett testified that since he learned of the issues around the Legal Services Fund, he has taken steps to correct said issues. (TR Vol 2: 61). Ms. Collins asked again if any member of the charging parties had come to Brother Garrett to discuss any issues with hiring and salaries or expenditures and Brother Garrett testified that none had done so. Brother Garrett reiterated that he did not embezzle any District Council funds nor use any funds inappropriately or illegally. He again stated that his intent in hiring and adjusting salaries was to save money. He testified that since taking office, the District Council's assets have grown from approximately \$9 million to \$33 million, and health and welfare has grown from approximately negative \$30 million to \$75 million. Lastly, he denied that he violated his oath of office. (TR Vol 2: 63-75).

In cross examination Mr. Konell asked Brother Garrett if he had made various hirings and adjustments of salaries on his own in his capacity as President of the District Council. Brother Garrett responded in the affirmative and said those decisions have been made by every President in his council for the last 30 years. (TR Vol 2: 78-82). Brother Garrett also confirmed that Bret Coles is the District Council's Communications Director, and he can both work for the District Council and the City. (TR Vol 2: 84-86). Mr. Konell then asked Brother Garrett if the bonuses given in relation to the delegate seminar were ever discussed with the Executive Board and Brother Garrett testified that the event itself is a line item in the budget and the bonuses were a part of the outline for the event. He agreed that the bonuses themselves were never discussed in an Executive Board meeting and were not a line item in the budget. (TR Vol 2: 86-89).

Mr. Konell then asked several questions regarding employees hired by Brother Garrett and vendor contracts. Brother Garrett testified and confirmed: Sean Garrett performs part time maintenance and makes \$15.00 an hour which is in line with what City employees make in that position; Ernest Garrett Jr., has never been employed by, received a paycheck from, or contracted with the District Council; Donald Cobb has not received a paycheck from, but has entered into a security contract with the District Council, Brother Garrett made the decision to contract with Cobb; Dominick Gibbs has a lease agreement with the District Council, and entered into the agreement during Brother Garrett's presidency; JMB Investigations is a different company than Cobb's, and security

expenditures are provided for in the budget; and Brother Garrett made the decision to reduce the District Council's caterer's salary to \$60,000.00. (TR Vol 2: 90-101).

Brother Garrett further testified that he reviewed documents filed with the Federal Government regarding the Legal Services Fund before they were submitted. (TR Vol 2: 101).

Ms. Collins then called Frank Wallace as a witness, he testified he is a financial consultant and advisor to the President of District Council 33. Mr. Wallace testified that he was the District Council 33 Controller for 30 years and used to be an International Union Field Auditor. Mr. Wallace is a CPA licensed in the state of Delaware and has a degree in accounting. Mr. Wallace testified that the budgets for 2022 and 2023 were presented to the Executive Board and that those budgets were approved, and the opportunity was given to ask questions about the budget at the time of presentation. (TR Vol 2: 105-108). Mr. Wallace continued his testimony, noting he regularly attends Executive Board meetings and that the Executive Board had never been called upon to approve hires made by the President. (TR Vol 2: 109). Ms. Collins then asked Mr. Wallace about the exhibits entered previously that were titled "Budget Comments" and Mr. Wallace testified that he prepared those documents for his own personal notes and that they were never presented to the Executive Board. (TR Vol 2: 110). Ms. Collins asked Mr. Wallace about the funds from the sale of the parking lot and Mr. Wallace testified that those funds are now in the investment account at Janney Montgomery Scott, which is a Philadelphia investment company. (TR Vol 2: 112-113). Mr. Wallace testified that he has

seen no evidence that President Garrett ever misappropriated or embezzled funds or ever used any funds illegally or improperly. (TR Vol 2: 113).

Under cross examination Mr. Konell asked if the investment choice of putting the lot's sale proceeds into a Philadelphia investment company was ever presented to the Executive Board for approval and Mr. Wallace said that it had not. (TR Vol 2: 116). Under redirect Ms. Collins asked if the investment company account that was just testified about existed prior to President Garrett's term and Mr. Wallace said that they had always had an investment account to put funds in. (TR Vol 2: 117).

Ms. Collins then called Irene Synder to testify. Sister Snyder is President of AFSCME Local 1510 and has served as President of the Local for 29 years. She has been involved with District Council 33 for 33 years and served on the Executive Board for 29 of those years. Sister Snyder testified that in those years, previous District Council Presidents such as President Matthews as well as President Sutton had hired employees at the time without getting Executive Board approval and that President Garrett was using the same practice. Sister Snyder testified that the overall budgets were approved by the Executive Board but not the hiring or salaries of individual employees. (TR Vol 2: 119-120).

