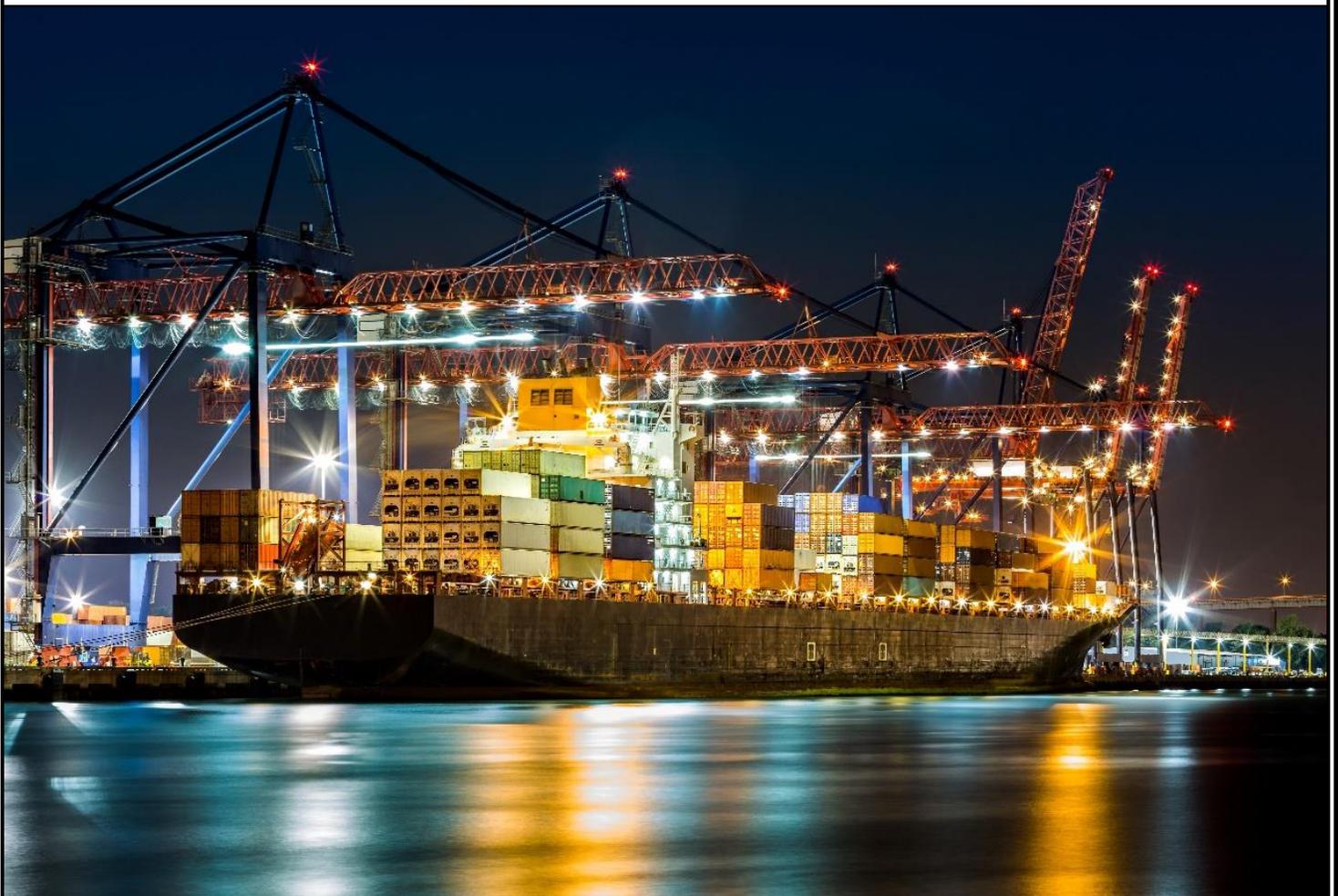


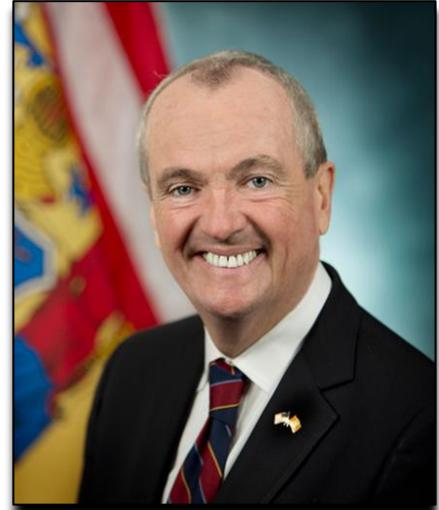
**WATERFRONT COMMISSION
OF NEW YORK HARBOR
ANNUAL REPORT**

2017-2018





To the Honorable Andrew M. Cuomo, Governor
and the Legislature of the State of New York



To the Honorable Phil Murphy, Governor
and the Legislature of the State of New Jersey

MESSAGE FROM THE EXECUTIVE DIRECTOR

New York, unlike other ports, we don't have a shift system... We have a continuous work system. So if a ship starts work 7 o'clock in the morning and worked until 6 o'clock the next day continuously, we have to have enough people to do that work and leads to duplication of personnel. Two people every job and three people on every job, where other ports don't have that and that's the costs factor. New York is a port where the ILA lives -- all the work in this port is union work, ILA work... And other ports, there's non-union competition, which makes the ILA more competitive where they have to compete with non-union. Lastly, the staffing in New York is much different than it is in other places. We have lots of supervisory staff. Dock bosses, chief clerks, foremen, general foremen, shop stewards, head ship foremen, stevedore foremen. No other port has the staffing like this. And over the course of time, for a number of different reasons, some of the staff that I just mentioned is compensated very, very highly, \$250,000, \$300,000, \$400,000 a year... the fact of the matter is there's no other ports that has that kind of structure or pays those kind of wages. So all of those things together make New York an expensive place.

- Testimony of former New York Shipping Association, Inc. President Joseph Curto, in ILA foreman's salary fraud case, *USA v. Paul Moe*, on October 20, 2017.

This was a breakthrough year for the Waterfront Commission of New York Harbor in our ongoing efforts to combat corruption and the entrenched organized crime influence that continues to thrive in the Port of New York-New Jersey.

Six years ago, we publically exposed – for the first time – the no/low-work, no/low-show special compensation packages that are doled out to hundreds of longshore workers primarily connected to organized crime figures or union leadership. And every year since then, we have pledged to aid any company in its efforts to fight the work practices and extortive behavior that would be unacceptable to any legitimate business. The economic impact on the Port and the region is staggering – last year alone, the Commission identified 500 individuals who collectively received over \$117.5 million dollars in outsized salaries or for hours they never worked. This year, we proudly announced the indictment, arrest, conviction and sentencing of Paul Moe, Sr., the Port's fourth-highest paid special package longshoreman, for collecting much of his astonishing \$500,000 annual salary through fraud. As part of his special compensation package, Moe – a general foreman closely connected to ILA leadership – was paid for 24 hours a day, 7 days a week and 365 days a year, as long as he worked 40 hours per week at the terminal. But that proved to be too much for him, however, and so with the help of other longshore co-conspirators who submitted false timesheets each day on his behalf, he reported to work as little as 8 hours each week while still collecting a \$9,300 a week paycheck until his arrest.

Predictably, the very same week Moe was arrested, the industry submitted his grandson to be a longshoreman. The Commission immediately investigated the matter, and the sponsoring employers were forced to admit that they could not certify that he was selected in a fair and non-discriminatory manner, in accordance with the Commission’s regulations. But for the Commission’s oversight – made possible by Section 5-p of the Waterfront Commission Act – he would have joined the Port workforce.

During Moe’s trial, former New York Shipping Association, Inc. (NYSA) President, Joseph Curto, testified extensively regarding the Port’s special compensation packages, and indicated that no other port has “that kind of structure or pays those kind of wages.” Notably, Moe’s son – a foreman who is also closely connected to ILA leadership – is another one of the Port’s highest-paid special compensation package longshoremen, making over \$430,000 last year. On October 31, 2017, Moe was convicted of defrauding an NYSA marine terminal operator member out of hundreds of thousands of dollars. The NYSA’s stated mission is to represent the interests of its members in maximizing the efficiency, cost-competitiveness, safety and quality of marine cargo operations in the Port. **Incredibly, just one week after Moe’s conviction, the NYSA-ILA Employee Benefit Funds contacted his wife – a high school graduate who had not been formally employed for 47 years – and gave her a newly-created \$70,000 a year job which had never been advertised and for which she had never applied.**

This case is but one of many in this Report which illustrate that the industry is simply incapable of regulating itself.

In another seminal case, a special-package ILA dock boss who made \$487,000 last year surrendered his longshoreman’s registration after he was charged by the Commission for his association with Genovese soldier Stephen DePiro. DePiro – a recurring, central figure in many of our reports – is a career offender and convicted racketeer who was responsible for advancing the illegal interests of the Genovese crime family at the expense of longshore workers on the New Jersey piers. DePiro, a former longshoreman, was arrested, convicted and sent to federal prison in 2015 as part of the Commission’s joint investigation for racketeering and extortion. In that prosecution, longshore workers were forced to turn over their Christmastime bonuses to DePiro on behalf of the Genovese family. This year, as part of the Commission’s case against the ILA dock boss, his wiretapped conversations with DePiro were going to be used against him. He instead voluntarily surrendered his longshoremen’s registration, and is barred from working at the Port. **Shortly afterwards, he was made an official of ILA Local 1, which represents the Port checkers.**

On the hiring front, we have continued to require that the industry follow a fair and nondiscriminatory hiring plan and are closely monitoring the industry’s referral and hiring practices to ensure compliance, so that a diverse group of men and women who are unencumbered by organized crime influence are given the once-denied opportunity to work in the Port. This has not been well received by the NYSA, which has vehemently resisted our diversity and inclusion efforts. And, as we first reported two years ago, the ILA locals went even one step further to protest the Commission’s diversity and inclusion initiatives, and engaged in an illegal work stoppage which shut down most of the Port for the better part of a day. While no official explanation was given for the strike, the ILA Public Relations Director indicated that it was directed at the Waterfront Commission for its purported “interference” in hiring. The Commission immediately commenced an investigation to determine who ordered the walkout and why and, if necessary, to take appropriate action against any registered longshore worker who was working to circumvent our fair hiring efforts. In response, various ILA officials filed yet another lawsuit against the Commission, challenging the Commission’s well established investigatory authority in this area. On August 24, 2017, we were gratified with yet another legal victory when the United States District Court for the District of New Jersey dismissed that lawsuit and affirmed the Commission’s authority. The ILA has appealed that decision, and the matter is currently pending.

This year, the deep sea longshore workers' register remained open, and the Commission issued 51 registrations (50 longshore and 1 checker). In conducting background checks for candidates referred by the industry, we are continuing to employ sophisticated intelligence techniques not only to detect prior criminality, but also to root out associations between applicants and organized crime figures. The overwhelming number of industry referrals with organized crime ties is deeply concerning, and again underscores the importance of fair and transparent recruitment, referral and hiring. When those associations undermine the purpose of the Waterfront Commission Act, we have barred those individuals from entering the Port workforce.

In another quintessential illustration of the Commission's highly specialized expertise in this area this year, we barred an NYSA-sponsored applicant from working in the Port after uncovering his close, enduring relationships with various racketeers, career offenders, and members and associates of the Lucchese and Genovese organized crime families, including his grandfather, Vincent Aulisi. As previously reported, Aulisi – the former President of ILA Local 1235 – is a racketeer who was arrested, convicted and sentenced to federal prison in 2014 as part of the Commission's joint investigation for extortion conspiracy on behalf of the Genovese crime family. In that prosecution, longshore workers on the New Jersey piers were forced by Aulisi and other former ILA officials to make Christmastime tribute payments based on actual and threatened force, violence and fear. **Just five months after Aulisi was sentenced to federal prison, the NYSA referred his grandson to work as a checker in the Port.** During the application process, he lied under oath in an attempt to fraudulently conceal his close relationships with several organized crime members and associates and, contrary to federal prison records, denied any contact with Aulisi while he served his federal prison sentence. The Commission immediately advised the NYSA of their candidate's fraudulent attempts to conceal his close organized crime ties, but they were undeterred and sponsored him for the highly-coveted checker position. It was not until we commenced administrative proceedings that he withdrew his application and was barred from working in the Port.

This is but one of many of this year's cases which highlight the corruption and organized crime influence that endures in the Port. Eight other applicants or registrants associated with members of the Genovese, Gambino, Bonanno, Colombo and Lucchese crime families also withdrew their applications, or had their registrations denied or revoked, after being charged for association. Without the Commission's oversight, organized crime figures repeatedly identified in this Report would be free to directly control and operate at the critical points of interstate and international shipping. The Commission's presence has a strong deterrent effect, and substantially disincentives their placement directly in the Port, because attempts to do so expose those individuals, and their criminal source of employment, to law enforcement investigation. Removing this oversight, primarily through false claims of interference and labor inefficiency, has long been a goal of organized crime.

This year, the NYSA and ILA also again vigorously lobbied in support of legislation to unilaterally abolish the Commission and transfer the balance of its limited responsibilities to the New Jersey State Police. The bill was virtually identical to one Governor Christie vetoed three years ago on the ground that it would be illegal for New Jersey to unilaterally withdraw from an interstate compact approved by Congress. It is largely premised on the fallacy that the industry has driven out the influence of organized crime, and that the Commission has impermissibly interfered with the industry's collective bargaining rights. In opposition to the bill, Commission representatives presented the expansive list of recent and ongoing prosecutions as uncontroverted evidence of the continued organized crime and corruption in the Port. As to the interference claims, we cited the industry's continued discriminatory hiring practices and the recent Third Circuit decision upholding the Commission's actions and finding no unlawful interference. Despite this, the bill passed and was signed into law by former Governor Chris Christie on his last day in office. The Commission immediately challenged the legislation, and on June 4, 2018, the United States District Court for the District of New Jersey issued a preliminary injunction enjoining the New Jersey from unilaterally withdrawing from the Waterfront Commission Compact. This was a significant victory not only for the Commission, but also for the Port, and we look forward to working together with Governor

Murphy and his new administration in our core mission to investigate, deter, combat and remedy criminal activity and influence in the Port and to ensure fair hiring and employment practices.

This coming year also represents change as we bid farewell to New York Commissioner Ronald Goldstock, who served the Commission with distinction for over a decade. Commissioner Goldstock, who is renowned in the world of organized crime and corruption, brought with him an immeasurable wealth of expertise, and served an essential role in the Commission's revitalization. He was an innovative and inspirational leader, and will be greatly missed. On June 20, 2018, we welcomed newly-appointed New York Commissioner Paul Weinstein, a former federal prosecutor who also brings with him an invaluable depth of experience in organized crime. During his distinguished career with the U.S. Attorney's Office for the Eastern District of New York, Commissioner Weinstein led some of the most significant organized crime investigations and prosecutions in recent history, including a series of cases against members of the Genovese organized crime family resulting in the conviction of over 70 defendants, including the Genovese family boss, Vincent "Chin" Gigante. He was also the lead prosecutor in Port-related cases, including the case against the ILA's former Executive Vice President, who was convicted of fraud in the bidding for and procurement of contracts. We look forward to serving with Commissioner Weinstein.

It is hard to believe that this year marks the passage of a decade since the Commission's revitalization in 2008. Over the past ten years, we have made great progress and effectuated significant changes. However, a change in culture will not come easily to an industry with a long and intractable history of corruption and racketeering. Despite great challenges this year, we remain undeterred in our efforts to combat organized crime and corruption, and to ensure fair hiring on the waterfront. I am proud of our achievements, and am deeply grateful to the Commission's dedicated staff who has remained unwaveringly committed to our critical mission.

I am pleased to present to you the 2017-2018 Annual Report of the Waterfront Commission of New York Harbor. The Commission has effectively performed its designated responsibilities under the Waterfront Commission Compact between the States of New York and New Jersey, with particular concern for the improvement of the overall economy and well-being of the Port district. This Report illustrates that public necessity continues to exist for the registration of longshore workers, the licensing of those occupations and types of employment statutorily required under the Compact, and the public operation of employment information centers.

Respectfully submitted,

Walter M. Arsenault

A handwritten signature in black ink, appearing to read 'W. Arsenault', with a large, sweeping flourish at the end.

Executive Director

FAREWELL MESSAGE FROM NEW YORK COMMISSIONER RONALD GOLDSTOCK

June 20, 2018

Friends and Colleagues,

In 1980, I co-authored a law review article entitled “*On the Waterfront*”: *RICO and Labor Racketeering*, with Professor G. Robert Blakey, my mentor and the creator of the RICO statute. We began with a historical note: “Labor racketeering, the use of union power for personal benefit, has been aptly characterized as a pervasive and dreaded disease, [what David Dubinsky called] a ‘cancer that almost destroyed the American trade union movement.’”

At that time, I had no way of knowing that nearly three decades later, I would have the honor of being appointed as the New York State Waterfront Commissioner.

