

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
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September 24, 2008

Mr. Hayden Wayne, Secretary-Treasurer
Musicians, AFL-CIO
Local 238-291
P.O. Box 3752
Poughkeepsie, NY 12603-0752

LM File Number 062-544

Case Number: [REDACTED]

Dear Mr. Wayne:

This office has recently completed an audit of AFM Local 238-291 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 you and Larry Hazard on September 18, 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.

The CAP disclosed the following violation:

Recordkeeping Violations

Title II of the LMRDA establishes certain reporting and recordkeeping requirements. Section 206 requires, among other things, that labor organizations maintain adequate records for at least five years by which each receipt and disbursement of funds, as well as all account balances, can be verified, explained, and clarified. As a general rule, labor organizations must maintain all records used or received in the course of union business.

For disbursements, this includes not only original bills, invoices, receipts, vouchers, and applicable resolutions, but also documentation showing the nature of the union business requiring the disbursement, the goods or services received, and the identity of

the recipient(s) of the goods or services. In most instances, this documentation requirement can be satisfied with a sufficiently descriptive expense receipt or invoice. If an expense receipt is not sufficiently descriptive, a union officer or employee should write a note on it providing the additional information. For money it receives, the labor organization must keep at least one record showing the date, amount, purpose, and source of that money. The labor organization must also retain bank records for all accounts.

The audit of Local 238-291's 2007 records revealed the following recordkeeping violations:

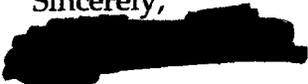
1. Failure to Record and Deposit Receipts

Local 238-291 did not record in its receipts records some dues checks. Union receipts records must include an adequate identification of all money the union receives. The records should show the date and amount received, and the source of the money. Additionally, three checks received by the local were found to have been undeposited totalling \$419.29.

Based on your assurance that Local 238-291 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

I want to extend my personal appreciation to AFM Local 238-291 for the cooperation and courtesy extended during this compliance audit. I 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,



Supervisory Investigator

cc: Larry Hazard
President