Ms. Collins then called Bobby Davis to testify. Brother Davis testified that he is the Senior Advisor to the President of District Council 33 and was on the Executive Board for the District Council over a 42-year period. Brother Davis testified that during President Matthews' tenure he hired employees without seeking Executive Board approval but

included the salaries in the overall budget. Mr. Davis went on to testify that as far as he was aware, none of the previous administrations sought Executive Board approval for hiring and salaries of staff and that President Garrett followed that same practice during his administration. (TR Vol 2: 125-127).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Charging Parties assert three charges which are addressed separately below. Prior to the hearing on December 11, 2024, the Charging Parties notified the Judicial Panel and the Accused Party that they would not be addressing violations of the District Council 33 Constitution, but would still address charges that cite violations to Article X of the AFSCME Constitution. With that said, Article XI, Section 1 of the District Council 33 Constitution provides that "This council shall at all times be subject to the provisions of the Constitution of the American Federation of State, County, and Municipal Employees, AFL-CIO." This decision references and makes conclusions on issues raised by the parties that implicate provisions of the District Council 33 Constitution and AFSCME Financial Standards Code, that while the Charging Parties do not cite as being violated, are nevertheless relied upon in making the below findings.

Charge 1

With regard to Charge 1, The Charging Parties assert several violations of the AFSCME International Constitution specifically regarding Article X, Section 2A which makes it a chargeable offense to "[violate] any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member

being accused is subject;" Article X, Section 2B which makes it a chargeable offense to engage in the "misappropriation, embezzlement, or improper or illegal use of union funds;" and Appendix B, Obligations of an Officer, which is the oath of office that all AFSCME officers are required to make before taking office.

Charges 1A through 1U concentrate on the hiring of staff as well as establishing or adjusting salaries without going to the Executive Board of District Council 33 for approval. The parties' testimony confirms that Brother Garrett, as President of District Council 33, made many decisions to hire or retain numerous employees, and adjusted employee salaries after he was elected to office in 2020. The Charging Parties' position is that Brother Garrett's doing so without Executive Board approval is a violation of the provisions cited in the charges. The Accused Party's position is that he has the authority to make these decisions and his actions have followed a previously established practice of District Council 33 Presidents.

Article IX, Section 1 of the District Council 33 Constitution states in part that "The president is the chief executive officer and administrative officer of this council. He must give his full time to the council. He shall conduct the affairs of the council in accordance with this constitution and in accordance with policy decisions of the delegate meetings and the council executive board." This provision, standing alone, would indicate that the President as the CEO and chief administrative officer has the power to make the District Council's employment decisions, subject to the policy decisions of the District Council's governing bodies, the delegate assembly and the executive board. But, Article IX, Section

5(i) of the District Council 33 Constitution states that "Expenditures of funds of the council shall be authorized or approved by the executive board, subject to the approval of the delegates." And further, Article IX, Section 5(k) states that "The council executive board shall establish annual salaries and expenses for the president and the secretary-treasurer, and all full-time staff employees of the council, which salaries shall be not less than the salaries and expenses as of April 1, 1973." These provisions make clear that the Executive Board ultimately has the power to establish staff employee salaries. In further reviewing the District Council 33 Constitution, it is silent on whether the Executive Board is vested with the power to hire and fire employees or whether the President must seek approval.

Considering these findings, a District Council 33 President is not required to seek Executive Board approval when hiring an individual into a previously existing position and there is no change to that position's previous salary approved by the Executive Board. It is clear that Article IX, Section 5k requires Executive Board approval when an employee's salary is to be altered, or a new position is created or positions are combined. In acknowledging that Brother Garrett made numerous unilateral decisions to change staff salaries, and setting salaries of new employees without seeking prior approval from the Executive Board, he is guilty of violating Article X, Section 2B of the International Constitution because his decisions to establish salaries, raise salaries and lower several salaries was unauthorized and therefore an improper use of union funds.

Of further concern is the non-adherence to the AFSCME Financial Standards Code. Appendix F of the FSC which concerns Policies and Procedures advises larger affiliates to “establish clearly defined written policies and procedures. These should be consistent with legal and Financial Standards Code requirements, be approved by the Executive Board and should at a minimum address the following: . . . Hiring Employees. . . Wage Rates.” Regarding hiring employees, Appendix F provides, “Authority for hiring and firing must be established. Policy must clearly identify the staffing positions that qualify for permanent employment. Appropriate procedures must be developed to determine necessary qualifications for positions. Policy must also require a process for obtaining applications, conducting interviews, obtaining and maintaining all documentation required by law, etc.” Regarding wage rates, Appendix F states in part, “Policy must establish authority for the initial setting of wages and rates and for approvals and changes. It should include how wage rates are to be determined and should establish who has authority for approvals and changes.” Outside of the previously noted sections of the District Council 33 Constitution there is little indication that the District Council has policies that are in line with these provisions of the FSC, or at least no policy was entered into the record at the hearing to evidence said policies. These deficiencies do not lie solely with Brother Garrett, and Brother Garrett is not charged with violating the Financial Standards Code — it is the responsibility of the Executive Board to address these requirements as well — but as the President he bears a large burden here to make sure these policies are established, implemented and adhered to. It is noted that had there

been such procedures that followed the FSC and the District Council 33 Constitution, much of this matter could have been avoided.

Brother Garrett testified that he cut the salaries of all District Council employees from \$10,000 to \$50,000. (TR 230-231). With the above finding in mind that Brother Garrett as President needed to take salary modifications to the Executive Board, the following conclusions can be definitively drawn that these employee salaries or position salaries were modified in violation of Article X, Section 2B of the International Constitution: Kristi Billups, Accountant (TR 230-231); David Boskie and Monroe Bullock, Maintenance (positions were merged) (TR 231-234); Dwayne Fair, Maintenance (TR 235-237); Ron Hughes, Senior Counsel (TR 241-242); Antoine Little, Executive Assistant (TR 243-244); Romani Reynolds, Executive Secretary (TR 245-247); Cornell Turner, Building Services (TR 257); Emir Garret, Intern (TR 260-261); Sean Garrett, Maintenance (TR 262-263). Of the other employees listed under Charge One, in examining the 2022 and 2023 LM-2 forms Roderick Benson, IT, was hired into a new role as an employee after having been identified as a consultant which required Executive Board approval. It is not clear from the other testimony or evidence presented that the employees listed in the charges who are not named above, had their salary modified, or position altered in such a way to necessitate Executive Board approval. With regard to Brother Garrett's hiring Bret Coles to be the Communications Director for the Council which is full-salaried position at the District Council according to the manpower chart in the budgets, it is not proper for a

staff member of an AFSCME affiliate to also be working a full-time position for an employer, but there was no specific charge concerning that issue.

Brother Garrett's defense that he relied on a practice established by his predecessors in office over multiple years does not justify his violations of the International Constitution. While the District Council may have saved money through Brother Garrett's actions (as he alleges), it does not excuse the violations.

Charge 2

Regarding Charge 2, the Charging Parties again assert violations of Article X, Section 2A and 2B of the International Constitution and the Obligation of the Officer at Appendix B of the International Constitution. These charges concern expenditures of District Council 33 funds without Executive Board approval.

Charge 2a: Concerning the charge of providing Dominick Gibbs \$14,195 for union apparel, the May 18, 2022, Executive Board Meeting minutes, show there was discussion about taking funds allocated for the Dorney Park trip and reallocating them to purchase member apparel in light of COVID concerns associated with the Dorney Park trip. The motion was made, seconded, and carried to purchase new jackets or hoodies for the membership by a vote of the Executive Board. This charge is dismissed.

Charge 2b: Concerning the charge of allocating \$309,901 to JMB Investigations and Security Inc., for security services, Brother Garrett's testimony suggests this company has provided security to the District Council for 15 years. In reviewing the 2022 and 2023

budgets, "security" does not appear as a line item, but the budget comments (which the Charging Parties did not have access to) indicate that security falls under the line item of "other building expenses." The meeting minutes from the September 14, 2021, meeting at which the 2022 budget was approved reflect that the Executive Board was informed that "security service" fell under "Other Building Expenses;" this budget was then approved by the Executive Board. The 2023 Budget was discussed at the September 13, 2022, meeting. The minutes suggest that this budget "was prepared as though nothing has happened." Further the budget was tabled to permit the Executive Board to obtain more information regarding a "Lifetime Health Insurance Benefit." Without further testimony or evidence to prove that the expenditure was increased by Brother Garrett or that the Brother Garrett hired this company on his own, this charge is dismissed.

Charge 2c: Concerning the charge of providing Michael Jones a salary of \$9,000.00 for janitorial services, Brother Garrett testified Jones has been an employee of the District Council for 15 years, and that cost is budgeted each year. No testimony or evidence was provided that the salary was increased by Brother Garrett. This charge is dismissed.

Charge 2d: Concerning the charge of allocating \$11,626 to Triple Play Sports for union apparel, the Charging Parties failed to present sufficient evidence or testimony regarding this charge, it is therefore dismissed.

Charge 2e: Concerning the charge of providing William McLeod a salary of \$12,000 to serve as Sergeant at Arms for District Council 33, the Charging Parties failed to present sufficient evidence or testimony regarding this charge. It is therefore dismissed.