When I first took office, the Waterfront Commission was a patronage-filled institution rife with misconduct, conflicts of interest, abuse and waste. While there were notable hardworking and diligent individuals who endeavored to responsibly carry out their duties, the agency had, in essence, become a captive of the unholy alliance between the NYSA and ILA, routinely acquiescing to their demands. Over the course of the past ten years, the Commission has undergone a complete transformation, evolving into a model regulatory and law enforcement agency, committed to fulfilling its statutory mission. It is now staffed with individuals hired solely on merit rather than on political affiliation, colleagues who instill within me a sense of pride for their dedication and a sense of admiration for their work. We have become the repository of expertise for other agencies with a sophisticated intelligence unit that we instituted. And critically, now each of the Commission’s divisions – which once functioned as individual fiefdoms – cohesively work together.

During this decade of resurgence, we have effectuated profound changes in the industry. Our public hearings have exposed hundreds of millions of dollars going to a privileged few, who are connected to mob and union leaders. We have worked to end that practice. We have removed hundreds of individuals from the waterfront for illegal conduct or mob associations, and have ensured that others like them are kept off the docks. We have struggled to end the modern-day shape-up, where jobs are selectively doled out by the ILA rather than by the employers. We have tirelessly worked to ensure a more diverse workplace, with substantially more women and minorities being hired, and set up a pre-qualification program to provide the industry with individuals, many of whom were from the areas most affected by port operations, to be placed in jobs as soon as they were needed. Major prosecutions have been brought through our diligent investigations conducted by our talented and experienced detectives.

Unfortunately, we have much left to do.

Shortly after I was appointed Commissioner, I publicly stated that within five years we would make the waterfront industry that has been mob-dominated for over three-quarters of a century “unrecognizable.” I had fully expected that our efforts would be resisted by the ILA leadership, even if against the interests of its rank and file. What I had not anticipated, however, was the virulent opposition of the NYSA, which blithely ignored the interests of its membership and fought our every move to allow employers to run their businesses without fear of extortion and coercion. I knew that when we began to achieve changes that threatened mob influence, the industry would attack us publicly with untruthful allegations. But I had not conceived that they would blatantly lie to governmental officials, the press, regulatory agencies, and even to a federal judge regarding the Commission’s work – then withdraw the allegations when proven false – then unabashedly continuously repeat them. But what has proven to be infinitely most difficult to overcome is their frivolous lawsuits and baseless appeals, which have taken years to resolve, as well as their immense New Jersey lobbying efforts, fueled by massive political contributions, culminating in New Jersey’s enactment of a statute purporting to withdraw from the Compact. That statute, which was known to be unconstitutional as it was being passed and signed into law, has now been unequivocally found to be so in

the thoughtful and well-reasoned decision by Federal District Court Judge Susan Wigenton. And, I could not imagine that a pending civil RICO suit – which has proven so effective in liberating formerly captive unions – and capable of being amended with substantial new evidence that we have developed – being allowed to languish without any movement.

And so, despite best our efforts, the waterfront remains the last bastion of mob industry domination.

At the conclusion of our law review article, Blakey and I argued that:

Control of syndicated crime and labor racketeering will not be achieved by standard law enforcement practices. ... The concepts of investigation, prosecution and incarceration must be employed as part of predetermined strategy ... based on a very real understanding of the nature of the illicit activity. Economic analysis, historical perspective and an inquiry into the structure of affected institutions are essential ... [to the creation of] ... a means of reinstating democratic processes within syndicate-dominated unions.

The last decade has seen the Waterfront Commission embrace that philosophy and carry out extraordinary work in furtherance of that mission. This was clearly recognized when the Governor's Office called to thank me for my service and to commend me on the progress that we have made. I am not being humble, just honest, in recognizing that it is you who were responsible for that progress. I applaud all of you for all you have done under extreme difficulty and the one state's artificially imposed limit on the financial compensation that you truly deserve.

I have studiously avoided thanking any particular person in the Commission or in any of the law enforcement agencies with which we have worked. If I did so, I would undoubtedly fail to name someone who deserves special recognition. There are, however, two people who I would like to mention. The first is Pat Foye, whom I first met when he was the Executive Director of the Port Authority. Pat – who is keenly aware of the value of the Commission and its importance to the Port – has been a steadfast supporter of the Commission and its work and has become a true friend.

And the second is Governor Andrew Cuomo. While I was first nominated by Governor Spitzer, and then re-nominated by Governor Patterson, most of my tenure was during the Cuomo administration. Governor Cuomo has never once asked that we engage in patronage hiring, nor has he interfered with our investigations, hearings, or personnel matters. Instead, he has supported our work, his budget office has always been a help rather than hindrance, and his counsel's office has been a source of aid whenever we asked for it.

When I was first appointed Commissioner, it was a position made all the more meaningful for me having been once held by my long-time friend, the estimable Nicholas Scoppetta. Now, looking back, I know I will forever treasure the opportunity that I was given to work together with you to fulfill the Commission's mission. I believe that I received from you far more than I have given over these past ten years, and I will truly miss serving with you. I wish you all great success in continuing your critical work, and I hope that in addition, the future brings each of you personal health and happiness.

Sincerely,



Ronald Goldstock

ANNUAL REPORT FISCAL YEAR 2017-2018



WATERFRONT COMMISSION OF NEW YORK HARBOR
AN INSTRUMENTALITY OF THE STATES OF NEW YORK AND NEW JERSEY

THE ENACTMENT OF THE BI-STATE WATERFRONT COMMISSION COMPACT

In 1949, Malcolm Johnson's twenty-four part series of articles for the New York Sun titled, "Crime on the Waterfront" won the Pulitzer Prize for Local Reporting. Those articles exposed the culture of corruption, extortion, racketeering and organized crime in the Port of New York-New Jersey and led directly to the creation of the Waterfront Commission of New York Harbor. The 1954 film, "On the Waterfront," based on these articles, depicted how a surplus of available labor provided the mobbed-up union leadership with the ability to control its membership. One of the movie's most memorable scenes portrays the morning "shape-up," in which hordes of dockworkers plead with the corrupt hiring boss for a job, and scramble to grab a token that would allow them to work. Only those members of the local who supported the corrupt union leaders and have agreed to "kick back" a portion of their wages are guaranteed a spot in one of the gangs.

Other conditions on the piers were just as bleak. With the blessing of organized crime, loansharks lurked on the docks, all too willing to "assist" the underpaid longshoreman in feeding his family or supporting his vices. The inability to repay these usurious loans resulted in a strengthening of the mob's grip on the piers and often in violent consequences for the longshoreman-borrower. Mob sanctioned bookmaking on the docks increased business for the loansharks. Cargo theft was rampant, and pier guards were unwilling or unable to contain it. Parasitic "public loaders" coerced truckers to hire them to load or unload trucks even though their services were not needed or desired. Stevedoring companies were forced to hire no-show workers and pay gratuities to union officials, or suffer wildcat strikes that could cripple their business.

This pervasive corruption on the waterfront in the Port was documented in the early 1950's in public hearings held by the New York State Crime Commission with the assistance of the New Jersey Law Enforcement Council. In testifying in favor of a bi-state Waterfront Commission Compact, New Jersey's Governor Alfred E. Driscoll described it as a "concerted drive against organized crime in the North Jersey-New York metropolitan area," and stated:

It was apparent that we were dealing with a single shipping industry operating in a single harbor bisected artificially by the accident of a historical boundary line between the two States. It was plain from the beginning that the only real solution would depend upon the creation of a single bistate agency to deal with this indivisible problem. . . . The present program which has been placed before the Congress for consent, under the compact clause of the Federal Constitution, is the product of the most cordial cooperation between the two States of New York and New Jersey. While roughly 70 percent of the longshoremen are employed along the waterfronts of the State of New York, the compact views the program as the equal responsibility of both States. It recognizes that organized crime does not respect State boundaries or economic statistics. . .

Governor Driscoll warned that the failure of Congress to act would:

. . . compel the two States to try to do individually what they can best do collectively and to establish two separate agencies, but that will never be a complete answer to this interstate problem. Ships dock in New Jersey, take on part of cargo, and then proceed to New York to take on additional cargo. Men who may work in New York on one day conceivably may work in New Jersey the next day. It is that area; that area is in fact a great metropolitan area and the regulations for the area ought to be the same irrespective of the fact that a State boundary line happens to bisect the harbor.

In August 1953, the States of New York and New Jersey, with the approval of the United States Congress and the President of the United States, enacted the bi-state Compact creating the Waterfront Commission of New York Harbor.

The overriding purpose of the Compact was to ensure that employers broke free from the iron-clad grip of the ILA, and took back their right to select for themselves those individuals that they wanted to hire on the waterfront. It shows that the shape-up method of hiring was repeatedly denounced as a “sham,” and the root of the evil and corrupt hiring practices that pervaded the waterfront. Under that system, employers did not actually select individuals they hired and paid - - they understood that when they needed labor, they had to go to the ILA for it. The shape-up was specifically shown to facilitate both criminal activity and racial discrimination in the Port. It was unequivocally condemned by those who advocated for the Compact’s approval, and who believed it was “highly desirable” to attain the elimination of racial discrimination.

THE PORT TODAY

While the evils of the public loading racket have long since been eliminated, many of the other ills described above still exist, to some degree, on today’s waterfront. Over sixty years later, the ILA still exerts an inordinate degree of control over hiring in the Port. But now, instead of openly doing so through the antiquated shape-up system where an ILA-controlled dock boss selected men standing around him at the piers, the shape-up is memorialized in collectively bargained provisions that require employers to accept those that are sent to them by the ILA when they are in need of labor.

Individuals who lost their licenses or registrations through criminal convictions or misconduct still work on the waterfront in “non-covered” positions allowing them to continue receiving payment and exerting control. The Commission has been diligent in identifying and removing them. Organized crime still exacts a tax through overpriced or non-existent services in the cleaning, trash removal, snow removal or repair industries forced upon companies. The Commission has ongoing investigations in this area.

Loan sharks and bookmakers, with the approval of organized crime, continue to prey on the workforce. The Commission, along with its law enforcement partners, has made significant arrests in both areas and has a number of active investigations as well. Cargo theft, often more sophisticated than in the past, is still a real problem. Workers’ compensation fraud, narcotics importation, and the illegal use of drugs, especially prescription medications, have been added to the enforcement picture.

While individual prosecutions and administrative and regulatory actions are required and necessary, these alone are insufficient to change a historically and presently corrupt industry. The Waterfront Commission remains hopeful that the industry will be open to new, innovative approaches that will reduce the opportunities for criminal activity while strengthening the economic viability and competitiveness of the Port.

MISSION STATEMENT

The statutory mandate of the Waterfront Commission of New York Harbor is to investigate, deter, combat and remedy criminal activity and influence in the Port of New York-New Jersey, and to ensure fair hiring and employment practices, so that the Port and region can grow and prosper.

COMMISSIONERS

The Commission is headed by a New Jersey and a New York Commissioner, appointed by the Governors of their respective states. The Commissioners bring with them extensive experience in criminal investigations and prosecutions, and an expansive knowledge of organized crime and corruption.



New York Commissioner Ronald Goldstock¹

Ronald Goldstock served for thirteen years as Director of the New York State Organized Crime Task Force (OCTF), where he designed and developed the Independent Private-Sector Inspector General (IPSIG) program. Under his leadership, OCTF became a model agency for the control of organized and white collar crime, playing critical roles in the Cosa Nostra Commission, Lucchese and Gambino Family prosecutions, Cali Cartel drug and money laundering cases, and producing highly acclaimed analytic reports on corruption and racketeering in the construction and carting industries. In addition to providing IPSIG, expert witness, and investigative services to corporate, union and individual clients, he is also on the faculties of the Cornell, Columbia and New York University Law Schools. Mr. Goldstock, a graduate of Cornell University (A.B. 1966) and Harvard Law School (J.D. 1969), served as Inspector General of the U.S. Department of Labor, Director of the Cornell Institute on Organized Crime, and Chief of the Rackets Bureau in the New York County District Attorney's office. He also served as the advisor to several Secretaries of State for Northern Ireland on matters relating to para-military groups and international organized crime. Mr. Goldstock is a Past Chair and current Finance Officer of the ABA Criminal Justice Section. He was Past Co-chair of the CJS Special ABA Ethics 2000 Committee, Chair of the ABA Criminal Justice Standards Committee and Past Chair of the Investigative Function of the Prosecutor Task Force. He is a member of the Board of Directors of the New York Convention (“Javits”) Center Operating Corporation and was a member of the Advisory Board of Project Rise of the International Brotherhood of Teamsters. Mr. Goldstock serves as a referee for the NYS Commission on Judicial Conduct, and has lectured, consulted, written, and testified as an expert witness on subjects related to organized and white-collar crime, corruption, RICO, the inspector general program, the prosecution function, labor racketeering, money laundering and compliance programs. He is the author of numerous articles related to organized crime and corruption, including, “On the Waterfront: RICO and Labor Racketeering.”

¹ Commissioner Goldstock served the Commission with distinction for a decade, from June 2008 to June 2018. Though he is no longer Commissioner at the time of this Report’s release and did not participate in its preparation, he is directly responsible for, and played an integral role in, many of the accomplishments described herein.



New Jersey Commissioner Michael Murphy

Appointed in June of 2014, Michael Murphy is the former Prosecutor of Morris County, where he began the Bias Crimes Unit and structured the county's first Human Relations Commission. In 1992, at the request of then U.S. Attorney Michael Chertoff, Mr. Murphy was deputized as a Special Assistant U.S. Attorney and successfully prosecuted Arthur and Irene Seale for the highly publicized kidnapping and murder of Exxon executive Sidney Reso. In 1994, working closely with the U.S. Department of State and the Jordanian government, he secured the conviction of Mohammed Abequa, a Morris County resident who murdered his wife, kidnapped his children, and fled to his native Jordan to escape justice. Mr. Murphy has served as President of the New Jersey Prosecutors Association, and has chaired the Association's Legislative Committee. He is the past Chairman of the Garden State Preservation Trust, and was both the Chairman and a member of the Board of Trustees of the Public Policy Center of New Jersey.

A graduate of Georgetown University and Seton Hall University School of Law with nearly forty years of practice, Mr. Murphy has served as a municipal attorney, municipal prosecutor, county prosecutor and public defender. In private practice, he specialized in the areas of land use, corporate litigation, products liability and white collar defense. He also served in the United States Merchant Marine, and through his service as a mariner, he developed a firsthand appreciation for the critical role the waterfront plays in the economy of the State of New Jersey, the State of New York, and beyond.

Mr. Murphy has been involved in politics since the first gubernatorial campaign of his stepfather, two-term New Jersey Governor and Supreme Court Chief Justice Richard J. Hughes, and was candidate for Governor of New Jersey in 1997. Currently a Visiting Associate at the Eagleton Institute of Politics, Mr. Murphy has been called upon to appear as a guest commentator on *Hardball with Chris Matthews*, *Lou Dobbs Tonight*, CNBC, MSNBC, My 9, Fox, TruTV, NJN, New 12 NJ and other cable and radio outlets.



New York Commissioner Paul Weinstein

Paul Weinstein was an Assistant United States Attorney with the United States Attorney's Office for the Eastern District of New York between 1989 and 2007, serving in both the Criminal and Civil Divisions. During that time he prosecuted and commenced civil racketeering proceedings against numerous members of criminal enterprises and the enterprises themselves. The matters he led and supervised included the prosecution of leaders of New York/New Jersey-based organized crime families operating at critical points of international shipping and commerce in the United States, including in the Port of New York and New Jersey. Mr. Weinstein also served in a number of supervisory capacities in the Eastern District, including as the Deputy Chief of the Criminal Division, with the responsibility for the operation of the over 100-Attorney Division, encompassing supervision of the Business and Securities Fraud, Money Laundering, Public Integrity and Organized Crime Sections of the Office.

Mr. Weinstein currently is a partner with Emmet, Marvin & Martin LLP, a Manhattan law firm. His practice is focused on white collar criminal defense and investigations and complex civil matters, including commercial, corporate trust, securities, trusts and estates and real property disputes. Mr. Weinstein also has served as an Adjunct Professor of Law at Cardozo Law School for a number of years, teaching courses on white collar crime and legal writing and advocacy.

OFFICERS

Executive Director Walter M. Arsenault

Walter M. Arsenault was appointed Executive Director on September 10, 2008. He is the grandson of a longshoreman and the son of a U.S. Customs Inspector and Supervisor who spent his career on the piers of New Jersey. Mr. Arsenault is a graduate of the Johns Hopkins University and Rutgers School of Law. He served as an Assistant Prosecutor in Bergen County, New Jersey from 1978 to 1984, where he was Chief of the Trial and Grand Jury Sections. Mr. Arsenault joined the New York County District Attorney's Office in 1984, where he served until 2003. He was the Chief of the Homicide Investigation Unit for most of his career there, and specialized in the investigation and prosecution of violent drug gangs. Mr. Arsenault also served as a Senior Trial Counsel in Trial Bureau 70 and investigated and prosecuted international narcotics smuggling and trafficking as a Senior Investigative Counsel in the Office of the Special Narcotics Prosecutor. In 2003, Mr. Arsenault was appointed First Deputy Commissioner of the New York City Department of Investigation. He oversaw that office's daily operations as well as leading high profile political corruption and organized crime investigations. He retired from city service in February 2008.

General Counsel Phoebe S. Sorial

Phoebe S. Sorial was appointed General Counsel on May 10, 2010. Ms. Sorial is the chief legal advisor for the Commission. She is a graduate of Rutgers University and Rutgers School of Law, where she was the Managing Business Editor of the Computer and Technology Law Journal. In 2000, she served as a law clerk to the Honorable Rudy B. Coleman, retired Judge of the Appellate Division of the Superior Court of New Jersey, before joining a prominent New Jersey law firm. While in private practice, Ms. Sorial represented corporate clients, state agencies and public entities in complex litigation at local, national and international levels. She also counseled clients regarding internal matters, including securities compliance, employment practices and other corporate protocols. In 2008, Ms. Sorial joined a Florida government relations firm, where she advised of legal implications of firm strategies and focused on legislative advocacy, alliance building and crisis communications. Ms. Sorial is admitted to practice law in New York, New Jersey and Florida, as well as the U.S. District Court for the District of New Jersey, the Southern District of New York, the Middle and Southern Districts of Florida, and the U.S. Court of Appeals for the Second and Third Circuits.

Commission Secretary Meralis M. Lopez

Meralis M. Lopez was appointed as Commission Secretary and Paralegal on May 13, 2013. Mrs. Lopez is a graduate of John Jay College of Criminal Justice and holds a B.A. in Forensic Psychology, and a Master's Degree of Science in Criminal Justice Management from the University of Maryland. In 2009, she joined the Office of the U.S. Attorney for the Southern District of New York, where she served as a Legal Assistant in the Records Division. While with the U.S. Attorney's Office, Ms. Lopez worked with sensitive Anti-Terrorism cases and was responsible for confidential case management. Prior to her work with the federal government, she was an Assistant to the Director of Operations for a New York City nonprofit organization, and worked as a Legal Secretary for an immigration law firm. Mrs. Lopez is a New York State Bar Association Certified Paralegal.

THE COMMISSION'S DIVISIONS

Responsibility for the everyday operations of the Commission lies with the Executive Director, who supervises the Commission's seven divisions.

Executive

The Executive Division is comprised of the Executive Director, General Counsel, Commission Secretary, Comptroller, Director of Port Operations & Telephonic Hiring Employment Information Center (THEIC), and a Human Resources administrator. This Division's responsibilities include: assisting the Commissioners in the formulation and execution of policy; proposing legislation, regulations and resolutions; preparation of annual and special reports; providing legal advice to the Commissioners; conducting agency litigation and overseeing outside counsel when required; initiation of investigations; ordering hearings; media, public and government relations; conducting labor relations with agency unions; formulation of the annual budget; keeping of financial records and administration of group insurance plans; and maintaining the seal and official records of the Commission.

Port Operations and Telephonic Hiring Employment Information Centers

The Division is headed by Acting Director Brian F. Hannan. The Division supervises the Telephonic Hiring Employment Information Center (THEIC) in Edison, New Jersey which oversees the daily hiring of longshore workers, checkers and pier guards in the port to insure that all hiring is performed in accordance with the Rules and Regulations of the Waterfront Commission of New York Harbor and the seniority rules of both the NYSA-ILA Collective Bargaining Agreement and the NYSA-PPGU Collective Bargaining Agreement. The Division reviews and approves all requests for additions to the companies' regular hiring lists in accordance with the Rules and Regulations of the Commission and the relevant collective bargaining agreements. The Division also reviews all applications for stevedore, pier superintendent and hiring agent licensure to ensure the applicants possess the requisite good character and integrity required by the Act.

Law, Licensing and Employment Information Centers

This Division is headed by Director Thomas Kapp, along with John G. Casey, Deputy Director of Licensing and E.I.C./Prequalification Coordinator. The Division's three senior counsel and two assistant counsel conduct investigations into waterfront practices throughout the Port of New York-New Jersey. In addition to investigating applicants for licensing and registration to determine if they meet the legal standards set forth in the Waterfront Commission Act, these attorneys also investigate currently licensed personal and companies to ascertain if they have engaged in criminal activity in the Port and/or violations of the Act. They liaison and work in tandem with outside law enforcement and prosecutorial agencies to assist in developing criminal cases against targets. Administrative hearings are conducted by counsel to determine whether applications should be granted or denied and whether registrations and licenses should be suspended or revoked. In addition, they assist in responding to Article 78 and other appellate proceedings.

Our administrative responsibility of licensing longshore workers and removing dangerous persons from working in the Port is critical. In addition to its law enforcement activities, the Commission continues to exercise its administrative and regulatory powers to increase the Port's safety, security, diversity and competitiveness. The Commission has, on an ongoing basis, aggressively identified and suspended or removed registered individuals who constitute a danger to the peace and safety of the Port, or who lack the requisite good character and integrity required for their license. The Commission is now also identifying those who are associating with organized crime individuals, and is revoking their registrants/licenses. Through administrative hearings conducted by our attorneys, the Commission is the only agency with the

ability to do so. Though this requires an exhaustive collaborative effort by our attorneys and licensing clerks, it has already yielded a demonstrably beneficial impact on the Port.

The vitality of the Port is directly affected by organized crime influence, and we have exposed and highlighted the prevalence of no-show and no-work jobs at the Port, which rob the Port of its economic competitiveness and vitality. Our attorneys continue to conduct investigations into these matters, and to conduct administrative hearings relating thereto.

Licensing and Employment Information Centers in Elizabeth, New Jersey and New York, New York process applications filed by individuals and firms required to be licensed or registered. The Licensing Division also makes employment information available to these dockworkers and administers the “decasualization program” which, pursuant to statute, removes from the longshore register those dock employees who, without good cause, fail to work or apply for work on a regular basis.

Police

This Division is headed by Chief Constantine Miniotis and staffed by three captains, five sergeants, twenty-seven detectives, and three civilian employees. All Commission police officers possess full police powers in both New York and New Jersey. The Police Division maintains field offices in Manhattan, Brooklyn, and Newark. Waterfront Commission police investigate criminal activity in the Port and violations of the Waterfront Compact; perform background checks of individuals and companies that have applied for registrations and licenses; review pier and waterfront terminal cargo protection and security procedures, and maintain the Commission’s investigative files. The Police Division participates in a number of federal and state task forces including: the Federal Bureau of Investigation organized crime unit (New York and New Jersey); the Border Enforcement Security Task Force led by the Department of Homeland Security Investigations (New York and New Jersey); HIDTA (High Intensity Drug Trafficking Areas/New York); HSI El Dorado team investigating narcotics and money laundering (New York) and the New Jersey State Police Cargo Theft Task (New Jersey).

Captain Margaret Baldinger commands the New York office, Captain Jeffrey Heinssen commands the Brooklyn Field Office, and Captain Kevin Campbell commands the Elizabeth Field Office.

Intelligence

This Division is led by Daniel Ramirez and staffed by three intelligence analysts. The Division collects, analyzes and disseminates intelligence related to organized crime and racketeering activity in the Port at the strategic and tactical levels. Intelligence collection, extensive research, link analyses, and record examination have been central to several ongoing civil proceedings and criminal investigations. These efforts include the background checks of individuals requesting pre-qualification or who are applying to be licensed/registered as longshore workers and security officers in the Port. This year, the Division also analyzed voluminous records produced by the terminal operators and the New York Shipping Association to identify hundreds of individuals who have been awarded “special deal” compensation packages in 2014 and 2016.

The Intelligence Division continues to grow its database of organized crime members and associates, identifying connections among those criminal figures and longshore workers. In the past year, the Division has added dozens of dossiers of Italian foreign nationals associated with organized crime in Italy -- most prominently ‘Ndrangheta -- whose modus operandi is smuggling narcotics through port facilities. The Division continues adding dossiers of associates of the Five Families of New York (Bonanno, Colombo, Gambino, Genovese and Lucchese) as well as the DeCavalcante and Bruno-Scarfo crime families.

The Division maintains active memberships with the International Association of Crime Analysts (IACA); the International Association of Law Enforcement Intelligence Analysts (IALEA); the Middle Atlantic Great Lakes Law Enforcement Network (MAGLOCLEN); and the National White Collar Crime Center (NW3C) to promote professional development and stay abreast of emerging trends within the intelligence community. Members within the Division attend the *Intelligence Analyst Training Program*, and many other advanced professional development courses at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA, or other federal training centers that offer courses such as *Fundamentals of Criminal Intelligence; Investigative Techniques for Modern Telecommunications*

The Division also represents the Commission at weekly interagency intelligence meetings hosted by the U.S. Coast Guard Sector NY; and as a member of the Executive Steering Committee of the Area Maritime Security Committee (AMSC) for the Captain of the Port (COTP) of New York/New Jersey. The COTP relies on the Intelligence Division to provide an assessment of local organized crime as part of a larger Port threat assessment issued by Sector NY annually. In collaboration with the Coast Guard and other port partners, the Division reviews the Commission's Continuity of Operations Plan (COOP) periodically.

Administration and Audit

This Division, headed by Director Richard Carbonaro, along with Jared Filus, Deputy Director of Audit & Control, provides the agency with important clerical and administrative support functions. It is responsible for the delivery and collection of quarterly assessments, the analysis of payments made, and the imposition of penalties and interest for late fees payments. Administration, working in conjunction with the General Counsel, also assigns and monitors the work of the Commission's auditors, who review assessment payments made and perform compliance audits. The Division also maintains the Commission's timekeeping, personnel and attendance records, and handles the Commission's mail, furniture and office supplies.

This year, the Audit Division completed 9 payroll audits and 8 compliance audits.

Information Technology

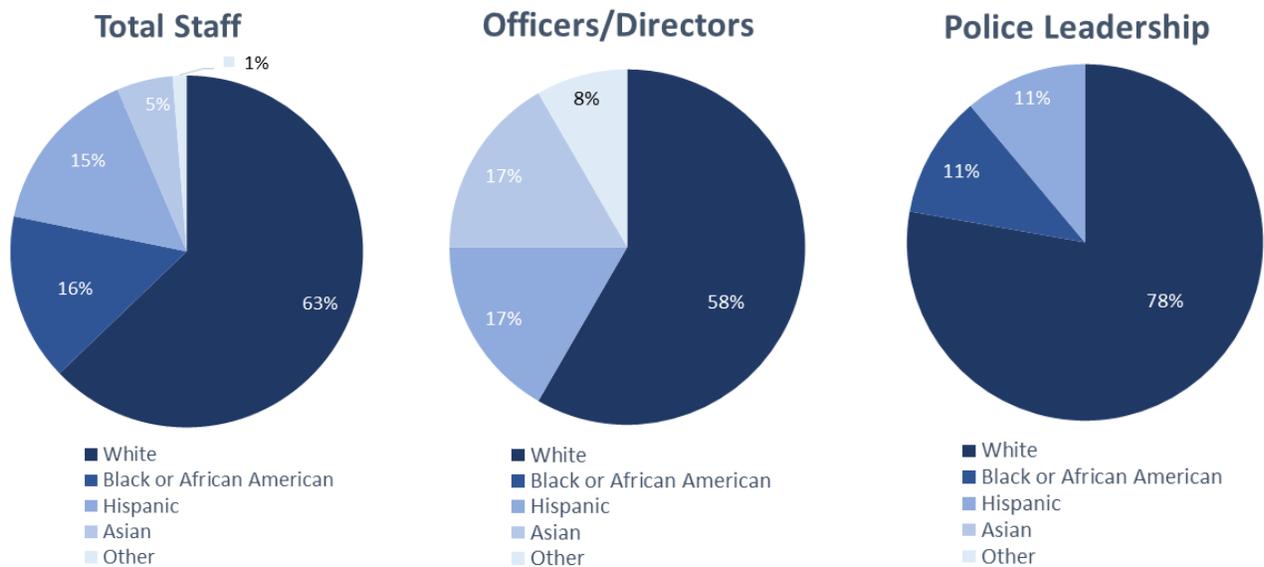
This Division, headed by David Murillo, is responsible for the development and implementation of the Commission's technological systems, maintenance of its infrastructure, and the security and functionality of its systems overall. The Division also provides the Commission's Police, Intelligence Divisions and Law Divisions with emerging technologies that support the agency's investigative initiatives.

This year, the Division continued the overhaul of the Commission's outdated Waterfront Information System, which is the central database for all individuals licensed and registered to work in the Port. The Division also continued to work on upgrading the Commission's on-site disaster recovery system, to provide the Commission with fail-over services for its technological systems and to ensure its continuity of operations. In addition, the Division began the process of re-designing the Commission's antiquated website, including updating the website's content, structure, format and navigation, to improve functionality for visiting members of the public.

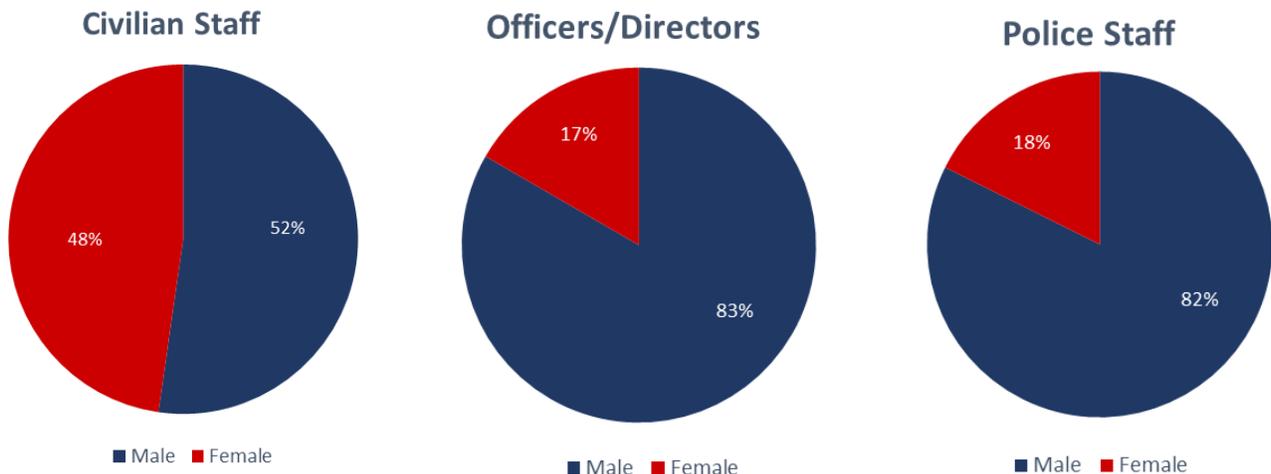
DIVERSITY AND INCLUSION IN THE COMMISSION'S WORKFORCE

The Commission is deeply committed to a culture of diversity and inclusion in its workforce. As we previously reported, prior to the Commission's revitalization following the 2009 Report of the New York State Office of the Inspector General, all of the Commission's officers and directors were white, and its staff did not adequately reflect the rich diversity of the surrounding metropolitan region. Since then, we have taken extensive measures and made significant strides towards ensuring diversity and inclusion. This year, we are proud to report on our continued progress:

Race/Ethnicity



Gender



MEMBERSHIP IN ORGANIZATIONS

The Commission and its staff maintain memberships with various law enforcement organizations which routinely network to provide training and share information and resources, to assist the Commission in fulfilling its statutory mission. These include:

New York Prosecutors Training Institute

Middle-Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN)

International Association of Crime Analysts

International Association of Law Enforcement Analysts

U.S. Coast Guard, Sector NY

National White Collar Crime Agency

Multi-jurisdictional Counter-drug Task Force

National Association of Attorneys General

International Association of Airport and Seaport Police

Police Executive Research Forum

New York State Association of Chiefs of Police

Association of Chiefs of Police, Essex County

Area Maritime Security Committee (AMSEC)

COMMISSION NOT FUNDED WITH TAX DOLLARS

The Commission is not funded with tax dollars. By statute, and in lieu of any charges for the issuance of licenses or registrations, or for the use of Employment Information Centers, the Commission's budgeted expenses come from assessments on waterfront employers of persons utilized in the handling of waterborne cargo. Employers pay a maximum two-percent assessment on the wages of such employees.

As we reported two years ago, the Commission reduced its assessment rate to 1.9%, which was the lowest rate in almost twenty-five years. This year, the Commission reduced its assessment rate even further, this time to 1.85%. This is the lowest assessment rate in almost thirty years.

CASH MANAGEMENT AND THRIFT

The Commission takes seriously its responsibility to operate with thrift, accountability and efficiency. Even though the Waterfront Commission Act provides for appropriations from both states to balance the budget, the Commission has been successful in maintaining financial independence. The Commission recorded a surplus of \$2.8 million in FY 2017-2018, exceeding the budget plan by \$1.7 million. After transferring \$2.4 million to the reserves, \$413,000 surplus was carried forward to FY 2018-2019. With another annual transfer to the postretirement benefit reserve, the unfunded Other Postemployment Benefits (OPEB) liability was further reduced to about 24% of the total accrued liability. The Commission closed the fiscal year ended June 30, 2018 with a fund balance of \$5.5 million.

FY 2017-2018 cash receipts were \$15.7 million, \$887,000 (+6%) above budget and \$678,000 (+5%) above last year. The increase of \$546,000 (+4%) in quarterly assessments from last year reflected the 9% growth of the port activity between April 2017 and March 2018, offset by the reduction of assessment rate from 1.90% to 1.85% effective July 1, 2017.

The Commission consistently spent within the budget limit. In FY 2017-2018, actual expenditures were \$12.9 million compared to \$13.7 million budget. \$803,000 savings were attributed to regular payroll (\$405,000), group health insurance (\$80,000), pension costs (\$73,000), travel (\$105,000), and various line items (\$140,000). The average headcount in FY 2017-2018 was 82 FTE positions, which was 7% below budget, at the lowest level since its creation in 1953.

PORT STATISTICS

During calendar year 2017, the Port of New York-New Jersey, the Eastern seaboard’s busiest port, handled 38,885 thousands of metric tons of waterborne cargo valued at \$ 174,765 million. The tonnage increased by 5.5 % and the dollar value increased by 2.3 % over 2016.

For 2017, 6,710,817 container units passed through the port, an increase of 7.3 % over 2016. For the same 2017 period, 577,223 vehicles were imported or exported, a decrease of 12.9% over the prior year.

On June 30, 2018, the conclusion of the Commission’s fiscal year, registered and licensed dock workers totaled 5,555 broken down into the following categories:

2018	#
“Deep Sea” Longshore Workers	2300
Special Craft	125
Checkers	678
Workers registered under authority of the 1969 amendatory legislation to perform services incidental to the movement of waterborne freight, such as warehousing and maintenance work.	2542
Port Watchmen	326
Hiring Agents	89
Pier Superintendents	357
Telecommunications System Controllers	8
Longshore workers were decasualized by the Commission for failure to meet minimum work requirements in FY 2017-2018	28
Companies licensed as stevedores, (including 14 with permanent licenses), who have contracts or arrangements to move waterborne freight or to perform services incidental to the movement of waterborne freight.	47

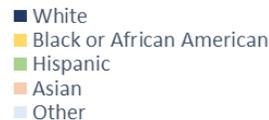
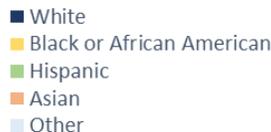
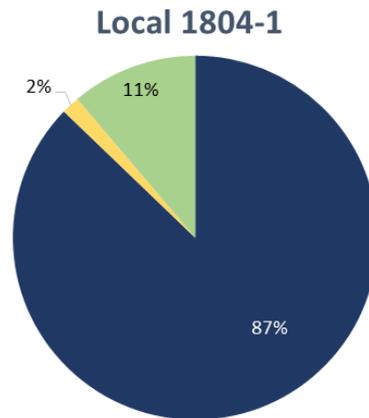
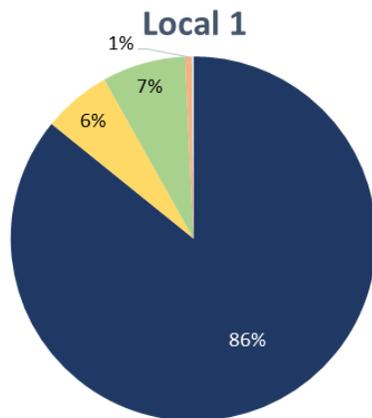
DIVERSITY AND INCLUSION IN THE PORT WORKFORCE

Since its revitalization in 2008, the Waterfront Commission has taken great measures to combat the prevalent discriminatory hiring practices in the Port and to foster diversity and inclusion in the longshore workforce. Despite this, as illustrated below, the industry has made little progress in diversifying the membership of registered longshore workers and maintenance workers/mechanics in the ILA locals.

The diversity of the ILA locals is a critical component in assessing the industry’s hiring practices. In support of their purported diversity and inclusion initiatives, the ILA and NYSA cite to the overall diversity of incoming longshore workers. But, as illustrated below, an overwhelming majority of incoming Black/African American workers are then placed into one predominantly Black/African American local in New Jersey – ILA Local 1233. In contrast, the highly-sought checker positions are predominantly given to white males, who become members of ILA checker Local 1.

DEEP SEA LONGSHORE WORKERS – DIVERSITY

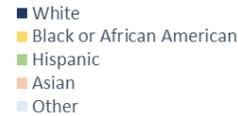
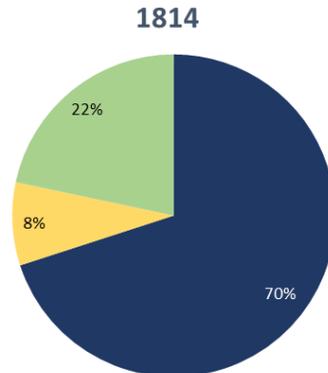
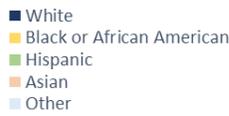
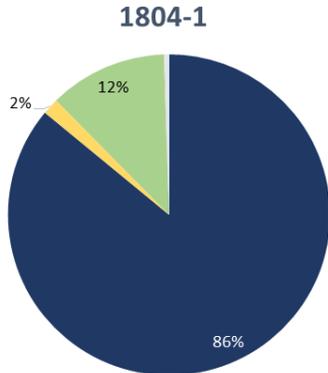
ILA Local	White		Black/African American		Hispanic		Asian		Other		Total
	#	%	#	%	#	%	#	%	#	%	
Local 1	582	85.8%	41	6.0%	50	7.4%	4	0.6%	1	0.1%	678
1233	64	8.3%	655	85.2%	41	5.3%	3	0.4%	6	0.8%	769
1235	596	72.2%	30	3.6%	186	22.5%	3	0.4%	10	1.2%	825
1814	85	69.1%	22	17.9%	13	10.6%	0	0.0%	3	2.4%	123
1588	219	65.6%	63	18.9%	44	13.2%	3	0.9%	5	1.5%	334
920	143	84.6%	14	8.3%	10	5.9%	2	1.2%	0	0.0%	169
824	65	81.3%	7	8.8%	5	6.3%	2	2.5%	1	1.3%	80
1804-1	109	87.2%	2	1.6%	14	11.2%	0	0.0%	0	0.0%	125
Total	1863	60.0%	834	26.9%	363	11.7%	17	0.5%	26	0.8%	3103



MAINTENANCE WORKERS/MECHANICS - DIVERSITY

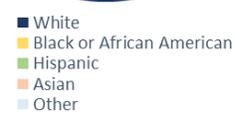
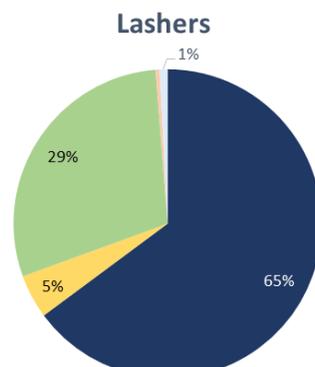
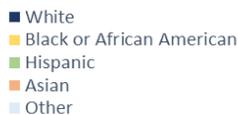
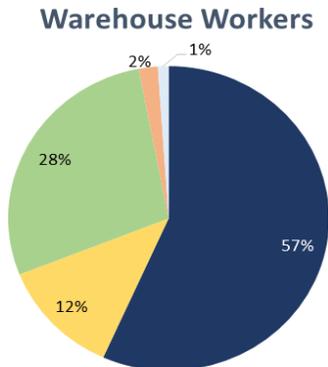
	White		Black/African American		Hispanic		Asian		Other		Total
	#	%	#	%	#	%	#	%	#	%	
ILA Local											
1804-1	834	86.0%	16	1.6%	115	11.9%	1	0.1%	4	0.4%	970
1814	42	70.0%	5	8.3%	13	21.7%	0	0.0%	0	0.0%	60
Total	876	85.0%	21	2.0%	128	12.4%	1	0.1%	4	0.4%	1030

GENDER: 1 FEMALE OUT OF 1,030 MAINTENANCE WORKERS/MECHANICS



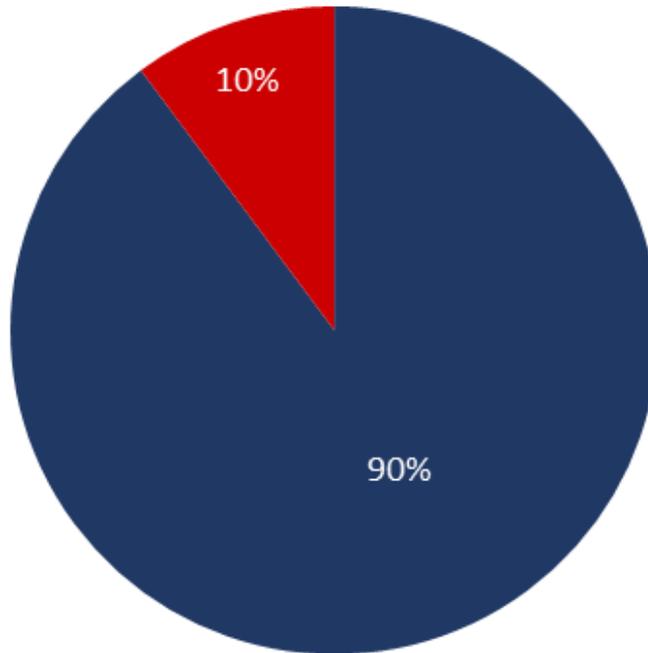
WAREHOUSE WORKERS/LASHERS – DIVERSITY

Category	White		Black/African American		Hispanic		Asian		Other		Total
	#	%	#	%	#	%	#	%	#	%	
Warehouse workers	682	56.7%	148	12.3%	337	28.0%	23	1.9%	13	1.1%	1203
Lashers	155	64.9%	11	4.6%	70	29.3%	1	0.4%	2	0.8%	239
Total	837	58.0%	159	11.0%	407	28.2%	24	1.7%	15	1.0%	1442



DEEP SEA LONGSHORE WORKERS – GENDER

Union Local	Male		Female		Not Identified		Total
	#	%	#	%	#	%	
Local 1	577	85.1%	101	14.9%	0	0.0%	678
1233	655	85.2%	114	14.8%	0	0.0%	769
1235	773	93.7%	52	6.3%	0	0.0%	825
1814	119	96.7%	4	3.3%	0	0.0%	123
1588	304	91.0%	30	9.0%	0	0.0%	334
920	159	94.1%	10	5.9%	0	0.0%	169
824	75	93.8%	5	6.3%	0	0.0%	80
1804-1	125	100.0%	0	0.0%	0	0.0%	125
Total	2787	89.8%	316	10.2%	0	0.0%	3103



■ Male ■ Female

“MOVING THE GOALPOSTS”

THE WATERFRONT COMMISSION’S DIVERSITY AND INCLUSION INITIATIVES

The Commission is deeply committed to diversifying the workforce in the Port and to balancing the supply of labor with available work. As detailed in this Report, for decades Port employers collectively bargained away their ability to fairly recruit, hire and train their own employees. The industry’s discriminatory referral and hiring practices have not only led to a lack of diversity and inclusion in waterfront employment, but also to the perpetuation of criminality and corruption. This year, the Commission is continuing to utilize every available statutory and regulatory initiative to work to overcome the prevalent discriminatory hiring practices, so that a diverse group of men and women who are unencumbered by organized crime influence are given the once-denied opportunity to work in the Port.

Section 5–p of the Waterfront Commission Compact requires Port employers to certify that the selection of each incoming longshore worker was made in a fair and non-discriminatory manner, in accordance with the requirements of the laws of the United States and the states of New York and New Jersey dealing with equal employment opportunities. This statutory provision allows the Commission to take any preemptive or corrective action to combat discriminatory hiring. It is the Commission’s principal means of overcoming the prevalent discrimination that continues in the Port.

Prequalification Program

The Commission has continued to actively implement its pre-qualification program. As previously reported, we partnered with the Workforce 1 Career Centers run by the New York City Department of Small Business Services, as well as the New Jersey Department of Labor and Workforce Development, and assembled a racially diverse, prequalified group of men and women to work in the Port. This year, after consulting with industry representatives, the Commission once again determined on its own initiative that there was a special and emergency need for baggage handlers and car drivers in the Port. On October 31, 2017 and May 14, 2018, the Commission issued resolutions which extended the temporary registrations of those prequalified applicants referred by the City of Newark, Newark Works – Once Stop Career Center and other industry referrals to continue to meet that need. Notably, those previously unemployed and underemployed individuals living in areas near the Port would not have historically had access to employment opportunities on the waterfront.

The Commission’s Requirements for Fair and Nondiscriminatory Hiring for Deep Sea and “A” Longshore Workers

As previously reported, the Commission has required that the NYSA and ILA implement a hiring plan for incoming deep-sea longshore workers. We are closely monitoring their referral and hiring practices to ensure compliance. We are also continuing to advocate on behalf of veterans whose background checks have been cleared and who are simply waiting for the NYSA and ILA to put them to work in the Port. And, as we previously reported, to address the continued discriminatory hiring of maintenance and repair workers who perform services incidental to the movement of waterborne freight, the Commission has now required waterfront employers to be active, accountable participants in that hiring process.

In November 2016, following the Third Circuit’s decision upholding the Commission’s statutory authority to require fair hiring, the Commission required the NYSA-ILA Contract Board and the MMMCA-ILA Contract Board to submit a fair and transparent hiring plan for maintenance and repair workers that (1) gives employers the right to recruit and select for themselves those individuals that they want to hire on the waterfront, thereby allowing them to fulfill the certification requirement set forth under the Commission’s

regulations; and (2) gives any qualified individual who wants to work on the waterfront the opportunity to do so.

As we reported last year, the industry submitted an initial draft of their hiring plan in February 2017. In the months that followed, Commission staff met with industry representatives to address various questions and concerns regarding the proposed hiring plan. The industry submitted a partial response in April 2017. In May 2017, Commission staff again met with NYSA and MMMCA representatives to discuss the proposed plan, at which time industry representative advised that they would revert back with a final proposal. On August 28, 2017 – a year after the Third Circuit’s decision – the NYSA-ILA and MMMCA-ILA Contract Boards submitted their proposed hiring plan to the Commission.

In the interim, the Commission has assured the industry that it will process any incoming maintenance worker or mechanic that was recruited and selected in a fair and nondiscriminatory manner. While we cannot revert back to the same hiring plan which continues to facilitate both criminal activity and racial discrimination in the Port, the Commission will accept certifications from employers with direct knowledge regarding the recruitment, referral, selection and sponsorship of proposed individuals, and who can therefore appropriately certify that the selection of those individuals was done in a fair and nondiscriminatory manner.

DEEP SEA LONGSHORE WORKERS – EARNINGS

During FY 2017-2018, deep-sea longshore workers (including checkers and special craft) were paid \$556,574,397.11, including regular overtime wages, vacation and holiday benefits. The chart below reflects the earnings ranges of those longshore workers, who perform work involving the discharge or loading of general cargo vessels, and who comprise the “deep-sea register.” These earnings, which are reported by the NYSA, do not include additional container royalty payments.

EARNINGS RANGE	# OF WORKERS
Over \$450,000	9
\$400,000 to \$450,000	18
\$350,000 to \$400,000	49
\$300,000 to \$350,000	78
\$250,000 to \$300,000	255
\$200,000 to \$250,000	534
\$150,000 to \$200,000	833
\$100,000 to \$150,000	927
\$75,000 to \$100,000	362
\$50,000 to \$75,000	235
\$25,000 to \$50,000	107
Below \$25,000	99

MAINTENANCE WORKERS/MECHANICS – EARNINGS

The chart below reflects the reported earnings ranges for maintenance workers, mechanics and lashers who perform services incidental to the movement of waterborne freight, pursuant to the 1969 amendments to the Waterfront Commission Compact. These longshore workers do not perform work involving the discharge or loading of general cargo vessels, and are not included in the deep-sea register. They mostly comprise the “A-register” or “1969 amendment register,” and are referred to as “A-registrants.”

EARNINGS RANGE	# OF WORKERS
Over \$450,000	4
\$400,000 to \$450,000	16
\$350,000 to \$400,000	18
\$300,000 to \$350,000	22
\$250,000 to \$300,000	59
\$200,000 to \$250,000	142
\$150,000 to \$200,000	280
\$100,000 to \$150,000	442
Below \$100,000	364

WAREHOUSE WORKERS – EARNINGS

The chart below reflects the reported wages for warehouse workers who perform services incidental to the movement of waterborne freight, pursuant to the 1969 amendments to the Waterfront Commission Compact. These longshore workers do not perform work involving the discharge or loading of general cargo vessels, and are not included in the deep sea longshore worker’s register. They are included in the “A-Register” and are referred to as “A-registrants.”

EARNINGS RANGE	# OF WORKERS
Over \$450,000	0
\$400,000 to \$450,000	0
\$350,000 to \$400,000	0
\$300,000 to \$350,000	0
\$250,000 to \$300,000	0
\$200,000 to \$250,000	0
\$150,000 to \$200,000	3
\$100,000 to \$150,000	72
Below \$100,000	1029

SPECIAL COMPENSATION PACKAGES

Today, every terminal within the Port still has special compensation packages given to certain ILA longshore workers, the majority of whom are white males connected to organized crime figures or union leadership. Based on the industry's reported figures, the Commission has again identified over 474 individuals who collectively received over \$117.5 million dollars last year in outsized salaries, or for hours they never worked.

As previously reported, the Commission's March 2012 Special Report detailed its findings on the public hearings that were held concerning employment practices within the Port. The hearings revealed that the hiring, training and promotion practices of the industry led to low-show jobs, favoritism and nepotism, the abusive and illogical interpretation of collective bargaining agreements, and the impact of those practices both on the competitiveness of the Port and on the morale and career prospects of decent, hard-working Port employees. Connected individuals are awarded high paying, low-show or no-work special compensation packages, in some cases earning salaries in excess of \$500,000. Such positions were overwhelmingly given to white males connected to organized crime figures or union leadership.

Following the issuance of the Commission's Special Report, the then-President of the NYSA declared that, "[t]hese practices, many of which have been in place for more than fifty years, have made the port unnecessarily expensive and less competitive. Now is the time to address issues of excess staffing and hours of pay that are not commensurate with the work performed." He acknowledged that these special packages were unacceptable:

In the immediate case relating to the Port of New York and New Jersey, there are several legacy work practices in place which do not occur in other ports, creating inefficiencies and costs higher than the acceptable norm. Many of these work practices are decades old, so effecting an immediate change or reversal is extremely difficult. But if there is an acknowledgment that these practices do indeed need to be eliminated or changed, then we have already begun the process of change. These are but a few of the challenges we will face in the early part of the New Year.

[Source: New York Shipping Association 2012 Annual Report, President's Message at page 2]

When the Commission's Special Report was first issued, none of the special compensation packages were memorialized in the industry's applicable collective bargaining agreements. Rather than eliminate or cap these special packages, the NYSA and ILA instead negotiated a 2013 Memorandum of Settlement of Local Conditions in the Port of New York-New Jersey, which guarantees these special compensation packages to certain people. Those individuals are paid for hours not worked or hours worked by others, as long as they are at the Port for forty (40) hours each week.

**FY 2017-2018 COMMISSION ACTION ON ADMINISTRATIVE PROCEEDINGS:
PETITIONS, APPLICATIONS AND REVOCATIONS/SUSPENSIONS**

Petitions

Petition Type	Denied	Granted
For Reconsideration	1	0
For Leave to Reapply	2	0
For Rehearing	0	0
To Withdraw	0	18
To Remove Ineligibility	0	4
For Restoration	0	0
To Vacate Temporary Suspension	0	4
For Retention of Reinstatement	7	3
For Stay	0	0
To Surrender Registration	0	5
To Amend Determination	0	0
Total	10	34

Applications for Licensure/Registration

Application Type	Denied	Granted
Longshoreperson	0	1
Checker	1	2
Hiring Agent	0	0
Security Officer	3	0
Pier Superintendent	0	0
Stevedore	0	7
A – Register LS	12	4
Dispatcher (T.S.C.)	0	0
Total	16	14

Suspension/Revocation Proceedings

Type of License or Registration	Revoked	Revoked w/ Leave to Reapply	Continue Temp. Prob. Registration	Suspended*
Longshoreperson (LS)	9	0	1	8
Checker	5	2	4	0
Hiring Agent	0	0	0	0
Security Officer	2	0	0	0
Pier Superintendent	0	0	0	0
Stevedore	0	0	0	0
A – Register LS	1	0	2	10
Dispatcher (T.S.C.)	0	0	0	0
Total	17	2	7	18

* Includes summary proceedings and informal hearings



THE YEAR IN REVIEW

Commission investigations with our law enforcement partners resulted in arrests of 116 individuals on state and federal charges as well as the seizure of almost 73 kilos of heroin, 291 kilos of cocaine, 1 pound of fentanyl as well as the seizure of 2 firearms, \$2.2 million in counterfeit goods.



During the past year, 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
- New York Attorney General's Office
- New Jersey Attorney General's Office - Division of Criminal Justice
- New York County District Attorney's Office
- Queens County District Attorney's Office
- Union County Prosecutor's Office
- New Jersey State Police – Auto Theft Task Force
- New Jersey State Police – Cargo Theft Task Force
- New York City Police Department
- New Jersey State Commission of Investigation
- New York City Business Integrity Commission



SIGNIFICANT CASES

July 17, 2017 - Vehicle Lasher Surrenders Registration with Prejudice Following Charges of Cocaine Use and Fraud. The Commission accepted the request of John E. Farley to surrender his registration as a maintenance man (vehicle lasher) with prejudice. He was facing charges at an administrative hearing that he had violated the Waterfront Commission Act. A Notice of Hearing included allegations of the following:



- Farley unlawfully possessed and used cocaine in or about or between 1993 and 2016.
- A drug test of Farley's hair sample, submitted on or about February 24, 2017, tested positive for cocaine metabolites.
- He unlawfully possessed cocaine on or about November 2, 2016, resulting in an arrest that he failed to timely disclose to the Commission.
- He committed fraud, deceit or misrepresentation in securing inclusion in the longshore workers' register as a maintenance man by failing to disclose cocaine use on his application and during a sworn interview.

Farley's presence on the piers or other waterfront terminals in the Port was alleged to represent a danger to the public peace or safety. The Commission barred Farley from the waterfront by accepting his request for the surrender of his registration as a maintenance man with prejudice.

July 17, 2017: Checker Application Withdrawn with Prejudice Following Charges of Fraud and Association with Organized Crime Members. On July 17, 2017, the Commission accepted the request of Samuel G. Manganella to withdraw his application for registration as a checker with prejudice. In March of 2015, the New York Shipping Association, Inc. (NYSA) sponsored Manganella as a checker at APM Terminals in Elizabeth, NJ. A notice of hearing was thereafter issued, charging Manganella with association with the following members/associates of organized crime, racketeers and career offenders: Lucchese soldier Joseph M. Perna, Lucchese associates Michael and Frank Cetta, and Genovese associate Vincent Aulisi. Manganella was charged with repeated socialization with these individuals, including vacations to Aruba and Mexico with Lucchese soldier Perna. Manganella also knowingly associated with persons convicted of racketeering activity, as Perna was convicted of racketeering in January 2016, and his grandfather, Vincent Aulisi, former president of ILA Local 1235, was convicted of Extortion Conspiracy, in October 2014 (Aulisi extorted ILA Local members on behalf of the Genovese family). Manganella falsely denied and/or misrepresented these associations during his sworn Commission interview and additionally falsely stated that he had no contact with his grandfather Aulisi while he was serving his federal prison sentence. Based on the foregoing, Manganella was charged with lacking the requisite good character and integrity to be registered as a checker. Facing charges of violating the Waterfront Commission Act, Manganella requested the withdrawal of his application for registration as a checker with prejudice. The Commission accepted his request, thereby barring Manganella from working as a checker in the Port.



Samuel Manganella

Joseph Perna
Soldier

Frank Cetta
Associate

Michael Cetta
Associate

Vincent Aulisi
Convicted



July 20, 2017- General Foreman at Port Elizabeth Arrested for Salary Fraud.

The general foreman for a Port Elizabeth terminal operator was charged with fraudulently collecting a nearly \$500,000 annual salary, much of which was for work he never performed. Paul Moe Sr., of Atlantic Highlands, NJ, was charged with one count of wire fraud conspiracy and 13 substantive counts of wire fraud. According to the indictment: From September 2015 through March 2017, Moe fraudulently collected a compensation package that paid him almost \$500,000 annually while showing up at his job site for as little as eight hours per week. In order for Moe to collect his \$9,300 weekly paycheck, other conspirators submitted false timesheets each day on his behalf and even credited him for up to 16 hours of overtime a day. The 13 substantive wire fraud counts consist of one-week increments in which Moe – having either failed to appear at the job site or while being out of state or out of the country – was paid as if he had been on the job for a minimum of 40 hours a week. The Commission immediately suspended Moe pending the adjudication of the criminal matter and a subsequent administrative hearing. On October 21, 2017, Moe was convicted on all 14 counts of an indictment charging him with one count of wire fraud conspiracy and 13 substantive counts of wire fraud. He was convicted following a 10-day trial before U.S. District Court Judge Katharine S. Hayden in Newark federal court. The jury deliberated for two hours before returning its verdict. The case was prosecuted by the U.S. Attorney’s Office for the District of New Jersey, and Waterfront Commission Counsel Tracey Agnew was cross designated as a Special Assistant U.S. Attorney for the District of New Jersey. Commission counsel Tracey Agnew and Brian Hannan, along with Waterfront Commission Sergeant George Falvo and Detective Andrew Varga received awards of recognition from the U.S. Department of Labor for their work in the investigation and successful prosecution.

July 20, 2017 - Commission Suspends Port Elizabeth Foreman After Arrest.

The Commission suspended Port Elizabeth Foreman Brian Rei of Rahway, NJ and issued a notice of hearing after his arrest on July 14, 2017, in Union County, New Jersey, for Endangering the Welfare of a Child. Mr. Rei is accused of driving while under the influence of alcohol with his 9-year old daughter in his car. An alcotest machine revealed that his blood alcohol concentration was .15% BAC. Rei is also charged with bringing an unauthorized female past security gates and onto the terminal on the evening of October 13, 2016 by directing her to wear his security vest which contained his credentials, with the intent of convincing port security officers that she had the proper credentials for admission, which he knew that she did not. The Union County Prosecutor’s Office is prosecuting the criminal matter. Last year, Brian Rei’s special deal paid him \$317,762.44.



August 14, 2017: Maintenance Man Applicant Denied for Association with Members of Colombo and Genovese Families Anthony Battaglia, of Staten Island, NY, an applicant for a maintenance man position, was denied a registration by the Commission following a hearing before an Administrative Law Judge. The ALJ found that Battaglia had associated with Gary Gugliaro between 2001 and 2008 while they were both employed as delegates in Local 1181 of the Amalgamated Transit Union, a bus drivers’ union. During that time, Battaglia and Gugliaro shared common office space, worked together three out of five days a week and occasionally shared rides to work. The Commission had established at the hearing that Gugliaro was a member of the Colombo crime family who had ultimately been removed from the bus drivers’ union by a trustee based on his organized crime ties. The Commission further found that the association between Battaglia and Gugliaro was inimical to the policies of the Waterfront Commission Act, namely to ensure fair hiring in the workplace and to ensure that organized crime has no place on the ports. In addition, the Commission also found that Battaglia committed fraud, deceit or misrepresentation on his longshoreman application by failing to acknowledge that he associated Gugliaro and with his father, Salvatore “Sally Hot Dogs” Battaglia, a member of the Genovese

crime family. Salvatore Battaglia had also served as union Local 1181 president until he was convicted on federal racketeering charges and sent to prison for taking bribes connected to the bus drivers’ union. For the foregoing reasons, the Commission found that Battaglia’s presence at the piers or other waterfront terminals in the Port presented a danger to the public peace or safety.



Anthony Battaglia Gary Gugliaro Salvatore Battaglia
Genovese Soldier

August 14, 2017: Longshoreman’s Registration Revoked for Association with Bonanno and Lucchese Crime Family Members. The longshoreman’s registration of Joseph Ferdico of Staten Island, New York was revoked by the Commission following a hearing before an Administrative Law Judge ALJ for associating with members of the Bonanno and Lucchese crime families. The evidence showed that Ferdico had worked as a part-time DJ from approximately 1999 to 2006 for Anthony Calabrese, a member of the Bonanno crime family and a convicted racketeer, at a club on Staten Island which was owned by Calabrese. Over that period of time, it is estimated that Calabrese paid him approximately \$100,000 for his DJ services. The evidence also showed that Ferdico associated with John “Big John” Castellucci, a capo in the Lucchese Crime Family, who is also a convicted racketeer. According to the evidence. Castellucci owned a cigar store across the street from an auto body business of which Ferdico is the manager. Ferdico purchased cigars in Castellucci’s store and Castellucci brought his car to the auto body business for repairs and dealt with Ferdico. The evidence also established that Castellucci also had Ferdico’s personal cell phone number. The Commission found that Ferdico also failed to disclose his association with both Calabrese and Castellucci on a Prequalification Request and thereby also committed fraud, deceit or misrepresentation, thus demonstrating that his presence at the piers or other waterfront terminals is a danger to the public peace or safety in the Port.



Joseph Ferdico John Castellucci Anthony Calabrese
Lucchese Capo Bonanno Soldier



August 14, 2017: Port Watchman Surrenders License with Prejudice Following Charge of Attempted Misappropriation of Money from Maher Terminals

– The Commission accepted the request of Dominick Ricigliano to surrender his license as a port watchman (security officer) with prejudice. Ricigliano faced administrative charges that he had violated the Waterfront Commission Act by willfully attempting to misappropriate money from his employer, Maher Terminals LLC, in Elizabeth, NJ. Specifically, Ricigliano was charged with creating or reinforcing a false impression that he worked during a period of time when he was, in fact, not working. In addition, the Commission’s notice of hearing alleged that Ricigliano lacked good character and integrity and had violated multiple regulations pertaining to security officers. By accepting his request for the surrender of his license as a port watchman with prejudice. Ricigliano is barred from working on the waterfront. After he was barred from the Port, Ricigliano was identified by the federal government as an Associate of the Colombo Family and was charged with Loansharking, Extortion and Extortion Conspiracy.

August 14, 2017: Application Denied for Fraud, Deceit and Misrepresentation and Because Applicant’s Presence on Waterfront Poses a Danger to the Public Peace or Safety.

The Commission denied the application of Jason Williams of Newark, NJ to work on the waterfront due to fraud, deceit, and misrepresentation in his written application and during his sworn Commission interview. Williams failed to list a number of arrests and convictions, including a conviction for aggravated assault in 1999 and an arrest for attempted murder in 2003. During his subsequent sworn interview, Williams again failed to disclose many of the same arrests and convictions, and only acknowledged them after being directly questioned by staff about those arrests. Following an administrative hearing, the Administrative Law Judge found that the Commission established the allegations against Williams by a preponderance of the evidence. The ALJ found that Williams had engaged in fraud, deceit, and misrepresentation, and that his presence on the waterfront would create a danger to the public peace or safety. The Commissioners adopted the ALJ’s findings and recommendations.

August 14, 2017 – Application Denied for Multiple Prior Shoplifting Convictions, For Fraud, Deceit and Misrepresentation and After Presence on Waterfront Found to be a Danger to the Public Peace or Safety.

The Commission denied the application of Cindy Cano to work to work on the waterfront for shoplifting convictions and multiple acts of fraud, deceit and misrepresentation during the application process. Cano was caught shoplifting in 2011 and 2015 from NJ department stores, and failed to disclose all of her arrests on her application. During her subsequent sworn interview, Cano subsequently lied about the number of times she had been arrested, as well as how recently she had been arrested during a sworn interview conducted at the Commission offices. Following an administrative hearing, the Administrative Law Judge found that the Commission established the allegations against Cano by a preponderance of the evidence. The ALJ found that Cano’s presence on the piers or other waterfront terminals in the Port presented a danger to the public peace or safety on the waterfront and reasoned, in part, that if allowed to work for Toyota Logistics (which had sponsored her for employment) “. . . she will have access to new auto parts and tools. This is not a position for one who has twice been convicted of shoplifting.” Accordingly, the ALJ recommended that the Commission deny Cano’s application. The Commissioners agreed with the ALJ findings and recommendation.

August 28, 2017 – Application Denied for Multiple Prior Convictions, for Fraud, Deceit and Misrepresentation and After Presence on Waterfront Found to be a Danger to the Public Peace or Safety. The Commission denied the application of Kyer Beachum, a.k.a. Devin Higgs, as a warehouseman. Following an administrative hearing, an Administrative Law Judge found that Beachum had been convicted of attempted enterprise corruption, robbery, receiving stolen property and possession with intent to distribute (all felonies or high misdemeanors). Beachum was also convicted of Criminal Trespass (a crime in the fourth degree), a conviction which may form the basis of denial pursuant to the Waterfront Commission Act. Beachum was also found to have committed fraud on his application by failing to disclose arrests leading to charges for Kidnapping, Robbery, Sexual Assault, Aggravated Assault (twice), Unlawful Possession of a Weapon (twice) and Possession of a Weapon for an Unlawful Purpose (twice), in addition to other disqualifying frauds. After a hearing, the ALJ found that Beachum had committed fraud, deceit or misrepresentation on his application and that his presence at the piers or other waterfront terminals in the Port presented a danger to the public peace or safety. The Commission adopted the ALJ’s findings and recommendation.

September 19, 2017: Application for a Checker Position Denied For Fraud, Deceit and Misrepresentation and for Lack of Good Character and Integrity. The Commission denied the application of Andrew Marano, Jr. of Staten Island, NY to be registered as a checker on the waterfront due to fraud, deceit and misrepresentation in his written application, and for failing to possess the requisite good character and integrity to be a checker. In his sworn application, Marano denied knowing, or ever having associated with, any organized crime figures.



