



THE YEAR IN REVIEW (2018-2019)

Commission investigations with our law enforcement partners resulted in arrests of 95 individuals on state and federal charges as well as the seizure of almost 127 kilos of heroin, 1,461 kilos of cocaine, 765 pounds of marijuana, 1.3 kilos of Fentanyl, 6.2 kilos of Ketamine, as well as the seizure of almost \$21 million in proceeds from drug transactions, loansharking, illegal gambling and money laundering, and the recovery of 6 firearms.

The Commission worked with the following law enforcement agencies on investigations and prosecutions:

- U.S. Attorneys' Offices for the Southern and Eastern Districts of New York, and the District of New Jersey
- U.S. Department of Justice – Organized Crime and Gangs
- U.S. Department of Labor – Office of the Inspector General
- U.S. Customs and Border Patrol
- U.S. Immigration and Customs Enforcement – El Dorado Task Force
- U.S. Immigration and Customs Enforcement – Homeland Security Investigations
- U.S. Drug Enforcement Administration
- Federal Bureau of Investigation
- Internal Revenue Service - Criminal Investigation Division
- New Jersey Attorney General's Office - Division of Criminal Justice
- New York Attorney General's Office
- New York County District Attorney's Office
- Queens County District Attorney's Office
- Union County Prosecutor's Office
- New Jersey State Police – Cargo Theft Task Force
- New York City Police Department
- New Jersey State Commission of Investigation



WATERFRONT COMMISSION OF NEW YORK HARBOR CASE SUMMARY (2018-2019)

July 9, 2018 – Superior Court of New Jersey, Appellate Division, Denies Reefer Mechanic Supervisor’s Emergent Motion for a Stay of the Commission’s Revocation of His Registration Pending Appeal. The Superior Court of New Jersey, Appellate Division, denied the emergent motion by Frank Ferrara for a stay of the Commission’s revocation of his registration to work as a maintenance man pending his appeal. Ferrara’s registration was revoked on June 25, 2018, after the Commission found that he had associated with the following organized crime figures who had been convicted of racketeering activities: (1) Pasquale “Patty the Clubber” Falcetti, Sr., a soldier in the Genovese crime family; (2) Andrew Gigante, an associate of the Genovese crime family and the son of the crime family’s late boss Vincent “The Chin” Gigante; and (3) Carmine “Little Carm” Della Cava, a soldier in the Genovese crime family. The Commission further found that Ferrara had committed fraud, deceit, or misrepresentation in connection with a sworn interview in which he falsely denied associating with anyone who is a member or associate of an organized crime group. In addition, the Commission found that Ferrara’s presence in the Port was a danger to the public peace or safety. In seeking a stay, Ferrara argued that he and his family will suffer irreparable harm and extreme hardship because he is the sole support his family, and his inability to work on the waterfront will prevent him from earning his annual income necessary to continue to do so. He also argued that his appeal is meritorious and likely to succeed on the merits. The Court ruled that Ferrara failed to show a reasonable probability of ultimate success on the merits and accordingly, denied his motion for a stay.



Frank Ferrara Pasquale Falcetti Carmine Della Cava Andrew Gigante
Genovese Capo Genovese Soldier Genovese Associate



August 7, 2018 – Terminal Maintenance Worker Suspended After Arrest for Aggravated Assault.

The Commission temporarily suspended terminal maintenance worker Frankie Fawcett, of Brick Township, New Jersey, pending the outcome of an administrative hearing related to a recent arrest. Fawcett had been employed at Port Newark Maintenance and Repair, LLC. On July 12, 2018, in Brick Township, police arrested Fawcett for aggravated assault, a crime of the third degree. The Waterfront Commission’s Notice of Hearing alleges that Fawcett punched the victim in her face, resulting in a broken orbital bone and fractured jawbone. Fawcett also allegedly grabbed the victim in a “bear hug,” causing her to suffer a fractured rib. Fawcett allegedly committed these acts of violence after two occasions when the Waterfront Commission sanctioned him for, among other charges, submitting positive or diluted drug tests. The Notice of Hearing charges that Fawcett’s presence at the piers or other waterfront terminals in the port of New York district represents a danger to the public peace or safety.

August 20, 2018 - Former TSA Screener Convicted of Stealing from Airline Passengers Denied Registration as a Warehouseman. The Commission denied the application of Pythias Brown of Burlington, NJ for inclusion in the Waterfront Commission Register as a warehouseman. Following a hearing before an Administrative Law Judge ALJ, the Commission found that Brown had been convicted of a disqualifying felony, Theft from Interstate Shipments, after stealing more than \$800,000 worth of property from unsuspecting airline passengers while employed as a Transportation Security Administration screener at Newark Liberty Airport. In addition, the Commission found that Brown's presence on the waterfront constitutes a danger to the public peace or safety due to his felony conviction and also because he committed fraud, deceit or misrepresentation on both his sworn application and in a sworn interview with the Commission when he failed to disclose his arrest for a weapons offense. The ALJ presiding over the hearing noted that Brown "lacked candor" and presented "incredible" testimony in multiple instances when testifying about his criminal history. After considering the entire record, the Commission adopted the ALJ's findings and his recommendation to deny Brown's application for registration.



August 20, 2018 - Port Watchman's Permit Revoked for Possession of 3 Counterfeit U.S. Passport Cards. The Commission ordered the revocation of the temporary permit of Port Watchman Derick Akaho, 24, of Newark, New Jersey, and also ordered the denial of his Application for a Port Watchman License following a hearing before an Administrative Law Judge. The Commission established at the hearing that on October 6, 2017, Akaho was driving a car in Washington Township, New Jersey, when he was stopped by local police for speeding. Police observed a small quantity of alleged marihuana in the vehicle and requested him to step out of the vehicle. When he was asked to empty his pockets, Akaho produced three counterfeit U.S. Passport Cards, purportedly issued by the U.S. Department of State, each bearing Akaho's photograph but issued under three separate names and the same date of birth. Certain countries accept a U.S. Passport Card as proof of citizenship in lieu of a passport. Akaho told police that he needed the cards to send money to his home country of Ghana, since, according to Akaho, the money sending services, such as Western Union, that he was using had individual monetary caps. Washington Township police released Akaho pending their investigation and Akaho was never formally charged with a crime relating to the counterfeit cards. The ALJ found that Akaho knew that he possessed the three counterfeit Passport Cards and that he knew it was illegal to possess them. The ALJ further found that Akaho's "purpose in using the cards was to deceive and defraud" Western Union or MoneyGram. Accordingly, the ALJ held that Akaho did not possess good character and integrity, the standard for a Port Watchman and recommended that his temporary permit be revoked and his application be denied. The Commission followed the recommendation of the ALJ.

