

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA)

v.)

TY MARINER,)

Defendant.)

CR No. 03- 18344

INDICTMENT

29 U.S.C. §§ 439(b) and 501(c)

THE GRAND JURY CHARGES:

I. Introduction:

1. **TY MARINER**, defendant herein, while acting as an officer of the National Association of Letter Carriers of the United States of America, AFL-CIO, Branch 3083, embezzled, stole, and unlawfully and willfully abstracted and converted to his own use the moneys and funds of said labor organization. Furthermore, in an effort to conceal his actions, the defendant made false entries in union records, maintained false records, failed to maintain records, and filed a false report with the United States Department of Labor.

2. **TY MARINER** was the Treasurer of the National Association of Letter Carriers of the United States of America, AFL-CIO, Branch 3083 (hereinafter: labor organization) from April 1999 through March 2001. As treasurer, **TY MARINER** had access to labor organization funds, including a checking account, a check book, and an ATM card.

3. As an officer of the labor organization, **TY MARINER** had a duty to hold the money and property of the labor organization solely for the benefit of the organization and its members and to manage and expend that money only in accordance with the constitution, bylaws, and any resolutions of the governing body of the labor organization.

4. Between April 1999 and March 2001, the defendant used an automated teller machine (ATM) card to make 54 ATM withdrawals from the labor organization's bank account for his own personal use. The defendant knew these withdrawals were not authorized by the labor organization's constitution, bylaws, and any resolutions of the governing body of the labor organization. The defendant used the ATM card to withdraw approximately \$1,353.00 from the labor organization's account.

5. Between April 1999 and December 23, 1999, the defendant wrote, signed, and personally obtained the proceeds from 14 checks, for a total of \$993.00, drawn upon the labor organization's bank account. The defendant knew these checks were not authorized for his personal use by the labor organization's constitution, bylaws, and any resolutions of the governing body of the labor organization.

6. In an effort to hide his unlawful ATM withdrawals, the defendant altered a bank statement and provided the altered bank statement to the other labor organization officers.

7. In an effort to hide the money he unlawfully took by writing labor organization checks for his personal use, the defendant falsely recorded and inflated the amount of a check which was legitimately paid to himself, failed to provide accurate financial reports at labor organization meetings, failed to record the checks he unlawfully wrote to himself, and failed to disclose material facts in the annual financial report required to be submitted to the United States

Secretary of Labor.

8. The National Association of Letter Carriers of the United States of America, AFL-CIO, Branch 3083 is a labor organization whose members work under a collective bargaining agreement with the United States Postal Service. The labor organization is based in Woodburn, Oregon and has approximately 13 members. The labor organization is, and was at all times material to this indictment, engaged in an industry that affects commerce. The labor organization is required to file a Form LM-4 Labor Organization Annual Report with the United States Secretary of Labor each year.

Counts 1 through 5

Embezzlement and Theft of Labor Union Assets

1. The allegations in paragraphs 1-8 of the introduction of this indictment are realleged herein and incorporated by reference.
2. On or about the dates specified below, in the District of Oregon, **TY MARINER**, defendant herein, while an officer, that is Treasurer, of the National Association of Letter Carriers of the United States of America, AFL-CIO, Branch 3083, a labor organization engaged in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use the moneys and funds of said labor organization, to-wit:

Count	Date	Item and Amount
1	4/28/99	Defendant unlawfully wrote, signed, and obtained the proceeds from Branch 3083 N.A.L.C. check number 423, made payable to Ty Mariner, in the amount of \$133.00.

2	12/9/99	Defendant unlawfully altered Branch 3083 N.A.L.C. check number 491, which was originally written and made payable to the defendant in the amount of \$15.71, by adding \$100 to the amount of the check and unlawfully increasing the amount of the check to \$115.71. After unlawfully altering the check, the defendant deposited check and obtained an unauthorized \$100 from Branch 3083 N.A.L.C.'s US Bank account.
3	12/23/99	Defendant unlawfully wrote, signed, and obtained the proceeds from Branch 3083 N.A.L.C. check number 475, made payable to Ty Mariner, in the amount of \$500.00
4	9/8/00	Defendant unlawfully withdrew \$120.00 in cash of the labor organization's money from an ATM
5	1/12/01	Defendant unlawfully withdrew \$100.00 in cash of the labor organization's money from an ATM

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

Count 6

Falsification of Annual Financial Report filed by Labor Union

1. All the allegations listed above in this indictment are realleged herein and incorporated by reference.
2. That on or about March 30, 2000, in the District of Oregon, **TY MARINER**, defendant herein, did make and cause to be made a false statement and representation of a material fact, knowing it to be false, in a report and document required to be filed by the National Association of Letter Carriers of the United States of America, Branch 3083, with the Secretary of Labor pursuant to Title 29, United States Code, Section 431, that is, the annual financial Form LM-4, Labor Organization Annual Report for the fiscal year ending December 31, 1999, in that the defendant falsely indicated Branch 3083 did not discover any loss and shortage of funds during

the reporting period and that the total payments to officers during the reporting period was correct when the defendant knew he was hiding the losses he had caused Branch 3083 and that the payments to the officers of Branch 3083 were incorrect; all in violation of Title 29, United States Code, Section 439(b).

DATED this 22 day of April, 2003.

A TRUE BILL.



FOREPERSON

MICHAEL W. MOSMAN, OSB #87111
United States Attorney
District of Oregon



SCOTT M. KERIN, OSB #96512
Assistant United States Attorney