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U.S. ATTORNEYS  
CLEVELAND, OHIO

2003 DEC 22 PM 3:43

U.S. DISTRICT COURT  
CLEVELAND, OHIO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLAN L. SPATES,

Defendant.

INDICTMENT

1:03CR492  
CASE NO.

JUDGE MATIA

Title 18, Sections 1001 and 2, United States Code; and Title 29, Section 501(c), United States Code

COUNT 1

The Grand Jury charges:

1. That all times hereinafter mentioned and within the meaning of Sections 3(i) and 3(j) of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§402(i) and 402(j), hereinafter referred to as the Act:

(a) The Paper, Allied-Industrial, Chemical and Energy Workers, Local 5-1250, hereinafter referred to as the Union, was and is a labor organization representing employees in an industry affecting commerce and has conducted and conducts its operations in Solon, Ohio, and Bedford Heights, Ohio, and maintains an office in Ravenna, Ohio.

(b) At all times relevant herein, the defendant, ALLAN L. SPATES, was the President of the Union and as such was an officer and an employee of a labor organization within the meaning of sections 3(f) and 3(n) of the Act [29 U.S.C. §§402(f) and (n)].

2. In or about September 2001, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, ALLAN L. SPATES, did unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, Union members' dues payments amounting to approximately nine thousand seven hundred and fifty-eight dollars and twenty cents (\$9,758.20), which monies and funds belonged to said Union.

All in violation of said Act (Title 29, Section 501(c), United States Code).

#### COUNT 2

The Grand Jury further charges:

1. Paragraph 1 of Count 1 is incorporated as if fully realleged herein.

2. That from approximately April 2001, through September 2001, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, ALLAN L. SPATES, did unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, through the unauthorized use of the Union's debit card, approximately nine thousand nine hundred and five dollars and one cent (\$9,905.01), which monies and funds belonged to said Union.

All in violation of said Act (Title 29, Section 501(c), United States Code).

COUNT 3

The Grand Jury further charges:

1. Paragraph 1 of Count 1 is incorporated as if fully realleged herein.

2. That from approximately April 2001, through September 2001, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, ALLAN L. SPATES, did unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, assets of the Union, amounting to approximately five thousand three hundred and six dollars and ninety-two cents (\$5,306.92), which monies and funds belonged to said Union.

All in violation of said Act (Title 29, Section 501(c), United States Code).

COUNT 4

The Grand Jury further charges:

1. Paragraph 1 of Count 1 is incorporated as if fully realleged herein.

2. That from approximately January 1, 2000, through October 2001, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, ALLAN L. SPATES, did unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, lost time payments to which the defendant was not entitled, amounting to approximately three thousand seven hundred and eighty-four dollars and fifteen cents (\$3,784.15), which monies and funds belonged to said Union.

All in violation of said Act (Title 29, Section 501(c), United States Code).

COUNT 5

The Grand Jury further charges:

1. Paragraph 1 of Count 1 is incorporated as if fully realleged herein.
2. That from approximately January 1, 2000, through October 2001, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, ALLAN L. SPATES, did unlawfully and willfully embezzle, steal, and abstract and convert to his own use, and the use of others, the unauthorized reimbursement payments of purported expenses to which the defendant was not entitled, amounting to approximately nine hundred and ninety-two dollars (\$992.00), which monies and funds belonged to said Union.

All in violation of said Act (Title 29, Section 501(c), United States Code).

COUNT 6

The Grand Jury further charges:

1. Paragraph 1 of Count 1 is incorporated as if fully realleged herein.
2. On or about April 8, 2002, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, ALLAN L. SPATES, knowingly and willfully made, and caused to be made, false and fraudulent statements and representations in a matter within the jurisdiction of the United States Department of Labor, a department and agency of the United States, in that the defendant caused to be prepared and submitted, an annual financial report form known as a Form LM-3 Labor Organization Annual Report, for the Union's fiscal year, from January 1, 2001, through December 31, 2001, wherein the defendant represented, and caused to be represented, that he had received \$4,834.00 in salary and allowances and other disbursements from the Union during that fiscal year, and that the Union had annual receipts of \$77,937.00 and

had disbursements of \$110,450.00, when, in truth and fact, as the defendant well knew, he had received substantially more than \$4,834.00 in payments from the Union during that fiscal year and the Union had received significantly more in receipts and had made significantly more in disbursements during this fiscal year, said additional, undisclosed receipts and disbursements having been embezzled, stolen, abstracted and converted by the defendant, ALLAN L. SPATES, for his own personal use and the use of others.

All in violation of Title 18, United States Code, Sections 1001 and 2.

A TRUE BILL.

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FOREPERSON

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GREGORY A. WHITE  
UNITED STATES ATTORNEY