August 27, 2018 - International Drug Trafficker Sentenced To 14 Years In Prison For Importing Cocaine Into The United States. Joel Branford, a/k/a "Joel Bransord," a/k/a "Jose Cabeza," was sentenced by U.S. District Judge Gregory H. Woods to 168 months in prison for conspiring to import cocaine into the United States. Branford pled guilty before Judge Woods on June 22, 2017. According to the Indictment, previous court filings, and statements made at public court proceedings: In January 2010, Branford, who had previously fled the United States to Panama, conspired to import more than 100 kilograms of cocaine via a container ship to be sent to the Port of New York-New Jersey. In January 2010, law enforcement officers intercepted the container and found inside more than approximately 100 kilograms of cocaine. On January 29,

2010, law enforcement authorities intercepted, pursuant to a Court-authorized wiretap, a telephone conversation during which Brandford threatened a co-conspirator, whom Brandford believed had stolen the shipment that was seized by law enforcement. Throughout 2010, Panamanian law enforcement intercepted calls by Brandford, during which Brandford regularly discussed making large shipments of narcotics in containers. Brandford also used weapons in the course of his narcotics trafficking business. In July 2010, Panamanian law enforcement searched Brandford's residence and vehicle and found two firearms, four magazines, and 223 bullets, along with 21 cellphones. Previously, in 2003, law enforcement officers searched Brandford's home in Virginia, where he lived at the time, and recovered two firearms, including a semi-automatic submachine gun, and two bullet-proof vests, as well as cocaine. In addition to his prison sentence, Brandford, 46, was sentenced to five years of supervised release. The Waterfront Commission was part of the task force that investigated and prosecuted the case.



September 14, 2019 – Lucchese Associate Pleads Guilty To Attempted

Murder. Lucchese associate Vincent Bruno pled guilty before United States Magistrate Judge Paul E. Davison to attempting to kill, and conspiring to kill, a Bronx man in 2012. In May 2017, Bruno and 18 other members and associates of the Lucchese Family of La Cosa Nostra were arrested and charged in a nine-count Indictment, for their involvement in offenses including racketeering, murder, attempted murder, narcotics trafficking, and gun crimes. Since the unsealing of the Indictment, Bruno and nine other

defendants have pled guilty, and have been or will be sentenced by U.S. District Judge Cathy Seibel. According to the superseding information to which Bruno pled guilty, his statements when pleading guilty, the allegations in the Indictment, and statements made in related court filings and proceedings: In 2012, armed members and associates of the Bonanno Family of La Cosa Nostra forced their way into a Bronx social club controlled by the Lucchese Family. During the ensuing confrontation, one of the Bonanno Family associates (the "Associate") acted in a manner that a leader of the Lucchese Family, Steven L. Crea ("Crea Sr."), perceived as a personal affront. To avenge this supposed offense, Crea Sr. ordered his son, Steven D. Crea ("Crea Jr."), to have the Associate killed. Crea Jr. passed the order to Paul Cassano Jr., a/k/a "Paulie Roast Beef," and Bruno. On a subsequent night, Bruno and Cassano travelled to the Associate's Bronx residence. There Bruno, armed with a gun, tried to find the Associate in order to kill him, but failed. The dispute between the rival families was then resolved before the murder was carried out. Bruno, 34, pled guilty to one count of attempted murder in aid of racketeering, and one count of conspiracy against the United States. The Waterfront Commission worked in conjunction with the Federal Bureau of Investigation on this case.

September 24, 2018 – Lucchese Soldier Pleads Guilty To Attempted Murder Of Witness

Lucchese Soldier Joseph "Joey Flowers" Datello pled guilty before United States District Judge Cathy Seibel to numerous acts of racketeering, including attempting to kill a witness against him. In May 2017, Datello and 18 other members and associates of the Lucchese Family of La Cosa Nostra were arrested and charged in a nine-count Indictment. Since the unsealing of the Indictment, Datello and 12 other defendants have pled guilty, and have been or will be sentenced by Judge Seibel. According to the plea

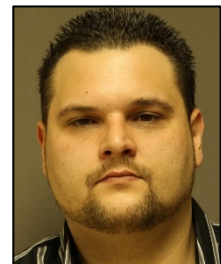


agreement Datello signed as part of his guilty plea, his statements when pleading guilty, the allegations in the Indictment, and statements made in related court filings and proceedings: In

2002, an individual (the “Witness”) who had been working with Datello and Steven L. Crea, a leader in the Lucchese Family, provided information to state and federal authorities concerning Datello’s and Crea’s participation in racketeering activity. That information, and other evidence, led to the successful prosecution of Datello, Crea, and others. In October 2016, Datello learned information that he thought revealed the Witness’s current whereabouts. Datello travelled to what he believed was the Witness’s address and waited there, trying to find the Witness. Had Datello found the Witness, he intended, with the blessing of Crea, to kill the Witness. Datello, of Staten Island, New York, pled guilty to one count of conspiracy to commit racketeering, and as part of that plea admitted racketeering acts including the attempted murder of the Witness, narcotics trafficking, and collecting debts through the threat of violence. The Waterfront Commission worked in conjunction with the Federal Bureau of Investigation on this case.