Charge 2f: Concerning the charge of Brother Garrett hiring his sister-in-law Kim Carr to coordinate District Council 33's catering services, Brother Garrett testified that he had made the change from the previous catering company to Ms. Carr to reduce costs from \$100,000 a year to \$60,000 a year (TR Vol 2: 31, 32). The JFK center and its cafeteria is a separate legal entity, with its own controller (Carl Graham, according to the testimony), but Brother Garrett made the unilateral decision to separate from the previous catering company and hire his sister-in-law Kim Carr to do the catering. Brother Garrett should have gone to the Executive Board before making the change from the previous caterer to Ms. Carr, and as described above he was obligated to do so because he changed the compensation for the position. While not technically a violation, hiring his sister-in-law to perform the work also gives the appearance of nepotism. Brother Garrett is guilty of violating Article X, Section 2B of the International Constitution.

Charge 2g: Concerning the charge that Brother Garrett provided bonuses to District Council 33 staff after attending a delegate seminar at the Kalahari resort in 2023. Brother Garrett testified to giving bonuses ranging between \$3,000 and \$5,000 to Bret Coles and Romani Reynolds (TR 248-252) based on the fact that those employees saved money on the budget in dealing with a delegate seminar. Further, Brother Garrett testified the bonuses were not outlined in the budget, line itemed or presented and voted on by the Executive Board. (TR Vol2: 88) By not getting Executive Board approval of these bonuses prior to issuing them, Brother Garret violated Article X, Section 2B of the International Constitution. Brother Garrett's defense that the practice of awarding bonuses to

employees was also done by his predecessors for multiple years does not justify the violation the International Constitution. On this charge Brother Garrett is found guilty.

Charge 2h: Concerning the charge that Brother Garrett entered into a contract with a company to explore the sale of the parking lot at 48th and Ludlow without Executive Board approval, no evidence of a contract was entered into the record. Mr. Franklin Wallace, the Financial Consultant to Brother Garrett and a former Controller of DC 33 for 30 years testified that the proceeds from that sale were placed into an investment account at a company called Janney Montgomery Scott. (TR Vol 2: 112) Brother Garrett's testimony indicates that he brought bids to the Executive Board, but the lot's renter exercised its right of first refusal. This was brought back to the Executive Board and the sale was approved. (TR Vol 2: 36). Sister Athanasiadis testified that the Executive Board approved the lot's sale. (TR 151) The minutes from the July 8, 2022, Special Executive Board meeting show there was a motion made, seconded, and carried to sell the property. To the extent that Brother Garret may have contracted with a consultant to advance the sale process, the Executive Board ratified his doing so by approving the sale. This charge is dismissed.

Charge 2i: This charge alleges that Brother Garrett amassed 11 parking tickets between September 2021 and March 2023, and used District Council funds to pay for these tickets. The Charging Parties did not sustain their burden in proving that Brother Garrett used District Council funds to pay for his traffic violations. Brother Garrett admitted to incurring these tickets but claims that he paid for the tickets himself except for one

instance in which the Secretary Treasurer had agreed to pay the ticket on his behalf, and he was unaware of this action until after it occurred. Brother Garrett testified that he always reimbursed the District Council for any tickets. (TR Vol 2: 39-41). Brother Salaam's testimony that someone told him that the parking tickets were paid for by the District Council is insufficient. This charge is dismissed.

Charge 2j: This charge alleges the improper spending \$494,656 on union apparel at Family Printing LLC. Family Printing LLC is owned by Dominick Gibbs, who rents space in the District Council 33 building. The May 18, 2022, Executive Board Meeting minutes show discussion about taking funds allocated for the Dorney Park trip and purchasing new union apparel to give to members due to COVID concerns about the trip. The motion was made by Brother Carrington, seconded, and carried to purchase new jackets or hoodies for the membership. However, the costs far exceed the amount that was approved to spend on such items. The 2023 budget shows that \$224,000 was budgeted for "Delegate & Membership Hoodies", yet the cost reported in the 2023 LM-2 that was paid to Family Printing LCC was \$494,556. There was no testimony offered to suggest that Family Printing was working on other projects at the time to explain the heightened costs, and there is no evidence in the budget that the District Council had other apparel needs.

There was nothing shown that Brother Garrett presented an opportunity to the Executive Board to revisit the expense or offered a revised budget. With the cost far outpacing the budget, Brother Garrett had an obligation to seek approval for this

heightened expenditure from the Executive Board. He is found guilty of violating Article X, Section 2B of the AFSCME Constitution on this charge. Additionally, it is noted that this appears to be a business relationship that Brother Garrett purportedly cultivated with the family member of a high-ranking District Council 33 staffer and former President. While no evidence was presented of a direct financial benefit to Brother Garrett, such conduct clearly creates the appearance that something improper is occurring, even if that is not the case.

