

**U.S. Department of Labor**

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April 3, 2008

Mr. Irving Brazinsky, President  
Cooper Union Federation of College Teachers (CUFCT)  
Local Union 3163  
51 Astor Place  
New York, NY 10003

LM File Number 506-438

Case Number: [REDACTED]

Dear Mr. Brazinsky:

This office has recently completed an audit of CUFCT Local 3163 under the Compliance Audit Program (CAP) to determine your organization's compliance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). As discussed during the exit interview with yourself and the union's treasurer Mr. Yapijakis, Vice President Mr. Stock and Secretary Ms. Salomon on April 3, 2008, the following problems were disclosed during the CAP. The matters listed below are not an exhaustive list of all possible problem areas since the audit conducted was limited in scope.

Reporting Violations

The audit disclosed a violation of LMRDA Section 201(b), which requires labor organizations to file annual financial reports accurately disclosing their financial condition and operations. The Labor Organization Annual Report Form LM-3 filed by CUFCT Local 3163 for fiscal year ending June 30, 2006, was deficient in the following areas:

## Cash Receipts

The total receipts figure reported in Item 44 on CUFCT Local 3163's LM report for audit period (\$23,292) is not the total receipts figure according to the union's books and the bank statements (\$19,015.04). The instructions for Item 44 is the sum of all the local's cash receipts including but not limited to dues, per capita tax and any fees, fines and assessments. The audit disclosed that the employer issued dues payment checks during the 2007 fiscal year that were for two months of the audit period. The payments were recorded for the audit period, however were deposited in the following fiscal year.

CUFCT Local 3163 is required to file an amended LM-3 report for fiscal year ending 6/30/2006 to correct the deficient item. CUFCT Local 3163 has agreed to file an amended report by April 11, 2008.

## Other Issues

### 1. Receipt Dates not Recorded

Several receipt entries in CUFCT Local 3163's check book register reflected dates that the union deposited money, but not the date money was received. For example, the union recorded the receipt of three dues payment checks by the date these checks were deposited (3/10/2005) rather than by when they were received.

Union receipts records must show the date of receipt. The date of receipt is required to verify, explain, or clarify amounts required to be reported in Statement B (Receipts and Disbursements) of the LM-3. The LM-3 instructions for Statement B state that the labor organization must record receipts when it actually receives money and disbursements when it actually pays out money. Failure to record the date money was received could result in the union reporting some receipts for a different year than when the union actually received them.

2. Issue Dates and Amounts not Recorded

Several disbursement entries in the union's check book register reflected inaccurate dates of issue (i.e. Check # [REDACTED]-issue date as per copy of cancelled check is 4/12/2006 however in the union's check book register the issue date of this check is recorded as 4/24/2006) and no check amount (i.e. check # [REDACTED]-purpose of check recorded in union records but no amount recorded). The check amount and date of issue is required to verify, explain, or clarify amounts required to be reported in Statement B (Receipts and Disbursements) of the LM-3. The LM-3 instructions for Statement B state that the labor organization must record receipts when it actually receives money and disbursements when it actually pays out money. Failure to record the date and amount money was issued could result in the union reporting some disbursements for a different year than when they were actually issued by the union.

I want to extend my personal appreciation to CUFCT Local 3163 for the cooperation and courtesy extended during this compliance audit to our investigators. We strongly recommend that you make sure this letter and the compliance assistance materials provided to you are passed on to future officers. If we can provide any additional assistance, please do not hesitate to call.

Sincerely,

[REDACTED]

Supervisory Investigator

cc: Richard Stock - Vice President  
Constantine Yapijakis - Treasurer  
Carol Salomon - Secretary