September 25, 2018: Port Warehouse Worker Suspended After Arrest for Theft. The Waterfront Commission temporarily suspended warehouseman Raul C. Loza-Carrera of Elizabeth, New Jersey, pending the outcome of an administrative hearing related to an arrest and alleged deception to secure waterfront registration. The notice of hearing alleges that, on or about and between January 27, 2018 and April 8, 2018 (before he was registered to work on the waterfront), Loza-Carrera was employed as a night custodian at a TJ Maxx store in Union, New Jersey, from which he removed various items without making any payment, causing a total loss of \$2,764.00. Loza-Carrera then allegedly failed to disclose his employment at TJ Maxx on his application, dated April 9, 2018, for inclusion in the longshore workers’ register as a warehouseman. On August 20, 2018, police arrested Loza-Carrera for Theft by Unlawful Taking, a crime of the third degree, which he allegedly failed to properly report to the Commission. The Commission charged that Loza-Carrera’s presence at the piers or other waterfront terminals in the port of New York district represents a danger to the public peace or safety. Rather than go to hearing, Loza-Carrera filed a request to withdraw his application and surrender his temporary registration as a port warehouseman in Elizabeth. The Commission accepted his request.

September 25, 2018 – Former Longshoreman’s Request to Return to the Waterfront Denied After He Failed to Report to Work, Worked Off of the Waterfront When He Claimed Incapacitation, and Committed Multiple Acts of Fraud, Deceit, or Misrepresentation. The Commission denied the request by Anthony N. Inglima, Jr., 35, of Staten Island, New York, for reinstatement of his registration as a longshoreman. Inglima was first registered to work as a longshoreman in March of 2014. In 2015, he failed to report to work or make himself available for work pursuant to the Commission’s regulatory requirements. In January of 2016, his registration as a longshoreman was deactivated because of his claims of incapacitation. On August 8, 2018, Inglima submitted a Request for Reinstatement on the Longshore Worker’s Register, and claimed that he was no longer incapacitated. After reviewing his request and related evidence, however, the Commission found that Inglima’s request was not supported by good cause. Contrary to Inglima’s representations regarding his incapacitation, he worked at three jobs off of the waterfront, which he failed to disclose as required on his request for reinstatement. He also failed to properly disclose a 2018 arrest for assault and during a sworn Commission interview, falsely denied that the assault had occurred.





October 23, 2018 – Former Assistant Foreman Barred From Reinstatement Because of Fraud, Working on the Waterfront While Under the Influence of Oxycodone, and Possessing 103 Bags of Heroin, 2.5 Grams of Cocaine, 3 Hypodermic Needles, 2 Crack Pipes, 3 Marijuana Pipes, and a Scale to Weigh Drugs. The Commission denied the application of Brian Moe of Atlantic Highlands, New Jersey, to restore his registration as a maintenance man, a type of longshoreman responsible for the repair and maintenance of waterfront machinery. Moe had previously been appointed by the International

Longshoremen’s Association to be Assistant Foreman at APM Terminals, in Elizabeth, New Jersey, where he oversaw port mechanics. On September 16, 2014, the Commission removed Moe from the waterfront after he failed to report to work or make himself available for work pursuant to regulatory requirements. Today, the Waterfront Commission denied Moe’s application to return to the waterfront because of his actions before and after he failed to work or make himself available for work as an Assistant Foreman.

In denying Moe’s application, the Commission adopted the findings and recommendation of the Administrative Law Judge who presided over Moe’s administrative hearing. Testimony was presented by Moe and detectives from the Keyport and Union County Police Departments. Following the hearing, the ALJ concluded the Moe had committed the following offenses while registered as a longshoreman on the waterfront:

1. In 2010-2014, he used heroin, cocaine, marijuana, and oxycodone without a prescription despite the Commission warning him in 2006 about the prohibition against using drugs while having a job on the waterfront;
2. In 2010-2014, he was under the influence of oxycodone at various times while at work on the waterfront; and
3. In 2014, he knowingly or purposely obtained or possessed, actually or constructively, 2.5 grams of cocaine, 11 bags of heroin, a scale, 2 crack pipes, a hypodermic needle, and 3 marijuana pipes.

The ALJ further found that Moe committed the following acts after the Waterfront Commission removed him from the waterfront:

1. In 2015, he knowingly or purposely obtained or possessed, actually or constructively, 92 folds of heroin and 2 hypodermic needles; and
2. In 2017, he falsely testified during an interview at the offices of the Waterfront Commission that, in connection with his 2015 arrest, he did not have heroin on his lap when, in truth, he possessed two (2) folds of heroin on his lap.

In his opinion, the ALJ noted that Moe “has repeatedly and consistently lied to the Waterfront Commission, prior to, during, and since his period of employment at the Waterfront” and “has repeatedly refused to accept responsibility for his drug possession.” The ALJ found that Moe was “under the influence of oxycodone while at work on the Waterfront, even though he was responsible for maintaining and repairing very dangerous equipment” including RTG Cranes, “which are large pieces of equipment with the cab located 90 feet above the ground.” The ALJ also noted that, as an Assistant Foreman, he was supposed to be “a role model for all the mechanics.” The ALJ found that Moe’s “testimony, both during the hearing and during his four Waterfront interviews is remarkable in his evasiveness and his lack of complete candor.” The Commission adopted the ALJ’s findings that Moe had committed fraud, deceit, or misrepresentation and his presence at the piers or other waterfront terminals would represent a danger to the public peace or safety. Adopting the ALJ’s recommendation, the Waterfront Commission barred Moe from returning to work on the waterfront.

October 23, 2018 - Longshoreman's Application Withdrawn with Prejudice Following Charges of Organized Crime Associations. The Commission accepted the request of Anthony Pansini III, of Brooklyn, NY, to withdraw with prejudice his application for registration as a longshoreman as a referral of the International Longshoremen's Association (ILA), Local 1814. Pansini was charged with 49 counts of Waterfront Commission Act violations. The notice of hearing included allegations that Pansini had associated with the following career offenders and convicted racketeers:

1. Anthony "Sonny" Ciccone, a capo (captain) of the Gambino crime family, whose crimes involved the domination of ILA Local 1814, the very same Local that referred Pansini's application for registration as a longshoreman;
2. His father, Anthony Pansini, an associate of the Gambino crime family who pled guilty, in the U.S. District Court, Eastern District of New York, to a conspiracy to defraud ILA Local 1814, the very same Local that referred his son's application. The elder Pansini facilitated Ciccone's de facto control over Local 1814 in a conspiracy that allowed Ciccone to control the awarding of union jobs;
3. Joseph "Scoops" Licata, a capo of the Philadelphia (Bruno-Scarfo) crime family; and
4. Jerry Balzano, a soldier of the DeCavalcante crime family.

Applicant was alleged to have committed fraud, deceit, or misrepresentation by falsely testifying during a sworn interview that he never heard his father's name in connection with Local 1814, did not recall Ciccone's affiliation with Local 1814, never heard that Licata had any connection with organized crime, and did not "really" have a relationship with Balzano. The Notice of Hearing also identified additional Gambino crime family figures (Richard "the Lump" Bondi, Primo Cassarino, and Jerome Orsino, Jr.) and others as individuals whom Pansini had allegedly failed to disclose on his waterfront application as acts of fraud, deceit, or misrepresentation. Facing 49 counts of violating the Waterfront Commission Act, Pansini requested the withdrawal with prejudice of his application for registration.



(L-R) Anthony Pansini, III,
Gambino Capo Anthony Ciccone,
Bruno Scarfo Capo Joseph Licata,
Decavalcante Soldier Jerry Balzano,
Anthony Pansini

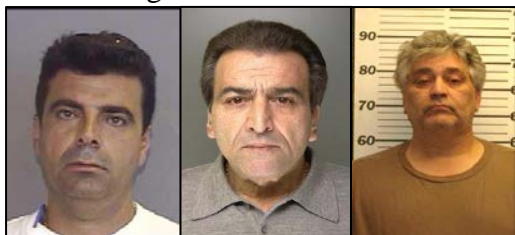
October 23, 2018 - Warehouse Application Denied for Fraud, Deceit or Misrepresentation. The Commission denied the application of James Guarino of Springfield, New Jersey, for a registration as a warehouseman following a hearing before an Administrative Law Judge. Guarino was sponsored for employment to perform warehouse labor by FAPS, Inc., a company that prepares foreign vehicles for delivery to dealerships. The Commission alleged that Guarino committed fraud, deceit or misrepresentation by falsely denying on his application that he knows anyone that he believes, or knows, is a member or associate of an organized crime group. The ALJ found that the Commission demonstrated by a preponderance of the evidence that Guarino knew or believed at the time he submitted his application that Vito Alberti and Ronald Reino, relations of Guarino's wife, were members or associates of organized crime.

The ALJ also found that the Commission established that Guarino had committed fraud, deceit or misrepresentation in a sworn Commission interview in which Guarino: denied knowing anything about criminal allegations concerning Genovese Soldier Vito Alberti; denied knowing Genovese Soldier Ronald Reino; and, falsely claimed not to recognize the names and photographs of relations of his wife. In a subsequent interview with the Commission, Guarino admitted to knowing his wife's relations and to having seen them at recent family gatherings. Based on the fraud, deceit or misrepresentations, the Commission also charged, and the ALJ found, that Guarino's presence at the pier or other waterfront terminals in the Port of New York district would constitute a danger to the public peace or safety. In finding that the Commission had proven that Guarino had committed fraud, deceit or misrepresentation, the ALJ found that Guarino was aware that Vito Alberti had been charged with being a member of the mafia, despite Guarino's denial in his Waterfront Commission application that he knew anyone who was reputed to be a member or associate of an organized crime group. Guarino's knowledge of Vito Alberti's reputed association with the mafia was based on his testimony that his wife had showed him a Facebook post from another family member which contained a chart showing photographs of a number of individuals, including Vito Alberti, who had been arrested in 2016 as part of "Operation Fistful," in which the New Jersey Attorney General's Office in cooperation with the Waterfront Commission, brought a Racketeering indictment against eleven alleged members and associates of the Genovese Crime Family who were reaping millions of dollars from loansharking, illegal check cashing, gambling and money laundering. Based on the ALJ's findings, the Commission followed the ALJ's recommendation and denied Guarino's application.



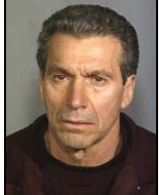
James Guarino Vito Alberti Ronald Reino
Genovese Soldier Genovese Soldier

November 2, 2018 – Longshoreman Surrenders License with Prejudice During Hearing Charging Him with Associating with Members of Organized Crime. Nicholas Atria of Glendale, New York, a longshoreman since 1994, requested the Commission accept the surrender of his registration with prejudice following the issuance of a notice of hearing which charged him with associating with two organized crime figures, Thomas Leonardis and Joseph "Joey Carts" Caridi. A hearing commenced and the Commission presented proof before an Administrative Law Judge that Leonardis had called Atria on multiple occasions from prison and had contacted him multiple times by phone once he was released. Leonardis was the former president of ILA Local 1235 who was convicted of Extortion in 2014 in the U.S. District Court for the District of New Jersey for his part in the scheme in which longshoremen were required to pay some or all of their year-end bonuses to the Genovese crime family. Three of the prison calls, which were played for the ALJ, demonstrated a friendship between Leonardis and Atria. In addition, the Commission presented evidence of Atria's association with Joseph Caridi, a former Lucchese crime family underboss and consiglieri, who had been convicted in 2003 in Brooklyn federal court of Racketeering and Extortion and sentenced to eight years in federal prison. The Commission had evidence that Atria visited Caridi in prison on five occasions and had been in phone contact with Caridi over 400 times in the past couple of years. The Commission accepted Atria's surrender of his registration with prejudice.