Charge 3

This charge concerns an agreement between the City of Philadelphia and District Council 33 with the City contributing to a District Council Legal Service Fund. The fund is governed by an Agreement and Declaration of Trust. The charge is that Brother Garrett did not maintain proper meeting obligations, or supply access to the trust agreement when asked by Brother Salaam who is a fellow Trustee. Additionally, the charge broadly accuses Brother Garrett of running the fund like his private bank account, the charge cites his hiring of Theresa Bruson as the Director of the Legal Services Plan without approval and contracting with the law firm Spear Wilderman to provide fund benefits as examples. There is no evidence that Brother Garrett himself personally benefited from the trust or its administration.

Brother Garrett testified that upon entering the office he had an outside law firm conduct an audit. The audit discovered that the District Council was not in compliance with the proper process for many years concerning this fund. The audit recommended

that meetings take place, committees be formed and elections for positions on the Trust take place. Brother Garrett took those recommendations and implemented a plan to right the course. (TR Vol 2: 55-58) His testimony largely reflects the minutes from the August 29, 2023, Special Executive Board meeting. Evidence was not received at the hearing to support that Brother Salaam made information requests regarding the Legal Services Fund to Brother Garrett that were ignored beyond his testimony. This part of the charge is dismissed.

Regarding whether trustee meetings were properly held, the Declaration of Trust sets for in Article III, Section 1 that the Trust "shall be administered and operated by a Board of Trustees. The Board of Trustees shall consist of five (5) persons. The President of District Council 33 shall be the Chairman of the Board of Trustees, the Vice President of District Council 33 shall serve as Vice Chairman and the Secretary-Treasurer of District Council 33 shall serve as Secretary-Treasurer to the Board of Trustees. The aforesaid officers of District Council 33 shall, by virtue of their office, serve as Trustees. . ." Article III, Section 2 of the Declaration of Trust states in part, "The Chairman of the Board of Trustees may call a meeting of the Board of Trustees by giving at least ten (10) days written notice. . . There shall be a meeting of the Trustees held at least once during each three (3) month period of the year." Brother Garrett as the President of District Council 33 is also the Chairman of the Fund's Board of Trustees. It appears from the testimony that Brother Garrett learned of his obligations to hold meetings after it was brought to his attention by Brother Salaam. This is a technical violation of the Declaration of Trust,

which is not an AFSCME governing document, but the obligations set forth in Brother Garrett's Oath of Office do apply. Among other things, the Oath of Office requires an officer to "perform faithfully and with honor the duties of the office which I now assume in the American Federation of State County and Municipal Employees." Holding meetings of the board of trustees is a technical duty of Brother Garrett's office. This aspect of the charge is upheld.

Regarding Brother Garrett's hiring of Theresa Brunson to be the director of the Legal Services Plan, Article IV of the Declaration of Trust appears to set forth that Trustees have the power and/or duty to hire staff to administer the fund under Section 1(d), and under Section 1(g) "to employ, retain or reimburse such lawyers as are necessary to deliver the legal service benefits. . ." Brother Salaam testified that he did not approve Brunson's hiring, and the minutes from the January 12, 2021, Executive Board meeting show that Brunson's hiring was announced by Brother Garrett at the meeting. Under the same analysis, as above, this is a violation of Brother Garrett's Obligation of an Officer Oath, Appendix B of the International Constitution.

Lastly, regarding the Fund's retaining Spear Wilderman P.C., Brother Salaam's testimony at the hearing was that Spear Wilderman was paid \$600,000.00 for services associated with the fund, he did not approve their hiring, and Brother Garrett was the one who hired the firm. It appears based on the meeting minutes from the January 12, 2021 meeting that Brother Garrett also announced Spear Wilderman's retainer as the firm that will handle the Legal Services Plan. The Legal Services Plan pamphlet conspicuously

notes under "D. Attorneys" that Spear Wilderman is retained by the fund, notably the pamphlet also makes mention that the Legal Services Plan is administered by a Board of Trustees, consisting of among others the President and Vice-President of the District Council. The meeting minutes are indicative that Spear Wilderman was retained for this purpose and from Brother Salaam's testimony he did not approve their hiring which leads to the conclusion that the firm was hired unilaterally by Brother Garrett. This determination cannot conclude the amount that Spear Wilderman was retained for, but such an agreement by rule needed to be addressed by the Board of Trustees. The meeting minutes and testimony do not support this approval was given. Brother Garret is guilty of this charge as well.

In assessing the penalty below, the following is noted for all parties: AFSCME members have an expectation that the Financial Standards Code and Constitution are adhered to, and monies are spent in a manner consistent with AFSCME's governing documents. Ignorance of AFSCME rules is not a defense nor is reliance on past practice when said practice runs contrary to AFSCME's and AFSMCE's subordinate bodies' Constitutions and other governing documents. Because there was no testimony offered or evidence presented to definitively conclude that Brother Garrett received direct benefits from the violations, the penalty assessed is lessened.

