

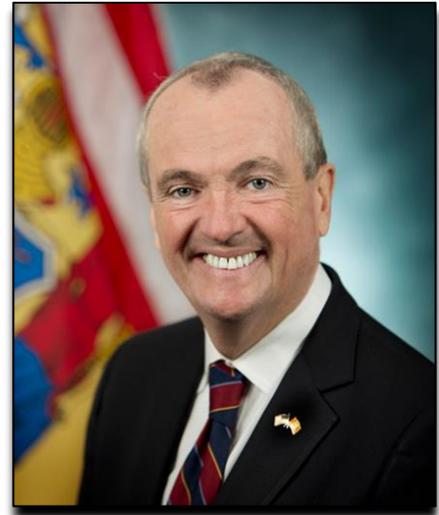
**WATERFRONT COMMISSION  
OF NEW YORK HARBOR  
ANNUAL REPORT**

**2018-2019**





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

**“When those involved in traditional organized crime engage in schemes such as loansharking and illegal gambling, they profit at the expense of victims who are struggling with debt, gambling problems, and other issues. . . By prosecuting the men who ran these schemes and putting key defendants behind bars, we send a message that we will not tolerate these corrosive criminal activities that harm individuals, families and society as a whole.”**

- New Jersey Attorney General Gurbir S. Grewal, announcing guilty pleas on May 1, 2019, in the Waterfront Commission’s joint investigation, “Operation Fistful”

I am pleased to present to you the 2018-2019 Annual Report of the Waterfront Commission of New York Harbor. This was a landmark year for the Commission, as we continued to employ innovative techniques and strategic approaches in carrying out our core mission 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.

On May 1, 2019, we proudly announced the guilty pleas of five members or associates of the Genovese crime family as part of our joint investigation, “Operation Fistful,” in which they were charged with racketeering for reaping millions of dollars in criminal profits through loansharking, illegal check cashing, gambling and money laundering in the Port district, including laundering of proceeds from narcotics trafficking. Likewise, the prosecution of the leadership of the Lucchese crime family in federal court was equally successful. A Lucchese associate pleaded guilty to attempted murder and conspiracy to commit murder, while a Lucchese soldier pleaded guilty to attempting to murder a federal witness. That case is of particular importance because of the Lucchese family’s continued influence in several New Jersey longshore locals, and its close connection with the Genovese crime family, which exerts control over the New Jersey and Manhattan piers.

As we have reported year after year, one of the most effective methods of combatting corruption and the influence of organized crime in the Port is to prevent individuals with prohibited organized crime associations from ever making it into the longshore workforce. In the past, before this agency’s revitalization ten years ago, applicants’ background checks generally consisted of a review of their criminal history records. Today, in screening prospective workers referred by the industry, we are employing

sophisticated intelligence techniques not only to detect prior criminality, but also to root out prohibited associations between prospective longshore candidates and organized crime figures and career criminals. This year, the Commission barred a number of union referrals with prohibited organized crime ties, or who fraudulently attempted to conceal their relationships with organized crime figures, from working on the waterfront. The names are once again distressingly familiar, and include members of the Genovese, Gambino, Lucchese, Bonanno, and Bruno-Scarfo organized crime families. What is particularly troubling is not only the increased number of mob-connected union referrals this year, but also their concerted efforts to fraudulently conceal their associations from the Commission during the application process.