(L to R) Nicholas Atria, Joseph Caridi, Thomas Leonardis

November 2, 2018 - Longshoreman Surrenders Registration with Prejudice Following Charges of Organized Crime Associations, Causing Physical Injury to Police Officers, Stealing a Phone Belonging to a Police Officer, Operation of a Motor Vehicle While Intoxicated, Cocaine Use, and False Testimony. The Commission accepted the request of Vito Lavignani of Staten Island, New York, to surrender his registration as a longshoreman with prejudice. Lavignani operated machinery at Global Container Terminals in Bayonne, New Jersey. He faced charges at an administrative hearing of violating the Waterfront Commission Act because of inimical associations with organized crime figures, false testimony during a sworn interview, disqualifying misdemeanor convictions, and representing a danger to the public peace or safety by his presence at the piers or other waterfront terminals in the Port of New York district. Specifically, he was charged with the following:



1. Association with Anthony (“Tough Tony” or “Tony Parkside”) Federici, a capo (captain) of the Genovese crime family;
2. Association with Michael “Mickey Dimino” “Mickey the Leach” Generoso, an underboss of the Genovese crime family who was convicted of a racketeering activity;
3. False testimony during an interview at the offices of the Waterfront Commission that he had never heard or knew that either Federici or Generoso were linked to the Genovese crime family or an organized crime group;
4. Disqualifying misdemeanor convictions for Driving While Intoxicated in 2007 and 2017;
5. Causing physical injury to three (3) police officers by resisting arrest;
6. Forcibly stealing a cellular phone belonging to a police officer;
7. Operation of a motor vehicle while intoxicated after receiving warnings and a suspension by the Commission for two earlier occasions when he drove under the influence or while intoxicated; and
8. Possession and use of cocaine after receiving warnings during interviews at the offices of the Waterfront Commission against drug use.

Lavignani is now barred from working on the waterfront.

November 15, 2018: Former Longshoreman Barred from Reinstatement after Drug Test.

Today, the Commission accepted the withdrawal of a petition for reinstatement from Andre Tomaz of Elizabeth, New Jersey, to restore his registration as a longshoreman (maintenance) after a failed drug test. APM Terminals in Port Elizabeth had sponsored his petition following receipt of a letter of recommendation from the International Longshoremen’s Association. As a longshoreman, Tomaz worked as a cargo container lasher and then as a chassis mechanic in Port Elizabeth in 2005-2014. Tomaz has been the subject of industry or Commission action for drug use or failed drug tests as follows:



- In 2007, he failed a drug test following an accident at work, resulting in a suspension of employment for sixty (60) days;
- In 2012, the Commission suspended his registration an additional fourteen (14) days because he had used marijuana and cocaine and operated a motor vehicle while under the influence of alcohol. He admitted to the drug use without a drug test;

- In 2014, following an administrative hearing, the Commission revoked Tomaz's registration after he refused to submit a hair sample for drug testing although he had been advised that this refusal would be considered a positive result. Among the explanations that Tomaz or his two attorneys had offered for his failure to submit a hair sample was that he was afraid that the drug test would cover a period of years instead of months and he was a member of a church that prohibited haircuts except on birthdays and New Year's Day.
- In 2015, the Commission denied Tomaz's first petition for restoration of his longshoreman registration after he failed another drug test by testing positive for cocaine.

On November 2, 2018, Tomaz submitted to drug testing in connection with his second petition for restoration of his registration. He tested positive for cocaine metabolites – his fourth failed drug test. After receiving the result of his drug test, Tomaz requested the withdrawal of his petition for restoration. The Commission granted withdrawal of the petition, thereby barring Tomaz from reinstatement on the waterfront as a longshoreman.



December 18, 2018: Warehouse Applicant Withdraws Application With Prejudice After Being charged with Various Violation of the Waterfront Commission Act, Including Criminal Convictions; Fraud, Deceit and Misrepresentation and Failing Drug Test.

The Commission accepted the request of Leonard Vasile, Jr., of Trenton, New Jersey, to withdraw with prejudice his Application for Registration as a Longshoreman, specifically as a warehouseman sponsored by Harbor Freight Transport Corp. Vasile faced 12 counts of violating the Waterfront Commission Act at an administrative hearing. The notice of hearing included allegations that he been convicted on January 29, 2016 in New Jersey upon his plea of guilty to Invasion of Privacy (a crime in the third degree), along with additional prior convictions for marijuana possession and contempt. Vasile was further alleged to have committed fraud, deceit, or misrepresentation by falsely misrepresenting his arrest and drug use history on his application. He was further alleged to have tested positive for marijuana in a drug test. Faced with those administrative charges, Vasile requested the withdrawal with prejudice of his application for registration. The Commission accepted the request, thereby barring Vasile from working in the Port of New York-New Jersey.

December 18, 2018 – Special Deal Foreman Surrenders Registration with Prejudice Following Charges of Unlawful Possession of an Assault Firearm, Possession of Cocaine, and Simple Assault.

The Commission accepted the request of Peter Law Jr., of Monroe Township, New Jersey, to surrender his registration as a longshoreman with prejudice. Law was a foreman at Port Newark Container Terminal. He faced charges at an administrative hearing of unlawfully possessing an assault firearm (specifically a SKS 7.62 mm rifle with detachable magazine type, collapsible stock, and an attached bayonet), possessing cocaine, and committing a simple assault. He allegedly represented a danger to the public peace or safety by his presence at the piers or other waterfront terminals in the Port of New York district. Following his arrest related to these charges, the Commission temporarily suspended Law's registration in March 2017 pending an administrative hearing. Rather than appear for his hearing, Law requested the surrender of his registration with prejudice. The Commission granted the request, thereby barring Law from working in the Port of New York-New Jersey.



January 15, 2019 – Longshoreman Suspended After Arrest for Causing the Death of Off-Duty Police Officer.

The Waterfront Commission temporarily suspended longshoreman Ricardo O. Dos Santos of Union, New Jersey, pending the outcome of an administrative hearing in connection with his arrest for causing the death of Officer Giovanni Esposito of the Hillside Police Department. As a longshoreman, Dos Santos operated machinery at Maher Terminals, in Elizabeth, New Jersey. On January 12, 2019, following an investigation by the Linden Police Department, Dos Santos was arrested for Death by Auto, a crime of the second degree. He allegedly caused the death of Officer Esposito, while he was off-duty, by driving while intoxicated at over 90 mph in a 45 mph zone and striking a tractor-trailer in Linden, New Jersey. The Commission's notice of hearing alleges that his presence at the piers or other waterfront terminals in the port of New York district represents a danger to the public peace or safety.



January 31, 2019 – Longshoreman Suspended from Working at Port After Arrest for Unlawful Possession of Handgun.