Andrew Marano, Jr. Charles Giustra

During subsequent Commission interviews, however, Marano testified that he was currently in a relationship with the daughter of Charles “Charlie Tuna” Giustra, an associate of the Lucchese crime family, who was charged in 2013 in connection with a conspiracy to steal \$1 million worth of cigarettes. Giustra pled guilty in December 2013 to using a facility of interstate commerce in furtherance of a narcotics transaction. Marano admitted that he had been dating Giustra’s daughter for two years, and that he frequently spent time at his girlfriend’s house when he was aware that her father would be there. He also admitted knowing that Giustra was going to federal prison, and that he had dinner with Giustra the night before Giustra surrendered himself to prison, but maintained that he was completely unaware of his organized ties. During an administrative hearing, the Commission presented exhaustive state and local media articles and online court documents which identified Giustra as a reputed Lucchese associate, and which detailed the racketeering conspiracy with which he and others were charged. Marano claimed he had not seen any media reports. The Administrative Law Judge found that the Commission established the allegations against Marano by a preponderance of the evidence. The ALJ found that Marano was not a credible witness, and was not truthful in his dealings with the Commission when he denied knowing Giustra’s association with organized crime. Marano was found to lack good character and integrity, the standard that is necessary for a checker position. Marano subsequently appeared before the Commissioners and maintained his ignorance regarding Giustra’s organized crime ties. When questioned, Marano indicated that, despite the extensive reporting on Giustra’s case both in state and local papers, he never read anything or performed any online searches (i.e., Google) pertaining to his girlfriend’s father. The Commissioner likewise found him not to be credible and adopted the findings and recommendations of the ALJ.

Lucchese Associate

September 19, 2017 – Application Denied for Fraud, Deceit and Misrepresentation in Application and Sworn Commission Interview, and After Presence on Waterfront is Found to be a Danger to the Public Peace or Safety. The Commission denied the application of Felix Jimenez Hernandez, of Elizabeth, NJ, to be registered as a warehouseman for shoplifting conviction and for fraud, deceit or misrepresentation during the application. Hernandez failed to disclose on his application that he had been arrested for Shoplifting and subsequently pled guilty to the amended charge of Theft by Unlawful Taking or Disposition, and denied his prior arrest history in a subsequent sworn Commission interview. Following an administrative hearing, an Administrative Law Judge found that Hernandez committed fraud on his application and during his interview by failing to disclose the arrest and conviction, and for failing to disclose assistance that he had received in filling out his applications. The ALJ found that Hernandez’s presence on the ports would constitute a danger to the public peace of safety based upon his prior arrest for Shoplifting and his fraud, deceit or misrepresentation. The Commission adopted the ALJ’s findings and recommendations

September 19, 2017 - Checker’s Registration Revoked for Association with Members of the Gambino Crime Family. Commission revoked the registration of John S. Riccobono of Manalapan, NJ to work as a checker on the waterfront for his association with members of the Gambino crime family. At an administrative hearing before an Administrative Law Judge, evidence demonstrated that Riccobono associated with high-ranking members of the Gambino Crime Family, including Gambino Capo Joseph “Sonny” Juliano and Gambino Soldiers Vincent “Blinky” Romano aka Vincent Vittaburga, John F. Riccobono and Sam Riccobono, and Ronald “Ronnie Cigars” Ferrari, a Gambino Associate. Juliano, Romano and Ferrari are also convicted racketeers. The evidence showed that Riccobono frequently socialized with these individuals, including attending Gambino “crew dinners” in Brooklyn and Staten Island in 2010, and invited many of them to his daughter’s christening in 2014. While registered as a Checker, Riccobono even visited Juliano in prison while Juliano was incarcerated. The ALJ found that Riccobono’s associations with organized crime figures were under circumstances which were inimical to the purposes of the Waterfront Commission Act. The ALJ also found that Riccobono committed multiple acts of fraud, deceit and misrepresentation when he failed to disclose his association with organized crime figures during two sworn Commission interviews. As a result, Riccobono was found to lack good character and integrity, which is required for checkers. The Commission adopted the findings and recommendations of the ALJ.



**John S. Riccobono Joseph Juliano
Gambino Capo** **Vincent Romano
Gambino Soldier** **John Riccobono
Gambino Soldier** **Sam Riccobono
Gambino Soldier** **Ronald Ferrari
Gambino Associate**



October 3, 2017 – Port Watchman Surrenders License with Prejudice Following Charge of Misappropriation of Money from Maher Terminals.

The Commission accepted the request of Lawrence Giordano to surrender his license as a port watchman (security officer) with prejudice. He had faced charges at an administrative hearing that he had violated the Waterfront Commission Act. Giordano was a port watchman at Maher Terminals, LLC, in Elizabeth, NJ; Cape Liberty Cruise Port for Terminal Security Solutions in Bayonne, NJ, BMW of

North America, LLC and for Allied Universal Security Services in Jersey City, NJ. A Notice of Hearing alleged that Giordano had misappropriated or willfully attempted to misappropriate money from Maher Terminals by creating or reinforcing a false impression that a co-worker, Dominick Ricigliano, had worked during a period of time when he was, in fact, not working. In addition, the Notice of Hearing alleged that Giordano lacked good character and integrity, which is required of a port watchman. By accepting his request for the surrender of his license as a port watchman with prejudice, the Commission barred Giordano from the waterfront.



December 12, 2017 - Dock Worker's Registration Revoked After Pleading Guilty to Witness Tampering and Other Crimes.

The Commission revoked the registration of Courtney Wallace, a longshore worker from Irvington, NJ. As previously reported, Wallace had been arrested by detectives from the Union County Prosecutor's Office and the Waterfront Commission, and was charged with Witness Tampering, Providing False Information to Law Enforcement and False Swearing. The charges against Wallace stemmed from false criminal allegations

she made against another longshoreman that resulted in the arrest of that longshoreman. In a search incident to arrest, a bottle of urine was recovered from Wallace, who stated that the urine came from her son and that she carried the clean urine around with her in case she was ever drug tested in connection with her job at the Port. The Commission had temporarily suspended Wallace's registration pending the outcome of an administrative hearing on the charges. On August 24, 2016, in the Superior Court of New Jersey, Union County, Wallace pled guilty to Witness Tampering, admitting that she planned with two others to falsely implicate another longshoreman for a crime he did not commit – an assault with a firearm. Following her criminal conviction, Wallace appeared at a hearing before an Administrative Law Judge. Evidence presented during the hearing indicated that Wallace falsely implicated the other longshoreman in a crime by coordinating false 911 calls, making a false statement to law enforcement, and instructing others to lie to law enforcement. Following the hearing, the ALJ recommended that the Commission revoke Wallace's registration. The ALJ noted that Wallace "essentially led a criminal conspiracy" as she "persistently pursued a malicious plan with others to commit an outrageous crime." The ALJ found that Wallace "possessed a dangerous willingness and power to draw others into her calculated crime, without regard for the consequences to them, let alone the object of her ire." The ALJ found that the arrest of the other longshoreman "on the false charge of assault with a firearm posed obvious inherent dangers to him and the police during the process of his arrest and detention." In addition, the ALJ found that Wallace "engaged in another scheme of deception to bypass rules in order to engage in illegal and dangerous behavior, the use of controlled substances while registered as a longshoreman." The ALJ found that Wallace's "conduct flagrantly disregarded workplace rules designed for the safety of everyone at the waterfront." The ALJ found that Wallace's presence on the piers or other waterfront terminals posed a danger to the public peace or safety. The Commission adopted the ALJ's recommendation and revoked Wallace's registration as a longshore worker.



January 9, 2018 – Longshoreman Barred from Waterfront for Killing Seagulls on the Dock and for Fraud, Deceit or Misrepresentation.

The Commission revoked the registration of longshoreman Terence O'Regan following a hearing before an Administrative Law Judge. The ALJ found that O'Regan committed multiple acts of fraud, deceit, or misrepresentation to secure inclusion in the longshore workers' register, and he committed offenses that render his presence at the piers or other waterfront terminals in the Port of New York district a danger to the public peace or safety. Evidence presented

at the hearing demonstrated that, on December 19, 2016, at Maher Terminals LLC, in Elizabeth, NJ, while registered as a longshoreman, O'Regan intentionally drove a straddle container carrier, a "massive piece of machinery . . . at least 35 feet high and weigh[ing] 100,000 pounds," through a flock of ring-billed gulls about 20-30 feet out of his way. O'Regan ran over and killed 15 gulls and then continued his work duties without notifying his supervisor. As a result of his actions, he was charged with violating the federal Migratory Bird Treaty Act, for which he was assessed a fine. The ALJ described the Respondent's killing of the gulls as "bizarre and dangerous." And noted that, according to Maher Terminals, his conduct risked serious harm to himself and his co-workers. In addition, the ALJ found that, years earlier, O'Regan had committed multiple acts of fraud, deceit or misrepresentation in response to questions on a sworn document that allowed him to secure registration as an ILA referral. On that sworn document, O'Regan did not honestly answer questions about his history of drug use. The ALJ noted that O'Regan had "secured his registration as a longshoreman through multiple deceptions" and questioned "how can he be fully trusted to now follow waterfront rules and regulations promoting safety in an inherently dangerous workplace?" After considering the entire record, the Commission adopted the ALJ's findings and his recommendation to revoke O'Regan's registration as a longshoreman.

January 30, 2018 – Checker Barred from Waterfront for Association with Organized Crime Figure and Career Offender.

On May 9, 2016, Peter Boragi was charged with violating the Waterfront Commission Act by improperly associating with Louis Romeo ("Romeo"), a career offender identified by law enforcement as an associate of the Colombo crime family. Following a 3-day administrative hearing, the Administrative Law Judge issued a 42-page Report and Recommendation to the Commissioners, finding that because of his improper association with Romeo, Boragi lacked the requisite good character and integrity to be a checker on the waterfront. As set forth in the ALJ's report, Romeo is an admitted loan shark and associate of organized crime who was convicted in a bribery scheme involving debris removal from the World Trade Center site. In 2013, he pleaded guilty to Conspiracy to Commit Theft of Government Funds, and was sentenced by the U.S. District Court, Eastern District of New York to six months of imprisonment and one year of supervised release. At the hearing, the Commission established that Romeo is a career offender and organized crime associate since as early as 2008.



Peter Boragi

Louis Romeo

Evidence presented at the hearing established that Boragi associated with Romeo during the time period when he was a loan shark and associate of the Colombo crime family. Beginning in 1996, Boragi associated with Romeo "countless times" over the next two decades. They attended ballgames, family functions and spent holidays together. They visited each other's homes and vacationed together. Romeo gave gifts of cash and jewelry to Boragi and his family. Boragi

even submitted a character letter on Romeo's behalf while he awaited sentencing in connection with the bribery scheme. Boragi later visited Romeo in prison, and remained in contact with him after his release. Based on the evidence and testimony presented at the hearing, the ALJ found that "there is no doubt that Boragi associated with Romeo after he was aware that Romeo was a person he should not be associating with."

The ALJ found serious issues with Boragi's credibility at the hearing. Given how close he was to Romeo, how recent his arrest was, and how well publicized (in news articles and on the internet) his ties were to La Cosa Nostra, he found his claims of ignorance to be "meritless." After hearing Boragi's testimony and assessing his credibility, the ALJ concluded, "I have serious doubts about the veracity of his claims about the innocence of their relationship and agree with the Commission that the friendship creates an unacceptable risk of corruption." In determining whether the associations were inimical to the policies of the Waterfront Commission Act, the ALJ pointed out that because of their high-paying, low-show jobs, checkers are especially susceptible to the perception of organized crime influence. Notably, the expert witness of a co-Respondent at that hearing conceded during the Commission's hearing that the mob has exercised its control of the docks by determining who get work, who gets which position, and who gets overtime. Boragi was paid for overtime hours even when he was not working at the Port, which resulted in being paid up to twenty-five (25) hours a day, and was paid over \$350,000/year.

Evidence was also presented that Boragi had previously lied on two applications about his history of drug use, had been barred from the waterfront for about five years for failing to meet minimum work and work availability requirements, and had a gambling operation on the pier where he collected tens of thousands of dollars in cash from longshoremen. When considering those factors, the ALJ noted that "a gambling operator's association with Romeo, a loan shark and Colombo associate, creates an unacceptable perception or risk of corruption." Notwithstanding the long history of service by Boragi on the waterfront, the ALJ found that the "length, depth, and breadth" of his relationship with an organized crime associate warranted a substantial penalty beyond a reprimand. He therefore recommended that his registration as a checker be revoked, and that he should not be permitted to work on the waterfront again without reapplying and a thorough review.

Following his hearing, Boragi appeared with his counsel and testified before the Commissioners under oath at an open Commission meeting. The Commission adopted the ALJ's findings that Boragi (1) associated with a career offender identified by law enforcement as an associate of an organized crime group; and (2) lacked good character and integrity for doing so. The Commission found that Boragi's association with Romeo created a reasonable belief that his continued registration as a checker would be inimical to the policies of the WCA. Accordingly, the Commission ordered the immediate revocation of his registration as a checker

February 12, 2018 – Man Sentenced to Six Years in Prison for His Role in Ring That Stole and Fenced Luxury Cars in Northern and Central New Jersey. Kelvin Vega, of Newark, NJ was sentenced by Superior Court Judge Catherine I. Enright in Morris County to six years in prison for his role in a ring that stole luxury cars in northern and central New Jersey and loaded them onto cargo containers for shipping or fenced them in other states. Vega had pled guilty to second-degree receiving stolen property. The ring members stole numerous high-end vehicles, including various models of Mercedes, BMW and Bentley. The investigation revealed they used certain spots to "cool off" vehicles, parking them at a hotel in Elizabeth, for example, until they were sure they were not equipped with tracking devices that would lead law enforcement to them. After a vehicle was sufficiently "cooled," it was moved to a loading location, usually in Irvington, to be shipped, or was fenced domestically. Several of the vehicles stolen by the ring members were

recovered from shipping containers prior to being placed on cargo vessels. The ring members were directly linked to thefts of at least 14 vehicles with a combined estimated value of more than \$800,000. Vehicles were stolen in New Jersey from Morristown, Long Hill, Jamesburg, Holmdel, Livingston, Closter, Princeton and Mahwah. One stolen Mercedes S550 was traced to Louisiana, where Vega was found in possession of that car and a second stolen Mercedes S550. Other stolen cars were recovered in Maryland and Ohio.



February 27, 2018 – Registration of Former ILA Local Vice President Revoked for Finding that Presence on Waterfront Presented a Danger to the Public Peace or Safety.

The longshoreman registration of Johnnie Taylor of East Orange, NJ, was revoked following an administrative hearing. As previously reported, Taylor, the former Vice President of ILA Local 1588, was arrested in September of 2015, for possessing a loaded handgun in East Orange, NJ. He was subsequently suspended by the Commission from working at the Port, pending adjudication of his criminal case. He pleaded guilty in Essex

County Superior Court, and was sentenced on August 3, 2017 to two years’ probation. The Administrative Law Judge noted in his decision that Taylor displayed very poor judgment with regard to public safety. The ALJ found that Taylor possessed a loaded .9 mm handgun while intoxicated and recommended revocation of Taylor’s registration. The Commissioners agreed with the ALJ’s findings and recommendation.

February 27, 2018 – Registrations Revoked for Conspiracy to Move Massive Amounts of Narcotics Through the Port.

After separate administrative hearings before an Administrative Law Judge, the Commission revoked the registrations of checker Henry Machado of Roselle Park, NJ, and longshoreman Yampier Odoardo of Elizabeth, NJ. Both Machado, Jr. and Odoardo had previously pled guilty in U.S. District Court for the Southern District of New York to engaging in a conspiracy to move massive quantities of cocaine from Panama through the Port of



Yampier Odoardo Henry Machado

New York-New Jersey. As part of the crime, custom seals were broken to smuggle in the narcotics. Both were suspended from working at the Port since their initial arrests in October 2010.

March 15, 2018 – More than \$1 Million in Stolen Cargo Recovered, and 11 Men Arrested for Operating Cargo Theft Ring in “Operation Botany.”

Eleven were arrested, dismantling a cargo theft trafficking ring and recovering more than \$1 million worth of merchandise, which was destined to supply nearly a dozen national retail stores in New Jersey and across the country. The five-month investigation, dubbed “Operation Botany Strike,” began on October 14, 2017 when detectives began investigating the theft of a tractor-trailer, which contained \$104,000 worth of meat, from a trucking lot in South Amboy, NJ. The abandoned tractor-trailer was located later that day at the Vince Lombardi Service Area on the New Jersey Turnpike and began following leads, which ultimately uncovered the organized theft ring. Through various investigative means, detectives determined that members of the theft ring would transport stolen tractor-trailers from various jurisdictions throughout the state to specific locations within a business facility at 90 Dayton Avenue in Passaic, NJ. That facility served as the predominant location where members would load and offload stolen cargo as well as store the stolen tractor-trailers. Detectives also identified secondary locations in Little Ferry and Secaucus, NJ, which served a similar function.