In one of this year's most illustrative cases, the Commission barred a union referral from working on the waterfront after uncovering his prohibited associations with numerous organized crime figures, including notorious Gambino capo Anthony "Sonny" Ciccone, as well as a capo in the Bruno-Scarfo crime family, a soldier in the DeCavalcante crime family and various other Gambino crime family associates. Notably, the applicant's father, Anthony D. Pansini II, was a Gambino associate who pled guilty to facilitating Ciccone's control over the Brooklyn and Staten Island piers and, in particular, over International Longshoremen's Association, AFL-CIO (ILA) Local 1814 in a conspiracy to control the awarding of union jobs. In that highly-publicized case, Pansini was convicted, among other things, of extorting ILA Local 1814 on behalf of the Gambino crime family. Following his conviction, Pansini was placed on the "ILA Barred List," which is a list of individuals with whom ILA officers are barred from associating, pursuant to the ILA's Code of Ethics. **This year, the President of ILA Local 1814 sponsored Pansini's son, Anthony D. Pansini III, to be a longshoreman. He was allowed to "jump the line," and was referred by the union for employment ahead of 40 other prequalified union candidates.** In his application and sworn Commission interviews, Pansini's son failed to disclose numerous prohibited associations with organized crime figures, and denied having any knowledge of his father's involvement in organized crime or his highly-publicized conviction for extorting ILA Local 1814. He withdrew his application after he was charged by the Commission with 49 counts of violating the Waterfront Commission Act. **When questioned about his referral, the President of ILA Local 1814 – who was the one who actually signed off on Pansini's restitution payment as part of his federal sentence for extorting the local – claimed that he did not recognize the name, did not know that Pansini was on the ILA Barred List, and was unaware of the relationship when he referred his son for employment.**

In another notable case which demonstrates the Commission's highly specialized expertise in this area, we prevented yet one more ILA referral who was related to Genovese soldier Stephen Depiro from working in the Port after he fraudulently denied knowing anyone associated with organized crime. As we've reported year after year, Depiro – a former longshoreman and 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. He 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. Without the Waterfront Commission's oversight, Depiro and other organized crime figures repeatedly identified in our Reports 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 labor inefficiency, has long been a goal of organized crime.

Not only are we tirelessly working to prevent individuals with prohibited organized crime ties from joining the Port workforce, but we are continuing to remove current longshore workers for their prohibited organized crime associations. In a particularly notable case this year, a longshoreman surrendered his registration in the middle of the Commission's hearing against him after federal prison records were presented which firmly established his close association with a Lucchese underboss, as well as Genovese

crime family associate Thomas Leonardis, the former President of ILA Local 1235 who was convicted as part of the Commission's joint investigation for extortion conspiracy of rank and file union members. In that case, Leonardis admitted to collecting tribute payments – based on actual and threatened force, violence and fear – in a 35-year scheme on behalf of the Genovese crime family.

These cases continue to underscore the paramount importance of fair and transparent recruitment, referral and hiring methods for incoming Port workers. As we previously reported, it wasn't too long ago that the ILA had exerted total control over hiring on the waterfront for almost sixty years. No objective criteria or standards were used by the union in referring candidates to the Port employers, and the employers consequently lacked the necessary information to certify that the selection of waterfront employees was fair and nondiscriminatory. Since then, the Commission required that the ILA and New York Shipping Association, Inc., (NYSA) implement a hiring plan for deep-sea longshore workers. And, to address the continued discriminatory hiring of maintenance and repair workers who perform services incidental to the movement of waterborne freight, the Commission required waterfront employers to be active, accountable participants in that hiring process as well. The industry – including both union and management representatives – was not receptive to the perceived limiting effect of the Commission's reforms, and used every available means to challenge our diversity and inclusion requirements. They filed meritless lawsuits and when those lawsuits were dismissed, they lobbied for legislation to abolish the agency all together. The Commission, however, has remained undeterred in our efforts to ensure that everyone – not just those closely connected to union officials or organized crime figures – has access to Port employment.

This was another eventful year on the hiring front. In October, we were surprised to learn that the NYSA and ILA had adopted a completely new hiring plan for longshore workers. Unlike the plan which the Commission has previously accepted in 2013, the industry's new plan – which was finalized without any prior notice to, or input from, the Commission – no longer allocated any hiring percentages to military veterans. Instead, half of the new hires were allocated to NYSA referrals, and the other half to ILA referrals. In light of the continued corruption and lack of diversity among the membership of registered longshore workers in the various ILA locals, the Commission requested a modified plan that would increase diversity and ensure employment opportunities to qualified individuals. The Commission further advised that employers would be required to confer with the union about the recruitment, selection and referral of each union candidate, to ensure that (1) objective criteria and standards are being utilized by the union in referring individuals to the employers, (2) employer certifications are based on actual knowledge regarding the union's recruitment, selection and referral of each sponsored individual, and (3) the selection of each individual was, in fact, made in a fair and non-discriminatory manner.

