

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE GOTTSCHALL

MAGISTRATE JUDGE DENLOW

UNITED STATES OF AMERICA

v.

DONALD HUTCHINSON

No.

05 CR 0657

Violations: Title 29, United States Code,
Sections 501(c) and 439.

JUL 21 2009

COUNT ONE

The SPECIAL FEBRUARY 2005-2 GRAND JURY charges:

1. At times material to this indictment:

a. The International Chemical Workers Local Union #763-C (the "union"),

was a labor organization engaged in an industry affecting commerce within the meaning of Title 29, United States Code, Sections 402(i) and (j).

b. Defendant DONALD HUTCHINSON was the union's Financial Secretary. In his capacity as Financial Secretary, defendant DONALD HUTCHINSON had access to and control over union funds, which were maintained in an account at First Midwest Bank. Defendant DONALD HUTCHINSON had the authority to make deposits to the union's bank account and to write checks on behalf of the union, for union matters only.

c. Title 29, United States Code, Section 501(a) imposed a fiduciary responsibility upon the officers of labor organizations, including Local Union #763-C, which stated, in relevant part, as follows:

The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organizations and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, ...

2. From in or about January 1995, until in or about January 2004, at Joliet, Plainfield, and elsewhere in the Northern District of Illinois, Eastern Division,

DONALD HUTCHINSON,

defendant herein, embezzled, stole, and unlawfully and willfully converted to his own use, moneys and funds of a labor organization of which he was an officer, and by which he was employed, in the approximate amount of \$105,976;

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

COUNT TWO

The SPECIAL FEBRUARY 2005-2 GRAND JURY further charges:

1. Paragraph 1 of Count One of this indictment is realleged and incorporated herein as if fully set out.

2. From in or about July 2000, until in or about January 2004, at Joliet, Plainfield, and elsewhere in the Northern District of Illinois, Eastern Division,

DONALD HUTCHINSON,

defendant herein, did willfully conceal and withhold reports required to be kept by Section 436 of Title 29, United States Code, that is, defendant failed to file the monthly financial report, Form 42, which are reports on matters required to be reported in the annual financial report of the union required to be filed with the Secretary of Labor;

In violation of Title 29, United States Code, Section 439(c).

COUNT THREE

The SPECIAL FEBRUARY 2005-2 GRAND JURY further charges:

3. Paragraph 1 of Count One of this indictment is realleged and incorporated herein as if fully set out.

4. On or about September 25, 2000, at Joliet, Plainfield, and elsewhere in the Northern District of Illinois, Eastern Division,

DONALD HUTCHINSON,

defendant herein, did willfully make and cause to be made a false statement and representation of material fact knowing it to be false in a report and document required to be filed by the union with the Secretary of Labor pursuant to 431 of Title 29, United States Code, that is, the annual financial report form LM-3;

In violation of Title 29, United States Code, Section 439(b).

COUNT FOUR

The SPECIAL FEBRUARY 2005-2 GRAND JURY further charges:

1. Paragraph 1 of Count One of this indictment is realleged and incorporated herein as if fully set out.

2. On or about September 27, 2001, at Joliet, Plainfield, and elsewhere in the Northern District of Illinois, Eastern Division,

DONALD HUTCHINSON,

defendant herein, did willfully make and cause to be made a false statement and representation of material fact knowing it to be false in a report and document required to be filed by the union with the Secretary of Labor pursuant to 431 of Title 29, United States Code, that is, the annual financial report form LM-3;

In violation of Title 29, United States Code, Section 439(b).

COUNT FIVE

The SPECIAL FEBRUARY 2005-2 GRAND JURY further charges:

3. Paragraph 1 of Count One of this indictment is realleged and incorporated herein as if fully set out.

4. On or about September 27, 2002, at Joliet, Plainfield, and elsewhere in the Northern District of Illinois, Eastern Division,

DONALD HUTCHINSON,

defendant herein, did willfully make and cause to be made a false statement and representation of material fact knowing it to be false in a report and document required to be filed by the union with the Secretary of Labor pursuant to 431 of Title 29, United States Code, that is, the annual financial report form LM-3;

In violation of Title 29, United States Code, Section 439(b).

COUNT SIX

The SPECIAL FEBRUARY 2005-2 GRAND JURY further charges:

5. Paragraph 1 of Count One of this indictment is realleged and incorporated herein as if fully set out.

6. On or about September 25, 2003, at Joliet, Plainfield, and elsewhere in the Northern District of Illinois, Eastern Division,

DONALD HUTCHINSON,

defendant herein, did willfully make and cause to be made a false statement and representation of material fact knowing it to be false in a report and document required to be filed by the union with the Secretary of Labor pursuant to 431 of Title 29, United States Code, that is, the annual financial report form LM-3;

In violation of Title 29, United States Code, Section 439(b).

UNITED STATES ATTORNEY