As a result of the operation, 16 loads of stolen cargo were recovered from 10 national victim companies. The seized cargo, which was worth more than \$1 million, included clothing, granite, home goods, landscaping equipment, and food products and was destined to be sold domestically and overseas. The following individuals were arrested and charged:

- Ambiorix Canela-Rodriguez, of Paterson, N.J (Receiving stolen property, Fencing Conspiracy)
- Adiel Acevedo-Ortiz, of Paterson, N.J. (Receiving stolen property, Conspiracy)
- Carlos Alcantara, of Passaic, N.J. (Receiving stolen property, Conspiracy)
- Bassim Fardos, of North Bergen, N.J. (Receiving stolen property, Conspiracy)
- Elvis Valerio, of Passaic, N.J. (Receiving stolen property, Conspiracy)
- Wilfredo Valle, of Passaic, N.J. (Receiving stolen property, Conspiracy)
- Milton Vargas, of Paterson, N.J. (Receiving stolen property, Conspiracy)
- Nelson Pena-Restituyo, of Union City, N.J. (Receiving stolen property, Conspiracy)
- Luis Lourido, of Union City, N.J. (Receiving stolen property, Conspiracy)
- Eduardo Ramos, of Union, N.J. (Receiving stolen property, Conspiracy)
- Angel Deleon, of Hawthorne, N.J (Receiving stolen property, Conspiracy)

March 26, 2018 – General Foreman at Port Elizabeth Sentenced To Two Years in Prison for Salary Fraud. Paul Moe, Sr., the general foreman for a Port Elizabeth terminal operator was sentenced to two years in prison in connection with his fraudulent collection of a nearly \$500,000 annual salary, much of which was for work he never performed. On October 21, 2017, Moe was convicted on all 14 counts of an indictment charging him with one count of wire fraud conspiracy and 13 substantive counts of wire fraud. In addition to the prison sentence, Moe was sentenced by U.S. District Court Judge Katharine S. Hayden to three years of supervised release, and was ordered to pay restitution of \$749,000.

March 27, 2018 – Application for Port Watchman Denied for Association with Organized Crime Members, and Fraud, Deceit & Misrepresentation on Application. The Commission denied the application for port watchman (security officer) of Amedeo Mancusi, of Englishtown, NJ, for associating with two members of organized crime and failing to disclose those associations on his application. During an administrative hearing, the Commission established that Mancusi knew Gambino Family Acting Capo Frank Camuso for almost twenty years, as well as Bonanno Consigliere John “Porky” Zancocchio. Mancusi had business dealings with both and held his daughter’s sweet sixteen party at Zancocchio’s restaurant; an event attended by both Camuso and Zancocchio. Despite these facts, Mancusi indicated on his application that he never knowingly associated with any members of organized crime. In his decision, Chief Administrative Law Judge McGinley noted that Mancusi testified that he extensively vetted his business clients on the internet, but denied knowing the two men were members of organized crime. The Court found that the applicant’s association with Camuso and Zancocchio “created the appearance that they could exercise influence or control over Applicant as a pier guard; thus such association was inimical to the policies of the Waterfront Act.” Accordingly, the ALJ recommended denial of Mancusi’s application for Port Watchman to the Commission. The Commission adopted the ALJ’s findings and recommendations.



Amedeo Mancusi Frank Camuso John Zancocchio
Gambino Acting Bonanno
Capo Consigliere

May 1, 2018 – Port Worker’s Application Withdrawn with Prejudice Following Evidence of Organized Crime Association.

The Commission accepted the request of Steven Zeni of Guttenberg, NJ, to withdraw with prejudice his application for registration as an automobile warehouse worker in Port Newark, New Jersey, for FAPS, Inc. He was facing forty (40) charges at an administrative hearing, including allegations that he violated the Waterfront Commission Act by associating with Gambino Associate Peter LaFroscia. LaFroscia was part of the murderous Gambino crime family crew of Roy DeMeo. LaFroscia was convicted of a conspiracy to transport stolen automobiles overseas, impersonating a federal agent, and drug trafficking. The Notice of Hearing alleged that Zeni had failed to disclose his knowledge of and association with LaFroscia on a sworn application and during a sworn interview. Zeni was also accused of disqualifying convictions, failure to disclose his arrests for theft among other crimes or offenses, and representing a danger to the public peace or safety by his presence on the piers. Facing charges of violating the Waterfront Commission Act, Zeni requested the withdrawal with prejudice of his application for registration. He is now barred from working in the Port of New York-New Jersey.



Steven Zeni

Peter LaFroscia

May 1, 2018 – Port Elizabeth Maintenance Worker Surrenders Registration with Prejudice Following Conviction for Aggravated Assault.

The Commission accepted the request of Jose Reta, of Elizabeth, NJ, to surrender his registration as a maintenance worker with prejudice. He had faced charges at an administrative hearing of violating the Waterfront Commission Act because of an aggravated assault of his ex-girlfriend with a knife, among other allegations. Reta was a maintenance worker at Maher Terminals, LLC, in Port Elizabeth, New Jersey. On January 31, 2017, in the Superior Court of New Jersey, Hudson County, he was indicted on charges that included Aggravated Assault. As a result of the indictment, the Commission suspended Reta’s registration as a maintenance worker pending an administrative hearing. On October 10, 2017, in the Superior Court of New Jersey, Hudson County, Reta pled guilty to Aggravated Assault-Cause Injury with Weapon-Reckless, a crime of the fourth degree. On December 1, 2017, the Court sentenced Reta to a year of probation and anger management counseling. After his criminal conviction, Reta still faced charges at an administrative hearing before the Commission. He was charged with violating the Waterfront Commission Act because of the aggravated assault, the resulting conviction, theft of a cellular phone belonging to the assault victim, and fraud, deceit, or misrepresentation during a sworn interview at the offices of the Commission. Following his surrender with prejudice, Reta is barred from working in the Port of New York-New Jersey.

May 14, 2018 – Port Watchman’s License Revoked for Fleeing the Scene of an Accident and Filing False Insurance and Police Reports.

The Commission revoked the license of Michael Mesquita of Jamaica, Queens, a Port Watchman as a port watchman, following a hearing before an Administrative Law Judge. Mesquita was charged by the Commission with leaving the scene of a February, 2015 motor vehicle accident in Jamaica, Queens, without exhibiting his license and insurance identification to the driver of the other car involved in the accident, filing false insurance and police reports in which he claimed that his car had been stolen prior to the accident, and committing fraud, deceit or misrepresentation in connection with an interview under oath conducted by the Commission about the accident in which Mesquita denied driving his car at the time of the accident. Following an investigation by the NYPD after the accident, Mesquita was

initially arrested for Insurance Fraud in the Third Degree and Falsifying Business Records in the First Degree, both felonies in New York. The Queens District Attorney's Office subsequently adjourned the case in contemplation of dismissal. In examining the underlying circumstances, the ALJ found that "Respondent had many opportunities to tell the truth, but instead concocted lies...for which he was eventually caught." The ALJ found that Mesquita lacked good character and integrity, which is required of a port watchman, and recommended revocation of his license. The Commissioners adopted the ALJ's findings and recommendation.

May 29, 2018 – Checker Registration Revoked for Fraudulent Loan Application from Pension Fund and For Lack of Good Character and Integrity.

The Commission revoked the registration of checker of Benvenuti Pugliese of Newark, NJ, following a hearing before an Administrative Law Judge. The ALJ found that Pugliese obtained over \$30,000 from the Prudential Pension Fund by submitting fraudulent documents in support of a loan application to purchase property. Pugliese provided the Prudential Pension Fund with a phony purchase agreement for property located at an address that did not exist. The fraudulent document included false information about the supposed property's sellers, attorney representation and realtor location. Pugliese was assisted in the preparation of the fraudulent document by another checker Ann Marie Ceballos. Based on a preponderance of the evidence submitted, the ALJ found that the Commission proved that Pugliese lacked good character and integrity when he submitted false information, and recommended revocation. The Commissioners adopted the ALJ's findings and recommendation.



June 1, 2018 – Checker Dock Boss Surrenders Registration with Prejudice after Being Charged with Association with Convicted Racketeer and Genovese Soldier Stephen DePiro

The Commission accepted the request of Patrick Cicalese of Roseland, New Jersey, to surrender his registration with prejudice as a Checker Dock Boss at Maher Terminal. Cicalese had been charged in a Notice of Hearing with association with Stephen DePiro, a convicted racketeer and Genovese Soldier. Cicalese surrendered his registration following an Administrative Law Judge's determination that court ordered wire-tap conversations between Cicalese and DePiro as well as



Patrick Cicalese

Stephen DePiro
Genovese Soldier

DePiro's girlfriend, could be used in evidence at the hearing. Cicalese was first registered with the Commission as a checker in 1969. Records for 2017 show that as a Dock Boss, who received a "special package" agreement from Maher, Cicalese was paid over \$487,000. DePiro was convicted in 2015 of Extortion Conspiracy in connection with his role in a decades-long scheme to extort Christmastime tribute payments from members of the International Longshoremen's Association on behalf of the Genovese Organized Crime Family.

June 11, 2018: Checker Registration Revoked for Fraudulent Loan Application from Pension Fund.

The Commission revoked the registration of checker Ann Marie Ceballos of Linden, NJ, following a hearing before an Administrative Law Judge and her appearance before the Commissioners. The ALJ found that Ceballos has conspired with and assisted fellow checker Benvenuti Pugliese in obtaining over \$30,000 from the Prudential Pension Fund by submitting fraudulent documents in support of a loan application to



purchase property. The documents submitted to the Prudential Pension Fund included a phony purchase agreement for property located at an address that did not exist and false information about the supposed property's sellers, attorney representation and realtor location. The ALJ found that Ceballos lacked the requisite good character and integrity required of a checker when she assisted in submitting the false information, and recommended that her registration be revoked. After hearing further testimony Ceballos, the Commissioners adopted the ALJ's findings and recommendations. Ceballos has previously posted a photograph on Twitter by using her then married name, showing her checker father and then checker husband Joseph Donnelly at work, with the following caption: "Can you believe this is what I get paid to do every day? Lmao! Crazy but true!!!" Joseph Donnelly was denied reinstatement after decasualization after he presented a forged doctor's note.



June 11, 2018: Port Watchman Application Denied for Fraud, Deceit and Misrepresentation and Lack of Good Character and Integrity.

The Commission denied the port watchman application of Michael Postorino, of Sparta, NJ, following a hearing before an Administrative Law Judge. The ALJ found that Postorino lacked the good character and integrity required of a port watchman and had committed fraud, deceit or misrepresentation, when he falsely indicated on his sworn application that he had never been arrested, when in fact he had been arrested in New Jersey and Florida. The ALJ further found that Postorino committed fraud, deceit or misrepresentation during his sworn Commission interview, where he once again denied his prior arrest history. After considering the entire record, the Commission adopted the ALJ's findings and recommendation.

June 25, 2018: Reefer Mechanic Supervisor Barred from Waterfront for Association with Organized Crime Figures.

The Commission unanimously ordered the removal of Frank Ferrara, of Marlboro, NJ, from the waterfront. Port Newark Maintenance & Repair, LLC had employed Ferrara as a reefer mechanic with a supervisory role over the delivery and maintenance of refrigerated containers containing valuable cargo. Ferrara was the recipient of a "special package" from PNMR and in 2016 received \$355,359.50 in compensation. Following a hearing before an Administrative Law Judge, the Commission found that Ferrara had associated with the following organized crime figures who had been convicted of racketeering activities:

- Pasquale "Patty the Clubber" Falcetti, Sr., a capo in the Genovese crime family. Falcetti had been convicted of defrauding the employee pension and welfare fund for longshore workers. Evidence presented during the hearing included telephone calls between Ferrara and Falcetti recorded by the FBI via wiretap warrant. The ALJ wrote that the pattern of the wiretapped conversations between Ferrara and Falcetti "reveals two men with sincere regard to each other." Also presented during the hearing were recorded telephone calls between Falcetti, incarcerated in federal prison, and his son in which Falcetti referenced Ferrara as someone with whom his son should stay in touch as part of an effort to obtain a job on the waterfront. The ALJ wrote that Ferrara "remained good friends with this soldier

of organized crime, who violated a position of trust and exploited Respondent and his union brethren by embezzling funds from their benefit plan.” The ALJ found that a “reasonably objective person may question the Respondent’s loyalty to his work as opposed to Falcetti, a made member of an organized crime family closely associated with waterfront corruption.”

- Andrew Gigante, an associate of the Genovese crime family and the son of the crime family’s late boss Vincent “The Chin” Gigante. Expert testimony during the trial revealed that Gigante had served as a messenger between his father and Falcetti regarding ILA matters. The ALJ noted that Gigante “helped his father to exploit workers at the piers.” The ALJ found that the “undeniable personal bond between Ferrara and Andrew Gigante and the uncontroverted power over waterfront labor and industry exercised by the Genovese crime family, particularly during the reign of Vincent Gigante, helped by his son, Andrew, establishes an inimical association with Andrew Gigante.” The ALJ further found that a “reasonable objective observer could believe that the association with Andrew Gigante, and his blood ties to the crime family and its’ waterfront criminal domain, could influence Respondent in his capacity as a registered longshoreman.”
- Carmine “Little Carm” Della Cava, a soldier of the Genovese crime family. The ALJ noted that Della Cava was “a personal friend” of Ferrara. The Commission found that this close association with a soldier in the crime family dominating crime on the New Jersey piers was inimical to and in violation of the Waterfront Commission Act.

The ALJ further wrote that Ferrara “enjoys a position of high trust, like that of a foreman, in a highly valuable, sensitive and vital area of port commerce, the efficient maintenance and delivery of refrigerated containers.” The ALJ wrote, “Organized crime corruption, even the reasonable perception of such, risks potential disruption of the integrity of refrigerated container commerce.” The ALJ 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. The Commission adopted the findings of the ALJ and ordered the immediate revocation of his waterfront registration.



Frank Ferrara

**Pasquale Falcetti
Genovese Capo**

**Carmine Della Cava
Genovese Soldier**

**Andrew Gigante
Genovese Associate**

SIGNIFICANT LITIGATION

United States District Court for the District of New Jersey Dismisses Lawsuit Filed by ILA Officials Against the Waterfront Commission Challenging Subpoenas in Connection with Port Walkout Investigation

On August 24, 2017, the United States District Court for the District of New Jersey dismissed the complaint filed by Harold Daggett, Dennis Daggett, Wm. Bernard Dudley, Richard Suarez, James McNamara and David Cicalese. The ILA officials had filed a complaint against the Waterfront Commission seeking to quash Commission subpoenas relating to its investigation of a one-day work stoppage by longshore and maintenance workers in the Port on January 29, 2016. That work stoppage was found by an industry arbitrator to be in violation of the no-strike provision contained in the applicable collective bargaining agreements. While there was no official explanation for the strike, it was widely reported that Plaintiff James McNamara, ILA Public Relations Director, said the strike was “directed at the Waterfront Commission and its interference in hiring and harassment of ILA members.”

The Commission commenced its investigation to ascertain the true nature of the stoppage, and in order to determine whether persons registered or licensed by the Commission violated the Compact, or any other laws. The complaint alleges that the subpoenas violate the express terms of the Compact, and that the Commission is interfering with rights that are protected by the National Labor Relations Act. In short, they alleged that the Commission’s investigative authority must “yield” to the rights of the ILA to engage in protected activities under the NLRA. They also alleged that the Commission has improperly issued other subpoenas to third parties to obtain personal information about ILA members and officers.

The court rejected the ILA’s allegations that the walkout subpoenas lacked statutory authority under the NLRA, since the walkout itself violated the no-strike provision of the applicable collective bargaining agreements, and was therefore unprotected activity under the NLRA. The court also found that the Commission’s walkout subpoenas fall well within the Commission’s statutory authority to investigate waterfront practices in the Port of New York district and upon all matters relating to the accomplishment of the Waterfront Commission Compact. In so finding, the court emphasized that the Compact was enacted to eliminate evil conditions on the waterfront and, specifically, that “the principal evil sought to be eliminated was the domination by criminal elements of the International Longshoremen’s Association, which represents waterfront labor.” In dismissing the complaint in its entirety, the Court also found that the ILA failed to plead sufficient facts concerning any other subpoenas issued by the Commission. *Harold Daggett, et al. v. Waterfront Commission of New York Harbor, 2:16-cv-04314(ES)(SCM)*

United States District Court for the District of New Jersey Issues Preliminary Injunction Enjoining the State of New Jersey From Unilaterally Withdrawing from the Bi-State Waterfront Commission Compact

On June 4, 2018, the United States District Court for the District of New Jersey issued a preliminary injunction enjoining the State of New Jersey from unilaterally withdrawing from the Waterfront Commission Compact. On his last full day in office, former Governor Chris Christie had signed a law purporting to unilaterally withdraw New Jersey from the Compact and dissolve the bi-state Commission, even though New York had not enacted similar legislation. The new law was virtually identical to one Governor Christie had vetoed three years ago on the ground that it would be illegal for New Jersey to unilaterally withdraw from an interstate compact approved by Congress. The Commission immediately filed suit seeking a declaration that the new law was invalid, and an injunction blocking incoming New Jersey Governor Philip Murphy from enforcing it. The court denied the motions filed by the Legislature and the Governor to dismiss the Commission’s complaint, and issued an injunction, finding that “the Bill’s directives to unilaterally withdraw from and nullify the Compact directly conflicts with the Compact.” The court held that, “[a]llowing one state to dictate the manner and terms of the Commission’s dissolution, and the subsequent distribution of the agency’s assets runs counter to the requirement that any change to the Compact occur through concurring legislation.” The court also rejected the contention that the Commission lacked the power and authority to institute the litigation. *Waterfront Commission of New York Harbor v. Philip Murphy, et al.*

Administratively Withdrawn Applicant's Lawsuit Against Waterfront Commission Alleging Delays and Discrimination

As previously reported, plaintiff Pasquale Falcetti, Jr. filed a complaint against the Waterfront Commission alleging that it unreasonably delayed the processing and investigation of his application for registration as a maintenance man. He has demanded that the Commission immediately register him as a maintenance man, and has requested lost wages because he was not able to work as a maintenance man in the Port during the time that his application was pending. Falcetti, Jr.'s application required a significant amount of consideration and investigation by the Commission in light of his admissions that he (1) associated with a known or reputed member or associate of an organized crime group; (2) was named or referred to in an indictment or other accusatory instrument or was named in or the subject of a search warrant or court electronic surveillance; and (3) was arrested for leaving the scene of an accident.

