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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

JUDGE CASTILLO

UNITED STATES OF AMERICA)

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No.

07CR 0112

v.

Title 29, United States Code
Section, 501(c) and 439 (c).

KEITH H. COOK

COUNT ONE

MAGISTRATE JUDGE DENLOW

The SPECIAL AUGUST 2006-2 GRAND JURY charges:

1. At times material to this indictment:

(a) The United Transportation Union General Committee of Adjustment GO 245 ("International UTU") was a labor organization engaged in an industry affecting commerce within the meaning of Title 29, United States Code, Sections 402(i) and (j). Transportation Union IND Local 620 ("Local 620"), was a local union affiliated with the International UTU, representing employees of the Burlington Northern Santa Fe Railway, Cicero, Illinois.

(b) Defendant KEITH H. COOK was an officer as that term is defined in Section 402(n) of Title 29, United States Code, that is, he was appointed Secretary-Treasurer of Local 620 on February 19, 2002, and held that office until in or about late March, 2004. The duties of the Secretary-Treasurer included, among others: maintaining all financial and bank records, to include checkbooks, check-stubs, journals and ledgers, and receiving and depositing payroll deduction checks into the local's bank account; handling billings and maintaining records of membership dues and health insurance premiums; processing approved lost time; paying salaries; paying federal, state and railroad taxes; preparing government reports; paying per capita taxes to the International; and maintaining union records and recording minutes of membership meetings.

(c) In his capacity as Secretary-Treasurer of Local 620, defendant KEITH H. COOK had access to and control over union funds, which were maintained in two successive checking accounts at Great Lakes Bank, N.A. in Blue Island, Illinois. Defendant KEITH H. COOK had the authority to make deposits to the union's bank accounts and to write checks on behalf of the union, for union matters only, and to co-sign all checks or orders for payment of monies from the Local 620 accounts, together with the Local 620 President.

(d) As Secretary-Treasurer of Local 620, defendant KEITH H. COOK received a gross monthly salary of \$300, less deductions for employment taxes and railroad retirement as well as any authorized allowances and other disbursements.

(e) In April 2004, an audit was conducted by the International UTU of Local 620's bank accounts and financial records. Numerous unauthorized payments, withdrawals, disbursements and diversions from Local 620's accounts at Great Lakes Bank, N.A., totaling in excess of approximately \$48,000, were identified, covering a period from in or about March 2002, and continuing to in or about April 2004.

(f) Title 29, United States Code, Section 501(a), which imposed a fiduciary responsibility upon the officers of labor organizations, including Local 620, 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 on or about March 8, 2002, and continuing to on or about April 17, 2004, at Blue Island and Cicero, Illinois and elsewhere in the Northern District of Illinois, Eastern Division,

KEITH H. COOK,

defendant herein, embezzled, stole, and unlawfully and willfully abstracted and converted to his own use moneys and funds of a labor organization, of which he was an officer, in the approximate amount of \$48,287.47, all without the knowledge and consent of the Union.

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

COUNT TWO

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

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

2. From on or about July 6, 2002, and continuing to on or about April 17, 2004, at Blue Island and Cicero, Illinois, and elsewhere in the Northern District of Illinois, Eastern Division,

KEITH H. COOK,

defendant herein, did willfully make a false entry in records required to be kept by Section 436 of Title 29, United States Code, that is, defendant falsely misrepresented expense information on the memo line of unauthorized checks made payable to defendant and drawn on Local 620's accounts at Great Lakes Bank, N. A, which are records 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).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY