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Hon. Barbara S. Jones (Ret.)

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Hon. Timothy S. Hillman (Ret.)

October 27, 2026

Via Electronic Mail

David Suetholz
General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, DC 20001

Re: *Internal Union Charges against Andrew Robles, Ryan Fogelsanger, Joshua Rockwood, Kurt Hanson, Michael Cawley, and Kenneth Seiden of Local Union No. 2118*

Dear Mr. Suetholz:

On August 2, 2024, internal union charges were filed against Local 2118's principal officer, Captain Andrew Robles, and its executive board members, Captains Ryan Fogelsanger, Joshua Rockwood, Kurt Hanson, Michael Cawley, and Kenneth Seiden. On September 3, 2024, counsel for Captain Robles submitted an application to me, pursuant to Paragraph 30 of the Final Agreement and Order ("Final Order") approved on February 17, 2015 in *United States v. International Brotherhood of Teamsters, et al.*, 88 Civ. 4486 (LAP), requesting that the Independent Review Officer ("IRO") assume jurisdiction over the charges. On September 5, 2024, I denied that request, explaining that the IRO is authorized to review final disciplinary decisions of the General President, the General Executive Board ("GEB"), or the IBT, and has the right to affirm, modify, or reverse any such decisions. *See* Final Order ¶ 30; Disciplinary Rules, Rule 5.[1]

Following my decision, General President O'Brien convened a panel to hear testimony and review the evidence. After reviewing the Panel's findings and recommendations, the General

[1] On September 3, 2026, the Court approved a revised Final Order (the "2026 Revised Final Order"), under which the IRO retains jurisdiction to review final disciplinary decisions issued by the IBT. *See* Dkt. No. 4657.

President issued a decision, which the Respondents appealed to the GEB. After considering the arguments on appeal, the GEB issued a final decision affirming the General President's decision in part and dismissing it in part.

The Respondents have sought my review of the proceedings pursuant to the Final Order. Having carefully reviewed the charges, the evidence, the parties' submissions, and the prior determinations, the Respondents' request to vacate the GEB's decision and dismiss the matter is DENIED.

Background and Procedural History

1. The Charges

Local 2118 is an airline pilots' union based in Las Vegas, Nevada, serving approximately 1,400 members. As noted above, internal union charges were filed on August 2, 2024 against Local 2118's principal officer, Captain Andrew Robles, and its executive board members, Captains Ryan Fogelsanger, Joshua Rockwood, Kurt Hanson, Michael Cawley, and Kenneth Seiden.

Captain Robles was charged with (i) impermissibly paying himself excessive compensation totaling over $900,000 in union funds, in violation of Local 2118's By-laws and the IBT Constitution; (ii) willfully refusing to develop and implement proper administrative, financial, and governance controls for Local 2118 as required by IBT policy; and (iii) causing Local 2118 to incur unnecessary third-party fees in an attempt to retroactively legitimize and conceal his compensation scheme.

Respondents Fogelsanger, Rockwood, Hanson, Cawley, and Seiden were charged with aiding and abetting Captain Robles' compensation scheme and, in doing so, breaching their oaths of office and fiduciary duties.

Finally, all Respondents were charged with threatening to retaliate against a fellow executive board officer and Teamster member who had filed a whistleblower complaint with the IBT concerning Captain Robles' and the Executive Board's misconduct.

2. The General President's Decision

On January 14, 2025, following an internal union disciplinary hearing before an IBT Hearing Panel (the "Panel") and after reviewing the transcripts and evidence, General President O'Brien found sufficient evidence to sustain the charges that Captain Robles had improperly paid himself over $900,000 in compensation and benefits and had failed to maintain proper internal financial controls. The General President further found that Fogelsanger, Rockwood, Hanson, Cawley, and Seiden had aided and abetted Captain Robles' misconduct by failing to oversee and maintain proper financial controls over the union's assets.

The General President, however, found there was insufficient evidence to sustain the charge that Captain Robles had caused Local 2118 to pay unnecessary fees to third parties and consultants to conceal his compensation scheme. The General President likewise found

insufficient evidence to sustain the retaliation charge as to all Respondents, holding only Kenneth Seiden liable for that misconduct.

As a penalty, the Respondents were expelled from the IBT and were ordered to repay Local 2118 for all losses resulting from their misconduct.