The industry submitted a modified hiring plan on February 6, 2019, and the following day, requested that the Commission open the deep sea longshore worker's register for the addition of 538 longshore employees and 120 checkers. The Commission opened the deep sea register a week later, on February 14, 2019. We prequalified hundreds of prospective candidates and issued 173 registrations (152 longshore and 21 checkers) this year. We are continuing to monitor the industry's referral and hiring practices to ensure 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.

In addition to our fair hiring efforts, we are continuing to identify 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. The economic impact on the Port and the region is staggering. This year, we completed our third comprehensive survey since the issuance of our Special Report in 2012. Disturbingly, special compensation packages are continuing to increase, year after year. **This year, we identified 590 individuals receiving \$147,604,925.56 in outsized salaries not required by the industry's collective bargaining agreement and for hours they do not even have to be at the Port.**

As we reported last year, Paul Moe, Sr., the Port's fourth-highest paid special package longshoreman, was convicted for collecting much of his astonishing \$500,000 annual salary through fraud.

Moe was convicted of defrauding an NYSA marine terminal operator member out of hundreds of thousands of dollars. Just one week after Moe's conviction, the NYSA-ILA Employee Benefit Funds contacted his wife – a high school graduate who had not been 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.

The very same week that Moe was arrested, the industry submitted his grandson to be a longshoreman. Incredibly, citing contrived dire labor shortages – the industry actually enlisted the unwitting assistance of the New Jersey Governor's office in efforts to get Moe's grandson through the hiring system. **This year, the Commission's investigation revealed that when Moe's grandson was initially interviewed, the prospective employer's hiring committee unanimously agreed that he lacked the requisite skills and experience, and rejected him because he was unqualified for the position.** Three days later – without any apparent justification or change in circumstance – that rejection was inexplicably rescinded and he was offered the job. As part of the application process, the sponsoring employer subsequently certified to the Commission that Moe's grandson was selected in a fair and nondiscriminatory manner, and without any undue influence from the union. When the Commission interviewed company representatives under oath, however, they could not explain the reason for their sudden about-face, or why they would suddenly seek to hire someone who was found to be unqualified. Nor could they provide any information pertaining to the union's recruitment, selection and referral of Moe's grandson. Even the employer representative who signed the fair hiring certification letter candidly admitted that, notwithstanding her sworn assurances, she had no first-hand knowledge whatsoever pertaining to his employment. Pursuant to Section 5-p of the Waterfront Commission Act, the Commission prohibited Moe's grandson from entering the workforce. This case not only underscores the need for the Commission's continued oversight, but also the critical role Section 5-p.

On the litigation front, we saw a number of significant legal victories this year both in state and federal courts. The United States Court of Appeals for the Third Circuit affirmed the Commission's statutory authority to investigate an illegal work stoppage which shut down most of the Port for the better part of a day and, in particular, to question ILA officials about a walkout directed at the Commission for its purported "interference" in hiring. The New York State Supreme Court twice upheld the Commission's revocations based upon prohibited organized crime associations. And, on the other side of the river, the New Jersey Superior Court dismissed a 5 year lawsuit filed by the son of Pasquale Falcetti, Sr., a capo in the Genovese organized crime family who was convicted multiple times of extortion conspiracy and racketeering activities on the waterfront. His son sued the Commission in connection with the length of time it took to conduct its background investigation, and demanded immediate registration to work on the waterfront. That complaint was summarily dismissed. And, in a significant victory for both the Commission and the Port, the United States District Court for the District of New Jersey issued a permanent injunction enjoining New Jersey's unilateral withdrawal from the Waterfront Commission Compact.

This year, 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  
Executive Director

# ANNUAL REPORT

## FISCAL YEAR 2018-2019



**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 Jersey Commissioner Michael Murphy**

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-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 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**

This Division, headed by Director Brian F. Hannan, supervises the Telephonic Hiring Employment Information Center 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 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 four 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, thirty 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 Elizabeth. 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 William Kiely commands the New York office, Captain Margaret Baldinger commands the Brooklyn Field Office, and Captain Adolph Perez commands the Newark Field Office.