The Commission temporarily suspended the registration of longshoreman Rashad T. Rodgers of Elizabeth, New Jersey, following a January 28, 2019 arrest by the Elizabeth police for Unlawful Possession of a Handgun. Rodgers is accused of possessing a loaded .45 caliber semi-automatic handgun without a permit. The weapon was recovered from his car he was driving, and Rodgers was charged by criminal complaint with Unlawful Possession of a Handgun without a Permit (a crime of the second degree). The Union County Prosecutor's Office is prosecuting the criminal matter.

January 31, 2019 – Application Denied Based on Violent Felony Conviction and Fraud, Deceit or Misrepresentation During Sworn Commission Interview.

The Commissioners denied the application of George Traina of Staten Island, New York for registration as a longshoreman. Traina had been convicted of a violent felony offense by virtue of his 2003 conviction for Assault in the Second Degree in New York County in which Traina struck the victim with a baseball bat in the head and body causing physical injury. At his administrative hearing, the Commission established by a preponderance of the evidence that Traina's presence at the piers or other waterfront terminals in the Port constituted a danger to public peace or safety as a result of 1) his felony conviction and 2) because he committed fraud, deceit or misrepresentation during a Commission interview under oath when he falsely denied knowing that his late uncle, Charles Aurello, was a member of the Gambino crime family. Aurello had been initiated into the Gambino crime family on the same day as Sammy "the Bull" Gravano, a story that was described in detail in "Underboss," a book written by Gravano. The Commission further proved that Traina falsely testified during a Commission interview that charges relating to his 2007 arrest were dismissed when in fact, he had pleaded guilty to Disorderly Conduct related to that arrest. The Commission also established that Traina committed fraud, deceit or misrepresentation on his longshoreman application by falsely denying previous marijuana use and falsely denying possession of Alprazolam (a Schedule IV Controlled Substance) pills when he was arrested in 2003. Following the hearing, the Administrative Law Judge recommended denial of Traina's application. The Commissioner's adopted the ALJ's findings and recommendations.



January 31, 2019: Longshoreman’s Application Withdrawn with Prejudice Following Charges of Organized Crime Associations and Multiple Acts of Fraud, Deceit or Misrepresentation. The Commission accepted the request of Michielangelo Palumbo of Staten Island, NY, to withdraw with prejudice his application for registration as a longshoreman. Palumbo was a referral of Local 1814 of the International Longshoremen’s Association. At the time of his request, he faced 37 counts at an administrative hearing of violating the Waterfront Commission Act. The notice of hearing included allegations that Palumbo was the subject of orders of protection, failed to file tax returns in 2017, and failed to disclose on his Commission application a history of drug use, driver license suspensions, and associations with organized crime figures. Specifically, the Notice of Hearing alleged that Palumbo had associated with the following career offenders:

1. Giovanni (John) Galluzzo, an alleged associate of the Lucchese crime family who was convicted of Conspiracy to Commit Arson, Illegal Gambling, and Extortionate Collection of Credit Conspiracy;
2. Frank (Frankie Jupiter) Martini, an alleged associate of the Lucchese crime family who was convicted of Racketeer Influenced and Corrupt Organizations (RICO) and Conspiracy to Distribute Cocaine;
3. John F. Riccobono, a soldier in the Gambino crime family; and
4. Robert Tarantola, who was convicted of Enterprise Corruption and Criminal Possession of a Weapon in the Fourth Degree.

The Commission also alleged that Palumbo failed to disclose his complete employment history on his Commission application. Facing 37 counts of violating the Waterfront Commission Act, Palumbo requested the withdrawal with prejudice of his application. The Commission accepted the request, thereby barring Palumbo from working as registered longshoreman in the Port of New York-New Jersey.



Michielangelo Palumbo John Riccobono
Gambino Soldier



January 31, 2019 – Former NYC EMT Withdraws Port Watchman Application During Administrative Hearing.

Brendan Shipley of Jersey City, New Jersey, requested that his application for a Port Watchman License be withdrawn with prejudice in the middle of an administrative hearing before an Administrative Law Judge. Shipley was administratively charged by the Commission with lacking the requisite good character and integrity to be a port watchman. The Commission’s notice of hearing alleged that during Shipley’s employment as an Emergency Medical Technician (EMT) with the New York City Fire Department from 2002 - 2016, he violated the EMT disciplinary code on multiple occasions, ultimately culminating in his resignation from the FDNY in lieu of termination. Shipley’s disciplinary issues included: sleeping while on duty; chronic delay in responding to assignments; getting a haircut while on duty; failing to monitor the radio frequency for fifteen minutes; failing to report for duty; repetitive lateness for duty after being warned; wearing non-Department issued clothing after being warned; and becoming argumentative with a dispatcher. The Commission charged Shipley with committing fraud, deceit or misrepresentation during a sworn interview in which he minimized his disciplinary issues. During the hearing, the Commission presented the testimony of Joseph Palazzolo, Supervisor of Disciplinary Counsel for the FDNY’s Bureau of Investigations and Trials. Mr. Palazzolo described and explained the various charges contained in the numerous FDNY

disciplinary records in evidence. After the presentation of Mr. Palazzolo's testimony, the Commission rested its case-in-chief. Shipley then requested to withdraw his application with prejudice. Based on all the evidence, the Commission granted Shipley's request to withdraw his application with prejudice.

February 26, 2019 - Supreme Court of New York, Appellate Division, First Department Unanimously Confirms the Commission's Revocation of Longshore worker's Registration for Association with Members of Organized Crime. The Supreme Court of New York, Appellate Division, First Department unanimously affirmed the decision of the Waterfront Commission to revoke the registration of longshore worker Joseph Ferdico. Ferdico's registration was revoked on August 14, 2017, after the Commission found that he had improperly associated with Anthony Calabrese, a convicted racketeer who is a soldier in the Bonanno crime family, and John "Big John" Castellucci, a convicted racketeer who is a capo in the Lucchese crime family. The Commission further found that Ferrara had committed fraud, deceit, or misrepresentation in connection with a sworn interview in which he falsely denied associating with anyone who is a member or associate of an organized crime group. Based on the foregoing, the Commission found that Ferdico's presence in the Port was a danger to the public peace or safety. On appeal, Ferdico argued that the Commission's decision was unsupported by the record, and that the penalty of revocation was harsh. He also argued that his due process rights were violated when the ALJ drew an adverse inference against him for his failure to testify at his administrative hearing.