3. The GEB's Decision

On June 11, 2025, following an appeal by the Respondents, the GEB affirmed in part and reversed in part the General President's January 14, 2025 decision. After reviewing the evidence and considering the parties' additional submissions, the GEB sustained the findings that Captain Robles had improperly paid himself excessive compensation and had failed to maintain proper internal financial controls. The GEB likewise upheld the General President's dismissal of the charge that Captain Robles had caused Local 2118 to incur unnecessary third-party fees in an effort to conceal his compensation scheme.

The GEB also upheld, in part, the charges that the Executive Board Respondents aided and abetted Captain Robles' misconduct by failing to adopt appropriate accounting policies and to oversee the disbursement of the union's funds. However, the GEB found there was insufficient evidence to sustain this particular charge against Kenneth Seiden, because he joined the Executive Board more than one year after the compensation scheme began. Finally, the GEB found insufficient evidence to sustain the retaliation charge against Kenneth Seiden and dismissed the retaliation charge in its entirety.

The IRO's Determination

Following a meet-and-confer on a briefing schedule, the Respondents sought my review of the GEB's decision and moved to dismiss the charges on July 25, 2025. The IBT filed its reply on August 22, 2025, and the Respondents submitted a further position statement on September 5, 2025. I have reviewed the entire record of these proceedings, together with the parties' submissions.

A. Standard of Review

This is the first internal union charge submitted to the IRO for review since the entry of the Final Order.[2] As noted above, the Court subsequently modified that order and approved a Revised Final Order on September 3, 2026. Under both the original 2015 Final Order and the 2026 Revised Final Order, the IRO retains authority to review the adequacy of final IBT disciplinary decisions and may affirm, modify, or reverse any such decision.

The IBT urges me to decline to reach the merits of the appeal, contending that "only in extreme cases should the IRO exercise its power under [the Final Order] to consider an internal disciplinary matter." *See* IBT Letter dated August 22, 2025, at 2. The IBT further argues that, if the IRO does conduct such a review, the applicable standard should be "clear error." *Id.*

[2] The IRO's prior disciplinary decisions arose from charges brought by the Independent Investigations Officer ("IIO") under the procedures set out in the Final Order, not from appeals of internal union discipline.

In turn, Respondents argue that the IBT's position is inconsistent with the terms of the Final Order and improperly limits the IRO's review authority. *See* Respondents' Letter dated September 5, 2025 at 1-2. Respondents also argue that the IRO's authority to review internal disciplinary matters should be as broad as the authority exercised by the General President and GEB. *Id.* at 2.

As a threshold matter, I reject the IBT's suggestion that the IRO entertain such reviews "only in extreme cases." The IRO's authority to review final IBT disciplinary decisions is expressly provided for in both the 2015 Final Order and the 2026 Revised Final Order. *See* Final Order ¶ 30; 2026 Revised Final Order ¶ 27. Nothing in either order limits that authority to "extreme" cases. The 2026 Revised Final Order itself sets out the procedures governing the IRO's review of internal disciplinary charges and establishes that the applicable standard is whether the union has pursued the matter in a lawful and responsible manner and whether its decision is adequate under the circumstances. That is the standard the IRO has applied in prior disciplinary matters, and I apply it here. The IBT's proposed "clearly erroneous" standard is accordingly rejected.

B. Charges against the Respondents

Having reviewed the record, I conclude that the GEB's determination was appropriate and should not be disturbed. Respondents advance several substantive and procedural challenges, most of which were raised before the IBT Hearing Panel and again on appeal to the GEB. Substantively, Respondents contend that the Panel and the GEB misinterpreted the collective bargaining agreement and related documents they say authorized the compensation at issue, and that the evidence was otherwise insufficient to sustain the embezzlement, governance, and aiding-and-abetting charges. Procedurally, Respondents contend that the IBT's hearing rules were violated in three respects: (i) they were barred from having outside counsel attend the hearing; (ii) the GEB relied on evidence outside the hearing record; and (iii) the GEB failed to consider material evidence and arguments presented to the Panel. I address each in turn.