DECISION

Brother Garrett is found guilty of violating Article X, Section 2A and Section 2B of the International Constitution, and Appendix B of the International Constitution. Pursuant to Article X, Section 15 of the International Constitution, Brother Garrett is removed from office as President of District Council 33 and is suspended from the right to hold any elected position at any level of the union for a period of four years.

February 20, 2024
Phoenix, Arizona

Frank Piccioli
Judicial Panel Member
AFSCME AFL-CIO

October 12, 2023

Carla Insinga, Chairperson
AFSCME Judicial Panel
1625 L Street, N.W.
Washington, DC 20036

**Re: Judicial Panel Charges Against Ernest Garrett,
President of AFSCME District Council 33, Pursuant to
Article X of the International Constitution of The
American Federation of State, County and Municipal
Employees, AFL-CIO**

Dear Chairperson Insinga:

We write to initiate formal charges against Ernest Garrett, who currently serves as President of AFSCME District Council 33—the exclusive representative of certain City of Philadelphia and City of Easton employees.

Because we, as members of the District Council's Executive Board as well as Local Officers, are directly involved in filing these charges, we are requesting that the Judicial Panel take original jurisdiction of this case.

Since his election as President of the District Council, President Garrett has engaged in financial malpractice and corruption, as well as conducted the affairs of the District Council in such a manner as to deprive members of the District Council the rights guaranteed in the Bill of Rights for Union Members contained in this Constitution. Therefore, we, the undersigned individuals, charge President of AFSCME District Council 33, Ernest Garrett, with violations of the District Council and International Constitutions. These charges are as follows:

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Charge 1: During his term as President of AFSCME District Council 33, President Garrett has routinely executed personnel decisions without the approval of the AFSCME District Council 33 Executive Board. As a result, members of the Executive Board have been denied the opportunity to approve the hiring and salaries of a number of individuals who now work for District Council 33. These actions violate Article IX, Section 5(i) (“Expenditures of funds of the Council shall be authorized or approved by the Executive Board, subject to the approval of the delegates”) and Article IX, Section 5(k) (“The Council Executive Board shall establish annual salaries and expenses for...all full time staff employees of the Council...”) of the District Council 33 Constitution. Through these actions, President Garrett has violated the “Obligation of Officer” set forth in Appendix B of the AFSCME Constitution and therefore is subject to charges under Article X, Section 2(A) (“Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject”); and Article X Section 2(B) (“Misappropriation, embezzlement, or improper or illegal use of union funds”) of the AFSCME International Constitution. These charges are specifically as follows:

Charge 1a: President Garrett made the unilateral decision to hire Evon Sutton, Political Action Director, who also served as Political Action Director for President Garrett's predecessor. President Garrett stated that he “brought on Evon Sutton to finish out her

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term to be eligible for a Pension..." (AFSCME DC33 Executive Board Minutes, January 12, 2021, at 3). From July 1, 2021 to June 30, 2023, Ms. Sutton was paid \$142,061. The Executive Board voted neither on her hiring, nor her salary. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1b: President Garrett made the unilateral decision to hire Kristi Billups as District Council 33's Senior Accountant. The Executive Board voted neither on her hiring, nor her salary. From July 1, 2021 to June 30, 2023, Ms. Billups was paid \$79,790. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1c: President Garrett made the unilateral decision to hire David Boskie to perform maintenance services. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Boskie was paid \$61,282. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

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Charge 1d: President Garrett made the unilateral decision to hire Monroe Bullock as District Council 33's Maintenance Supervisor. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Bullock was paid \$107,598. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1e: President Garrett made the unilateral decision to hire Bret Coles as District Council 33's Communications Director. Coles currently is employed *full-time* by the City of Philadelphia, where he makes a \$50,886 salary. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Coles was paid \$110,734. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1f: President Garrett made the unilateral decision to hire Dwayne Fair, Sr. as a Building Manager for District Council 33. Prior to being hired to this role with District Council 33, Mr. Fair provided maintenance to President Garrett's private properties, and continues to do so. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Fair was paid \$138,069. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well

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as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1g: President Garrett made the unilateral decision to hire David Fitzgerald, Sr. as a Work Supervisor for District Council 33. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Fitzgerald was paid \$90,589. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1h: President Garrett made the unilateral decision to hire Vanessa Flemings as District Council 33's Chief Financial Officer. Ms. Flemings is a relative of President Garrett's wife, Shawnda Carr. The Executive Board voted neither on her hiring, nor her salary. From July 1, 2021 to June 30, 2023, Ms. Flemings was paid \$256,902. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1i: President Garrett made the unilateral decision to hire Aisha Harris as the Assistant to the Political Director of District Council 33. The Executive Board voted neither on her hiring, nor her salary. From July 1, 2021 to June 30, 2023, Ms. Harris was paid \$66,845. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME

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District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1j: President Garrett hired Ronald Hughes as Senior Counsel to District Council 33. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Hughes was paid \$125,356. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1k: President Garrett hired Antoine Little as his assistant. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Little was paid \$147,783. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1l: President Garrett hired Amir Wheelings-Moore in a Building Maintenance Staff position at District Council 33. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Wheelings-Moore was paid \$62,866. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

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Charge 1m: President Garrett hired Romani Reynolds as his Executive Assistant. The Executive Board voted neither on her hiring, nor her salary. From July 1, 2021 to June 30, 2023, Ms. Reynolds was paid \$148,296. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1n: President Garrett hired Aaron Sanders to provide Event Security for District Council 33. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Sanders was paid \$52,405. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1o: President Garrett hired Carnell Turner in a Janitorial Service position for District Council 33. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2021 to June 30, 2023, Mr. Turner was paid \$107,501. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1p: President Garrett hired Ernest Garrett, Jr., his son, and Donald Cobb, Political Director Evon Sutton's son, to provide building services for the AFSCME District Council 33 building. Ernest Garrett, Jr. is also employed as an Administrative

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Assistant at the Philadelphia Office of the Sherriff. During his time working for District Council 33, Donald Cobb was employed as a Deputy Sheriff at the Philadelphia Office of the Sherrif. The Executive Board voted neither on their hiring, nor their salary, and neither are listed on the Union's LM-2 filings. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1q: President Garrett hired Emir Garett, his son, as "an intern." The Executive Board voted neither on his hiring, nor his salary. From June 1, 2022 to June 30, 2023, Mr. Garrett was paid \$24,025. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1r: President Garrett hired Sean Garrett to provide maintenance services. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2022 to June 30, 2023, Mr. Garrett was paid \$15,109. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1s: President Garrett hired Khalil-Jones-Smith to provide maintenance services. The Executive Board voted neither on his hiring, nor his salary. From July 1,

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2022 to June 30, 2023, Mr. Jones-Smith was paid \$25,603. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1t: President Garrett hired Quincy Turner to provide maintenance services. The Executive Board voted neither on his hiring, nor his salary. From July 1, 2022 to June 30, 2023, Mr. Turner was paid \$15,730. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 1u: Roderick Benson is President Garrett's cousin. He was first hired as the Medical Records Manager for the JFK Medical Center. The employees of the Medical Center no longer receive a pension benefit. Thereafter, in order to provide Benson with the ability to obtain a pension, President Garrett hired Benson as a Council employee to provide IT services, and paid him \$77,962 between July 1, 2021 and June 30, 2023. The Executive Board never voted to approve Mr. Benson's hiring or salary. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

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Charge 1v: President Garrett hired Ethelind Baylor as his assistant. The Executive Board voted neither on her hiring, nor her salary. From July 1, 2022 to June 30, 2023, Ms. Baylor was paid \$25,921. This action violates Article IX, Sections 5(i) and 5(k) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2: During his term as President of AFSCME District Council 33, President Garrett has routinely made expenditures of the District Council's funds without the approval of the AFSCME District Council 33 Executive Board. As such, members of the Executive Board have been denied the opportunity to approve several costly expenditures that have been made from District Council 33's coffers. These actions are violations of Article IX, Section 5(i) ("Expenditures of funds of the Council shall be authorized or approved by the Executive Board, subject to the approval of the delegates.") of the District Council 33 Constitution. Through these actions, President Garrett has violated the "Obligation of Officer" set forth in Appendix B of the AFSCME Constitution and therefore is subject to charges under Article X, Section 2(A) ("Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject"); and Article X Section 2(B) ("Misappropriation, embezzlement, or improper or illegal use of union funds") of the AFSCME International Constitution. These charges are

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specifically as follows:

Charge 2a: According to District Council 33's 2022 LM-2 filing, the District Council provided \$14,195 to Dominick Gibbs for "Union Apparel." Dominick Gibbs is Evon Sutton's nephew. The Executive Board never voted to approve this expenditure; nor was it ever discussed at any Executive Board meetings. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2b: According to District Council 33's 2022 and 2023 LM-2 filings, the District Council provided \$309,901 (43 payments of \$7,207) to J.M.B. Investigations and Security Inc. for "Security." The Executive Board never voted to approve this expenditure, nor was it ever discussed at any Executive Board meetings. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2c: According to District Council 33's 2022 LM-2 filing, the District Council provided \$9,000 to Michael Jones for "Janitorial Services." The Executive Board never voted to approve this expenditure, nor was it ever discussed at any Executive Board meetings. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International

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Constitution.

Charge 2d: According to District Council 33's 2022 LM-2 filing, the District Council provided \$11,626 to Triple Play Sports for "Union Apparel." The Executive Board never voted to approve this expenditure, nor was it ever discussed at any Executive Board meetings. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2e: According to District Council 33's 2022 and 2023 LM-2 filings, the District Council provided \$12,000 to William McLeod to serve as a Sergeant-at-Arms. The Executive Board never voted to approve this expenditure, nor was it ever discussed at any Executive Board meetings. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2f: Once President Garrett won his election, he hired his sister-in-law, Kim Carr, to coordinate District Council 33's catering services. For events in which an outside individual uses the Council facilities and uses Ms. Carr to cater an event, Ms. Carr gets paid in cash, and the revenue she earns from operating the catering at the Union Hall does not financially benefit the District Council. This action violates Article IX,

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Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2g: President Garrett provided to bonuses District Council 33 staff after attending a Delegate Seminar at the Kalahari Resort in Pocono Manor, Pennsylvania in 2023. The Executive Board never voted to approve this expenditure, nor was it ever discussed at any Executive Board meetings. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2h: In 2022, President Garrett announced that the District Council had entered into a contract with "a company to look into selling the 48th & Ludlow Street Parking Lot for" the District Council. (AFSCME DC33 Executive Board Minutes, July 8, 2022, at 1). This contract was never approved, nor were associated expenditures. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 2i: Between September 2021 and March 2023, Mr. Garrett amassed eleven parking tickets. Mr. Garrett used District Council funds to pay these tickets. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

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Charge 2j: According to District Council 33's 2023 LM-2 filing, the District Council spent \$494,656 on "Member Apparat" [sic] at Family Printing 1 LLC, which is located on the ground floor of the District Council 33 building. The Executive Board never voted to approve this expenditure, nor was it ever discussed at any Executive Board meetings, and any contract between the print shop of District Council 33 regarding the rental of space was not discussed or approved. This action violates Article IX, Section 5(i) of the AFSCME District Council 33 Constitution, as well as Article X, Sections 2(A) and 2(B) of the AFSCME International Constitution.

Charge 3: District Council 33 has a collective bargaining agreement with the City of Philadelphia. Per this Agreement, the City of Philadelphia contributes the sum of approximately \$15 per member per month to the District Council Legal Services Fund. This Fund is a separate legal entity from the District Council and is governed by the Pennsylvania Law of Trusts. This Fund is governed by an Agreement and Declaration of Trust. The Agreement and Declaration of Trust provides that the President, Vice President and Secretary-Treasurer of the District Council are the Trustees of the Fund. This is confirmed by the Form 990's filed each year for this Fund. An old Agreement and Declaration of Trust which we have reviewed required that there be at least four meetings per year of this Legal Services Fund. We have asked for the governing documents of this Fund on at least two occasions and President Garrett has denied us access to the Agreement as well as to the financial audits and any other documents

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concerning this Fund. Despite the requirements of this Trust Agreement, not one meeting of this fund has taken place since Ernest Garrett became president of the District Council. Like in all other dealings, Garrett has run this Fund as if it were his own private bank account. For example, President Garrett unilaterally appointed Theresa Brunson as Director of the District Council 33 Legal Services Plan without approval convening a meeting of the Legal Services Fund Trustees or obtaining their approval. (Executive Board minutes January 12, 2021, at 3). Despite the fact that for decades, the lawyers who staff this benefit were employees of the Fund, President Garrett also unilaterally entered into a contract with Spear, Wilderman, P.C. in an annual amount that exceeds \$650,000 to provide these benefits. This contract was awarded without any Fund meeting of the Trustees and in the absence of all legal requirements governing a Pennsylvania non-profit Trust.

Based on the above, President Garrett is charged with violating Article IX, Sections 5(i) and 5(k) of the District Council 33 Constitution, and Article X, Sections 2(A) and 2(B) of the International Constitution. Pursuant to Article X of the International Constitution, we request that a trial body be convened to consider the charges. Pursuant to Article X, Section 15 of the International Constitution, we request that a trial officer be appointed to consider remedies for these blatant constitutional violations, including, but not limited to, whether President Garrett should be permanently suspended from holding or

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seeking any elected position at any level of the Union. We also request that, to put an immediate end to inappropriate Council expenditures, the International should put District Council 33 into an immediate Administratorship.

DocuSigned by:



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Omar Salaam, Vice-President, AFSMCE District Council 33

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Kim Athanasiadis, President, AFSCME Local 488

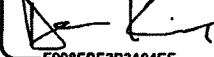
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Damon Kinsey, President, AFSCME Local 403

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Leonard Brown, Business Agent, AFSCME Local 403

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Charles Carrington

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Charles Carrington, President, AFSCME Local 427