Plaintiff's father, Pasquale Falcetti, Sr., has been identified by numerous law enforcement agencies as a capo in the Genovese organized crime family. In 2003, Falcetti, Sr. was charged in a civil RICO complaint for extortion conspiracy and racketeering activities on the waterfront. He was ultimately convicted of defrauding the pension and welfare benefit fund for Port employees. He was also found guilty of conspiracy to extort money from owners, officers, employees and agents of the businesses operating in the Port and from other ILA labor union positions. He was permanently enjoined from any commercial activity in the Port. In 2014, Falcetti, Sr. was again convicted for extortion conspiracy and sentenced to 30 months imprisonment.

As it is required to, the Waterfront Commission undertook a thorough investigation of Falcetti's Jr.'s application. While that investigation was pending, plaintiff's prospective employer, Apexel, withdrew its sponsorship of his application for registration. In accordance with the Waterfront Commission's Rules and Regulations, Falcetti, Jr. was informed that his application had been administratively withdrawn for lack of employer sponsorship. The Commission is vigorously defending this matter. *Falcetti v. Waterfront Commission of New York Harbor et al., ESX-L-3916-14 (Law Div.)*

LEGISLATIVE MATTERS

Legislation was introduced in New Jersey to preclude all Commission actions from taking effect for 10 days, pending gubernatorial review. Commission representatives testified in opposition to the measure (which was primarily lobbied by the NYSA) because, among other reasons, it directly impacted the Commission's law enforcement mission and if passed, it would have posed a danger to the public peace and safety. With very few exceptions, the majority of the Commission's actions are to remove or suspend individuals whose presence at the Port is found to be a danger to the public peace or safety. The Commission is also able to immediately suspend those arrested for crimes of the Third, Second or First Degree. Under the proposed bill, the Commission's decision to do so would have gone unenforced for ten days. Commission representatives provided the Legislature with notable examples:

- This year, the Commission took immediate action to suspend two longshoremen, one of whom was arrested for robbery and assaulting a police officer. That individual was charged with the Class D felonies of Assault in the Second Degree and Robbery in the Third Degree. Under the proposed bill, the Commission's suspension would have gone unenforced 10 days, and that individual would have continued working in the Port in the interim.
- In a recent RICO extortion conspiracy case, every defendant who was licensed/registered to work in the Port was released on bail. But for the Commission's ability to immediately suspend them after their arrests, they would have been free to roam the Port searching for and intimidating cooperating longshoremen, pending the expiration of the 10-day gubernatorial veto period.
- In another case, 12 longshoremen were arrested as part of a large-scale cocaine importation case. They were released on bail shortly afterwards, but the Commission immediately suspended them from their employment and removed them from the waterfront. Under the proposed bill, they would have been allowed back to work in the Port until the 10-day gubernatorial veto period had expired.

Following our testimony, the bill was modified to exclude Commission action on licensing or registration matters, or on the suspension or revocation of the license or registration of certain covered individuals. On August 7, 2017, Governor Christie signed the legislation into law.

MATTERS OF SPECIAL INTEREST

Determination 41: The Commission Opens the Deep Sea Longshore Worker's Register for the Inclusion of 75 Longshore Workers

On October 30, 2017, the NYSA-ILA Contract Board requested, pursuant to Section 5-p of the Compact, that the Commission open the deep sea longshore worker's register for the addition of 75 longshore workers to alleviate anticipated labor shortages at New York facilities in the Port. The industry advised that new additions to the workforce would be recruited, referred and selected in accordance with the terms of the collectively bargained NYSA-ILA Recruitment and Hiring Plan, which provides that the referral process for new hires, which is designed to increase diversity and employment possibilities to qualified individuals, will include three designated sources: Military Veterans (51%), ILA (25%) and NYSA/Employers (24%). Industry representatives further advised that these positions would be given to individuals residing in the State of New York. The Commission opened the register on November 14, 2017.

Determination 42: The Commission Opens the Deep Sea Longshore Worker's Register for the Inclusion of 50 Longshore Workers

On June 26, 2018 the NYSA-ILA Contract Board requested, pursuant to Section 5-p of the Compact, that the Commission open the deep sea longshore worker's register for the addition of 50 longshore workers to fill anticipated labor shortages at the Port Newark Auto Terminal. The industry advised that new additions to the longshore workforce will be recruited, referred and selected in accordance with their Recruitment and Hiring Plan. The Commission opened the register on June 28, 2018.

INTERNSHIP/FELLOWSHIP PROGRAMS

The Law and Intelligence Divisions run year-round internship and fellowship programs for college and law school students, and fellowship programs for post-graduates. In 2017-2018, the Law Division hosted interns who attended Brooklyn, Cardozo, Columbia, CUNY, Fordham, Georgetown, NYU, Rutgers (Newark campus), and Touro law schools. In addition, the Law and Intelligence Divisions hosted undergraduate and master's degree students who attended Binghamton University, Columbia University, Cornell University (School of Industrial and Labor Relations), John Jay College of Criminal Justice, and NYU. Supervised by mentoring attorneys and analysts, the interns drafted reports, conducted research, observed or participated in depositions, attended educational lectures, and supported administrative hearings of port workers.



Fall 2017 Law Interns:

(L to R): Scott Luftig, Jennifer Sharpe, Christopher Soares, Angelica Puente-Soto, Ariel Zunger
Not pictured: Mahni Alizadeh, Jordan Steele

“Externing at the Waterfront Commission of New York Harbor has been an amazing experience. [I was] exposed to new areas of law, such as: employment law, labor law, administrative law, and criminal law. The experience has been fulfilling and instrumental in building practical skills.” – Angelica Puente-Soto (Cardozo Law ’19)

INTERNSHIP/FELLOWSHIP PROGRAMS, CONT.



Winter 2017-2018 Law Interns:

(L to R): Lauren Schulman, Alexander Clark, Grant Emrich, Emilia Flack



Spring 2018 Law Interns and Post-Graduate Fellow:

(L to R): Christopher Marchesano, Austin Hilton, Sharon Cruz, Marissa Wong, Omar Rana

“I thoroughly enjoyed the wide variety of cases and situations that I was able to work on . . . I am very grateful for being able to work with such a fun, helpful, and enjoyable group of co-interns who collectively made sure that there was never a dull moment in the office.”

– Austin Hilton (Rutgers Law '19)



Spring 2018 Law/Intelligence Interns:

Back (L to R): Lee Alexander, Sharon Cruz, Jacob DeButy, Saumya Sharma
 Front (L to R): Grace Bertelli, Omar Rana, Jhonattan Gonzalez
 Not pictured: Sara Curran



Summer 2018 Law Interns:

Back (L to R): Ross Toback, Rebecca Zeldin, Zoë Waldman
 Front (L to R): Nick Harper, Dana Kennedy

ANNUAL FINANCIAL REPORT

WATERFRONT COMMISSION OF NEW YORK HARBOR

FOR THE FISCAL YEAR ENDED JUNE 30, 2018

Waterfront Commission of New York Harbor
Statement of Receipts and Disbursements and Changes in Fund Balance - Modified Cash Basis
Actual and Budget
For the Fiscal Year Ended June 30, 2018

	<u>Actual</u>	<u>Budget</u>	<u>Favorable / (Unfavorable) Variance</u>
RECEIPTS			
Assessments (regular)	15,427,649	\$ 14,806,000	\$ 621,649
Assessments (additional)	62,483	-	62,483
Subtotal	15,490,132	14,806,000	684,132
Dividend and interest income	32,295	10,000	22,295
Overtime reimbursements	50,250	-	50,250
Insurance recovery	109,836	-	109,836
Other	20,674	-	20,674
Total receipts	15,703,187	14,816,000	887,187
DISBURSEMENTS			
<i>Personal Services</i>			
Regular payroll	7,106,338	7,511,757	405,419
Overtime payroll	99,281	85,000	(14,281)
Group health insurance	1,326,015	1,406,340	80,325
Workers' compensation insurance	245,759	162,000	(83,759)
Employer taxes	548,975	592,000	43,025
Pension costs	929,579	1,003,000	73,421
Subtotal - salaries and benefits	10,255,947	10,760,097	504,150
Outside auditors, consultants and counsels	75,729	111,000	35,271
Administrative judges, transcript and other	114,346	64,000	(50,346)
Subtotal - professional services	190,075	175,000	(15,075)
Total personal services	10,446,022	10,935,097	489,075
<i>Other Than Personal Services</i>			
Office rentals	1,025,925	1,063,784	37,859
Utilities	88,873	115,300	26,427
General insurance	600,761	649,100	48,339
Travel and automobile	241,600	346,638	105,038
General office	62,220	79,410	17,190
Communications	147,359	179,980	32,621
Special supplies	105,898	153,575	47,677
Information system	105,349	106,000	651
Repairs and maintenance	28,173	29,680	1,507
Printing	4,904	8,000	3,096
Furniture and equipment	28,699	10,600	(18,099)
Continuing education	4,074	15,936	11,862
Total other than personal services	2,443,835	2,758,003	314,168
Total disbursements	12,889,857	13,693,100	803,243
Excess of Receipts over Expenditures	2,813,330	1,122,900	1,690,430
Transfer to Reserves	(2,400,000)	-	2,400,000
NET CHANGE IN FUND BALANCE	413,330	1,122,900	(709,570)
FUND BALANCE, July 1, 2017	5,121,219	5,121,219	-
FUND BALANCE, June 30, 2018	\$ 5,534,549	\$ 6,244,119	\$ (709,570)

See accompanying Notes to Statement of Cash Receipts and Disbursements and Changes in Fund Balance - Modified Cash Basis

Waterfront Commission of New York Harbor
Notes to Statement of Cash Receipts and Disbursements and
Changes in Fund Balance – Modified Cash Basis
June 30, 2018

(1) Summary of Significant Accounting Policies

(a) Reporting Entity

The Waterfront Commission of New York Harbor (Commission) was created as a bi-state instrumentality in 1953 by joint legislative action of the States of New York and New Jersey in accordance with the Waterfront Commission Act (Act). The Commission is vested with broad investigative, licensing, and regulatory jurisdiction over the piers and terminals in the Port of New York District. The Commission is exempt from income taxes in accordance with being an instrumentality of the States of New York and New Jersey.

The mission of the Commission is to investigate, deter, combat, and remedy criminal activity and influence in the Port of New York-New Jersey and to ensure fair hiring and employment practices.

(b) Basis of Accounting

The Commission prepared the statement on the cash basis, modified, as noted herein, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America (GAAP). Under this basis, transactions are recognized as either cash receipts or disbursements, and noncash transactions, if any, are not recognized. Revenues are recorded when received and expenditures are recorded when paid, except for receivables from, or payables to, employees and due to/from other funds.

This basis of accounting differs from GAAP in that in accordance with GAAP, revenues are recorded when “measurable” and “available,” and expenditures are recognized when incurred.

(c) Assessment Revenue

The Act permits the Commission to assess employers of persons registered or licensed under the Act computed upon the gross payroll of each employer for the following professions: longshore workers, pier superintendents, hiring agents, and port watchmen.

Waterfront Commission of New York Harbor
Notes to Statement of Cash Receipts and Disbursements and
Changes in Fund Balance – Modified Cash Basis
June 30, 2018

(2) New Jersey Pension Plan

The Commission employees who are eligible for pension coverage are enrolled in one of two State Pension Plans. The State Pension systems were established by the act of the State Legislature. Benefits, contributions, means of funding, and the manner of administration are determined by the State Legislature. The two State administered pension funds are: the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS). The Division of Pensions and Benefits within the Treasury Department of the State of New Jersey is the administrator of the funds and charges participating employers annually for their respective contributions. The plans provide retirement and disability benefits, annual cost of living adjustments, and benefits to plan members and beneficiaries. The plans are cost sharing multiple-employer defined benefit plans and as such do not maintain separate records for each participating employer in the state and, therefore, the actuarial data for the Commission is not available.

The Division of Pensions and Benefits issues publicly available financial reports for each of the plans that include financial statements and required supplemental information. The reports may be obtained by writing to the State of New Jersey, Division of Pensions and Benefits.

The contribution policy is set by laws of the State of New Jersey and, in most retirement systems, contributions are required by active members and contributing employers. Plan member and employer contributions may be amended by State of New Jersey legislation. The PERS and PFRS provide for employee contributions based on percentages 7.34% and 10% through June 30, 2018, and increasing gradually through July 1, 2018, to 7.5% and 10%, respectively, of employees' annual compensation. Employers are required to contribute at an actuarially determined rate in the PERS and the PFRS. The actuarially determined employer contribution includes funding for cost-of-living adjustments and noncontributory death benefits in the PERS and PFRS.

The Commission's contribution for pension expense for PERS and PFRS combined, for the years ended June 30, 2018, 2017, and 2016, amounted to \$97,269, \$100,153, and \$95,931, respectively.

Waterfront Commission of New York Harbor
Notes to Statement of Cash Receipts and Disbursements and
Changes in Fund Balance – Modified Cash Basis
June 30, 2018

(3) New York Retirement Plans

Plan Description

The Commission participates in the New York State Employees' Retirement System (ERS) and the New York State Policemen's and Firemen's Retirement System (PFRS). These are cost sharing multiple-employer retirement systems. The Systems provide retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law (NYSRSSL). As set forth in the NYSRSSL, the Comptroller of the State of New York serves as sole trustee and administrative head of the Systems. The Comptroller shall adopt and may amend rules and regulations for the administration and transaction of the business of the Systems and for the custody and control of their funds. The Systems issue a publicly available financial report that includes financial statements and required supplemental information. That report may be obtained by writing to the New York State and Local Retirement Systems, 110 State Street, Albany, New York 12244.

Funding Policy

The Systems are non-contributory except for (1) employees who joined the New York State and Local Employees' Retirement System on or after July 27, 1976, who contribute 3% of their salary for the first 10 years of membership and (2) employees who join on or after January 1, 2010, and police and fire personnel who join after January 8, 2010, will contribute at a rate from 3% to 6%, depending on the date they join and their annual wage, of their salary for their entire career. Under the authority of the NYSRSSL, the Comptroller shall certify annually the rates expressed as proportions of payroll of members, which shall be used in computing the contributions required to be made by employers to the pension accumulation fund.

The Commission is required to contribute at an actuarially determined rate. The required contributions for the current year and two preceding years were:

2018	\$ 823,647
2017	846,221
2016	832,728

The Commission's contributions made to the Systems were equal to 100% of the contributions required for each year.

Waterfront Commission of New York Harbor
Notes to Statement of Cash Receipts and Disbursements and
Changes in Fund Balance – Modified Cash Basis
June 30, 2018

(4) Lease Commitments

The Commission leases building and office facilities under non-cancelable leases. Total costs for such leases were \$1,025,925 for the year ended June 30, 2018.

The future minimum lease payments are as follows:

<u>Fiscal Year</u>	
2019	\$ 1,133,520
2020	1,161,003
2021	1,143,745
2022	983,087
2023	1,042,505
2024 and thereafter	<u>3,299,749</u>
	<u><u>\$8,763,609</u></u>

MEMBERS, OFFICERS AND DIRECTORS



MEMBERS

Ronald Goldstock/Paul Weinstein
Commissioner for New York

Michael Murphy
Commissioner for New Jersey

OFFICERS

Walter M. Arsenault
Executive Director

Phoebe S. Sorial
General Counsel

Meralis Lopez
Commission Secretary/Paralegal

DIVISION DIRECTORS

Constantine Miniotis
Chief of Police

Adam Cheung
Comptroller

Jeffrey R. Schoen
Director of Port Operations
& THEIC

Thomas Kapp
Director of Law, Licensing
& Employment
Information Centers

Richard Carbonaro
Director of Administration
and Audit

David Murillo
Director of Information
Technology

John G. Casey
Deputy Director of
Licensing/Prequalification
Coordinator

Jared Filus
Deputy Director of Audit
and Control

Daniel Ramirez
Director of Intelligence,
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Mark Winston
Deputy General Counsel

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