In affirming the Commission's decision, the court found that there was substantial evidence that Ferdico had violated the Waterfront Commission Act by improperly associating with members of organized crime. Ferdico had worked for Calabrese for seven years, had been to his home, had his phone number, had recently spoken with him, and Calabrese had his car serviced at the auto repair business where Ferdico worked. Further, Ferdico purchased cigars from Castellucci's store, and Castellucci had Ferdico's personal cell phone number, which he had previously called. The court found that "[s]uch associations, which petitioner had failed to disclose, 'potentially undermine [the Commission's] continuing efforts to ensure public safety by reducing corruption on the waterfront.'" Based on the foregoing, the Court held that the penalty imposed was not a shock to one's sense of fairness. The court further rejected Ferdico's claim that his due process rights had been violated, and upheld the ALJ's application of an adverse inference against him for failing to testify during the administrative hearing.



Joseph Ferdico John Castellucci Anthony Calabrese
Lucchese Capo Bonanno Soldier

February 27, 2019 – Warehouseman Application Denied For Prior Criminal Conviction and Fraud, Deceit and Misrepresentation on Application. The Commission denied the warehouseman application of Benjamin Lewis of Newark, NJ, following a hearing before an Administrative Law Judge. The ALJ found that Lewis' presence at the piers or other waterfront terminals in the Port constituted a danger to the public peace or safety by virtue of his conviction for Endangering the Welfare of a Child, a crime of the third degree (equivalent to a felony). The ALJ further found that Lewis had committed fraud, deceit or misrepresentation in his sworn application by falsely denying that he had previously applied to the Commission for a license as a port watchman and failing to disclose a prior NY arrest and conviction for Theft of Services and a second arrest in NJ. The Commission adopted the ALJ's findings and recommendations.

February 28, 2019 – Approximately 3,200 Pounds of Cocaine Seized at Port. Approximately 3,200 lbs. of cocaine, with an estimated street value of \$77,000,000, was seized at the Port of New York/Newark in a joint operation. An examination of a shipping container entering the United States revealed sixty packages containing a white powdery substance that field-tested positive for cocaine. This apprehension is the second largest cocaine seizure at the Port of New York/Newark, and the largest in nearly 25 years. The investigation is continuing.

April 10, 2019 – Port Newark Auto Warehouseman Suspended After Arrest for Possessing Explosive Device, Receiving Stolen Vehicles, and Committing Related Acts of Forgery and Fraud. The Commission temporarily suspended Port Newark automobile warehouseman Teray Savage of Newark, New Jersey, pending the outcome of an administrative hearing related to a recent arrest. Savage had been employed at FAPS, Inc. where he installed parts on automobiles imported to Port Newark. Savage was arrested for the following:

1. Possession of a Destructive Device (a crime of the third degree) – He allegedly possessed an improvised explosive device (IED);
2. Receiving Stolen Property (a crime of the third degree) – He allegedly possessed two (2) stolen motor vehicles;
3. Forgery (a crime of the third degree) – He allegedly obtained registration from the New Jersey Motor Vehicle Commission for a fraudulent Vehicle Identification Number to conceal the stolen status of one of his vehicles;
4. Misrepresentation of Title (a crime of the fourth degree) – He allegedly provided a falsified title to the New Jersey Motor Vehicle Commission to fraudulently obtain registration for a stolen vehicle; and
5. Tampering with Public Records (a crime of the third degree) – He allegedly obtained a false Liberty Mutual insurance card and temporary New Jersey registration for a stolen vehicle.

In connection with the upcoming administrative hearing, it has also been charged that Savage's presence at the piers or other waterfront terminals in the port of New York district represents a danger to the public peace or safety.

April 12, 2019 – Queens Man Charged in Sales of Narcotics and Promoting Prostitution. An indictment, filed by the Office of the Special Narcotics Prosecutor (SNP), charged Carlos Medina Palomino with three counts of Criminal Sale of a Controlled Substance in the First Degree, one count of Criminal Sale of a Controlled Substance in the Third Degree and one count of Promoting Prostitution in the Third Degree. The indictment is the result of a long-term investigation in which the Waterfront Commission was a part of the investigation team. As charged in the indictment, Palomino conducted narcotics sales to an undercover investigator on three dates between February 27, 2019 and April, 2, 2019. Three transactions took place at a brothel the defendant allegedly operated at 43-22 58th Street, Apt. 3F. Medina Palomino is charged with selling a combined total of nearly 250 grams of cocaine sold for approximately \$9,800 on those occasions. Additionally, Medina Palomino allegedly provided a free sample of a substance that he claimed was heroin at the 94-66 45th Avenue, 1st floor, location. However, subsequent laboratory analysis determined the sample was instead a mixture of cocaine and the potent synthetic opioid fentanyl.

In addition to interactions with the undercover, Palomino asked for assistance in moving kilograms of narcotics from Colombia to either the Dominican Republic or Puerto Rico and said he would personally fly to Colombia to arrange the details. He also discussed prostitution and claimed to

have “extradited” women from Colombia to work in his brothels. The undercover officer personally observed two women at the brothel locations who appeared to be sex workers and was shown photographs of additional women whom the defendant claimed worked for him. Medina Palomino also allegedly offered the undercover a complementary sexual encounter with a sex worker. Court authorized searches were conducted of both alleged brothel locations and Palomino’s residence, approximately 350 grams of narcotics and \$6,000 cash seized.

April 23, 2019 – Supreme Court of New York, Appellate Division, First Department Unanimously Confirms the Commission’s Revocation of Checker’s Registration for Association with Members of Organized Crime. The Appellate Division unanimously affirmed the decision of the Waterfront Commission to revoke the registration of checker John Riccobono. Riccobono’s registration was revoked on September 19, 2017, after the Commission found that he had improperly associated with: (1) Joseph “Sonny” Juliano, a career offender, convicted racketeer and Capo in the Gambino crime family; (2) Sam Riccobono, a career offender who is a soldier in the Gambino crime family; (3) John F. Riccobono, a career offender who is a soldier in the Gambino crime family; (4) Vincent “Blinky” Vittaburga, a career offender and convicted racketeer who is a soldier in the Gambino crime family; and (5) Ronald “Ronnie Cigars” Ferrari, a career offender and convicted racketeer who is an associate in the Gambino crime family. The Commission further found that Riccobono had committed fraud, deceit, or misrepresentation in connection with sworn interviews in which he falsely denied knowing or associating with convicted racketeers, career offenders or members or associates of an organized crime group. Based on the foregoing, the Commission found that Riccobono lacked the requisite good character and integrity necessary to be a checker in the Port. On appeal, Riccobono argued that the Commission’s decision was unsupported by the record, and that the penalty of revocation was harsh and unwarranted. He also argued that his due process rights were violated when the Administrative Law Judge drew an adverse inference against him for his failure to testify at his administrative hearing.

In affirming the Commission’s decision, the court found that there was substantial evidence that Riccobono had violated the Waterfront Commission Act by improperly associating with members of organized crime. Specifically, Riccobono had associations with five members of the Gambino crime family which spanned about a decade, and included his attendance at crew dinners at which members of a crime family discussed business. The court held that these associations, “were inimical to agency policies and violated his sensitive position under the Waterfront Commission Act.” Based on the foregoing, the court held that the penalty imposed was not a shock to one’s sense of fairness. The court further rejected Riccobono’s claim that his due process rights had been violated, and upheld the ALJ’s application of an adverse inference against him for failing to testify during the administrative hearing.



John S. Riccobono

Joseph Juliano
Gambino Capo

Vincent Romano
Gambino Soldier

John Riccobono
Gambino Soldier

Sam Riccobono
Gambino Soldier

Ronald Ferrari
Gambino Associate

May 1, 2019 – Genovese Soldier and Four Genovese Associates Plead Guilty to Illegal Loansharking, Check Cashing, Gambling & Money Laundering in the Port District: Indicted in “Operation Fistful” by Division of Criminal Justice & Waterfront Commission.

Five defendants pleaded guilty in connection with criminal schemes that generated millions of dollars through illegal loansharking, unlicensed check cashing, gambling, and money laundering. The schemes were linked to the New York-based Genovese organized crime family. As previously reported, the defendants were indicted in “Operation Fistful,” a joint investigation by the New Jersey Attorney General’s Office – Division of Criminal Justice and the Waterfront Commission of New York Harbor, conducted with assistance from the New York and Queens County District Attorneys’ Offices and other law enforcement agencies. Much of the illicit revenue was collected and laundered through licensed and unlicensed check-cashing businesses in Newark run by alleged Genovese associate Domenick Pucillo. Pucillo and the other associates who were indicted allegedly are part of a New Jersey crew that was operating under the supervision and control of two alleged “made” members of the Genovese crime family –Vito Alberti, a Genovese “soldier” and Charles “Chuckie” Tuzzo, a Genovese “capo” – who answer to the Genovese hierarchy in New York. The following five defendants pleaded guilty before Superior Court Judge Donald G. Collester Jr. in Morris County:

1. Domenick Pucillo, 61, of Florham Park, N.J., pleaded guilty to first-degree conspiracy to commit money laundering. The state will recommend a sentence of 10 years in prison.
2. Robert “Bobby Spags” Spagnola, 71, of Morganville, N.J, a former Newark Police officer, pleaded guilty to second-degree criminal usury. The state will recommend a sentence of five years in prison.
3. Vito Alberti, 60, of Morristown, N.J., a Soldier in the Genovese Family, pleaded guilty to second-degree criminal usury. The state will recommend a sentence of five years in prison.
4. Manuel “Manny Rod” “Manny Guitar Bar” Rodriguez, 53, of Chatham, NJ, whose longshore registration was previously revoked by the Commission, N.J., pleaded guilty to second-degree conspiracy to commit money laundering. The state will recommend a sentence of four years in prison.
5. Vincent Coppola, 42, of Union City, N.J., son of imprisoned Genovese Capo Michael “Mikey Cigars” Coppola, pleaded guilty to third-degree promoting gambling. The state will recommend a sentence of 180 days in jail and a term of probation.

The charges against Genovese Capo Charles “Chuckie” Tuzzo are still pending. The defendants were charged, in varying combinations, with running the following criminal schemes, which generated “tribute” payments up the Genovese chain of command:

- a massive loansharking operation that yielded about \$4.7 million in illegal interest
- an illicit multi-million dollar offshore sports gambling enterprise
- an unlicensed check-cashing business that made \$9 million in fees in four years, while enabling customers to launder funds and evade taxes by skirting federal reporting requirements;
- tax fraud and evasion

(L-R) Genovese Soldier Vito Alberti, Domenick Pucillo, Robert Spagnola Manuel Rodriguez Vincent Coppola)



The guilty pleas were announced by New Jersey Attorney General Gurbir S. Grewal, who thanked the Waterfront Commission for partnering in the investigation.

- “When those involved in traditional organized crime engage in schemes such as loansharking and illegal gambling, they profit at the expense of victims who are struggling with debt, gambling problems, and other issues,” Attorney General Grewal said. “By prosecuting the men who ran these schemes and putting key defendants behind bars, we send a message that we will not tolerate these corrosive criminal activities that harm individuals, families and society as a whole.”
- “I commend all of the attorneys, detectives and investigators who handled this complex financial investigation and secured these guilty pleas,” said Director Veronica Allende of the Division of Criminal Justice. “These defendants employed elaborate strategies to hide their profits and crimes, but we exposed their schemes through our investigation, in partnership with the Waterfront Commission.”
- “This case presents yet another instance of the Waterfront Commission’s concerted efforts with its law enforcement partners to disrupt the influence of organized crime in the metropolitan area,” said New Jersey Waterfront Commissioner Michael Murphy. “The Genovese Crime Family has historically exerted its influence on the Port of New Jersey. Disruption of its profits from gambling, loansharking and money laundering weaken that family’s grip.”