1. Embezzlement

The GEB sustained the General President's finding that Captain Robles' compensation arrangement was improper because it was never authorized by Local 2118's Executive Board as required by the Local's Bylaws and was inconsistent with the plain language of the Allegiant CBA. I find no basis to reject that conclusion. The Bylaws required the Executive Board to set the principal officer's salary by resolution recorded in meeting minutes, and that did not occur. Furthermore, the Allegiant CBA extended flight pay loss only to a pilot who remains "active" within the meaning of the contract, and Captain Robles was not an active, qualified pilot for most or all of the period during which he claimed flight pay loss. Respondents' contention that the GEB's reading of the CBA was unreasonable, or that the CBA is ambiguous on this point, is unpersuasive.

I have considered Respondents' additional arguments on this issue and similarly find them unavailing. First, the record does not support the contention that Captain Robles' compensation was approved by the IBT. Second, the record does not support the good-faith defense asserted by Captain Robles. In *Investigations Officer v. Catenaro*, the good-faith defense was supported by

the facts that counsel for the Local had issued an opinion approving of the compensation arrangement, and that the Executive Board had recorded the arrangement in meeting minutes and offered to present those minutes to the general membership. Those facts do not exist here. Accordingly, there was an adequate basis for the finding that Captain Robles did not have a good-faith basis to believe the compensation arrangement was permitted by the CBA.

2. Governance Oversight

The GEB sustained the finding that Local 2118's Executive Board failed to develop and implement adequate financial, administrative, and governance policies. The record on this charge is substantial. Local 2118's former Secretary-Treasurer testified that the Local did not maintain policies-and-procedures manuals and kept no regular meeting minutes until after IBT auditors conducted its review of the local. Two IBT auditors likewise described a consistent pattern of missing receipts, missing documentation, and approximately $157,000 in credit card charges lacking adequate support. Respondents' principal response – that the audit was incomplete and that they cooperated with the audit team – does not undermine that evidence, which the GEB was entitled to credit.

3. Aiding and Abetting

The finding that Captains Fogelsanger, Rockwood, Hanson, and Cawley aided and abetted Captain Robles' misconduct likewise stands. As fiduciaries of the Local, they were obligated to adopt and enforce the governance and financial-oversight policies that would have prevented or detected the misconduct, and they did not. The GEB dismissed this charge as to Brother Seiden based on his limited tenure on the Executive Board. Respondents urge that the same reasoning should extend to them, but unlike Brother Seiden they served on the Executive Board for the duration of the relevant conduct and, by their own testimony, were aware of Captain Robles' compensation and the Local's expenditures throughout that period.

4. Procedural Challenges

First, Respondents challenge the exclusion of their counsel from the hearing. Article XIX, Section 1(c) of the IBT Constitution permits a charged party to be represented at the hearing only by a member in good standing of the Local, and the rule was applied evenhandedly. While IBT counsel briefly attended the first day of the hearing, he was removed from the proceedings once Respondents objected. Respondents were free to consult retained counsel outside the hearing, which they did, and were not prejudiced by this procedure.

Second, Respondents contend that the GEB improperly relied on the record of a separate trusteeship hearing, which was not admitted at the disciplinary hearing. While the GEB's decision references the trusteeship proceeding as background, its findings are based on the evidence introduced at the disciplinary hearing, including the witness testimony and exhibits introduced there.

Third, Respondents contend that the General President and the GEB failed to address material evidence, including the declarations of former Trustee Hegland and former Secretary-Treasurer Valenzuela as well as evidence regarding the improvement in Local 2118's finances during Captain Robles' tenure. Having reviewed the record and the underlying opinions, the

General President and the GEB appropriately considered the relevant evidence in reaching their determinations.

Finally, Respondents suggest that the charges were the product of personal or political animus between Trustee Unterseher, IBT counsel, and Captain Robles. Respondents raised this claim repeatedly before the Panel and the GEB, and each time it was rejected. Nothing in the record calls into question the impartiality of the determinations before me, and I decline to disturb those determinations.

For these reasons, I find that the Panel, the General President, and the GEB each pursued this matter in a lawful and responsible manner. The findings on the embezzlement, governance, and aiding-and-abetting charges are adequately supported by the record. The procedural objections, whether considered individually or together, do not warrant vacating the GEB's decision or dismissing the charges.

SO ORDERED



Hon. Barbara S. Jones (Ret.)

cc: Counsel of Record