### **Intelligence**

This Division is led by Daniel Ramirez and staffed by four 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 hundreds of individuals requesting pre-qualification to fill the recent openings of 538 longshore workers and 120 checkers authorized pursuant to Commission Determination 44. This year, the Division also analyzed voluminous records produced by the terminal operators and the NYSA to identify hundreds of individuals who have been awarded “special deal” compensation packages in 2018.

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 hundreds of dossiers of known or suspected members of the Five Families of New York (Bonanno, Colombo, Gambino, Genovese and Lucchese) as well as the DeCavalcante and Bruno-Scarfo crime families. Additionally, the Division established liaison with the New York State Courts Department of Public Safety to share indications of the emergence of Sovereign Citizens within the Port of NY/NJ.

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 (MAGLOCLLEN); and the National White Collar Crime Center (NW3C) to promote professional development and stay abreast of emerging trends within the intelligence community. The Division added to this list the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC) to maintain awareness of the latest cyber security threats potentially affecting the Port of NY/NJ. 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, including: *Economic Crimes Investigation and Analysis*; *Gang Trends and Social Media Investigations*; and *Interviewing & Courtroom Testimony*.

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. Additionally, the Division attended cyber related workshops hosted by the NYC Chief Information Security Officer in August 2018, and April 2019 to identify cyber threats and vulnerabilities that could potentially affect the NYC metropolitan area. Attendees included the Department of Homeland Security, the Department of Defense, United States Cyber Command, the United States Army Reserve, the Marine Reserve, New York State, the New York National Guard, and the Army Cyber Institute.

### **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 11 payroll audits, 13 compliance audits, and 2 special investigations.

### **Information Technology**

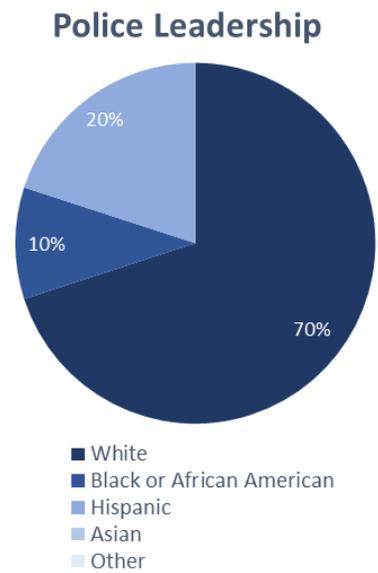
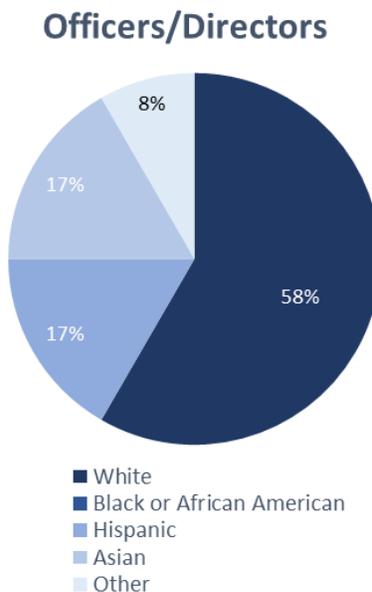
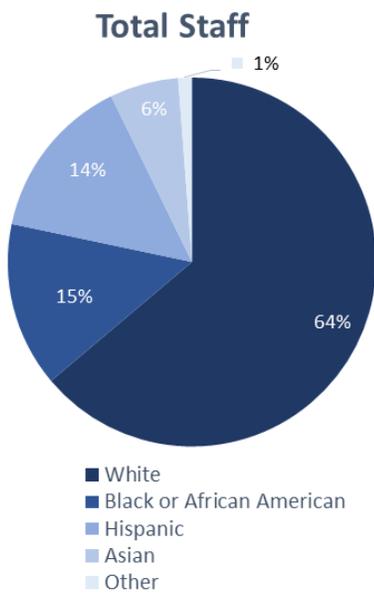
This Division, headed by David Murillo, is responsible for the development and implementation of the Commission's technological systems, maintenance of its infrastructure, and the security and functionality of its systems overall. The Division also provides the Commission's Police, Intelligence Divisions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

This year, the Division focused on cloud-based storage and recovery solutions in its ongoing effort to safeguard the Commission's continuity of operations. The Division also continued 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.

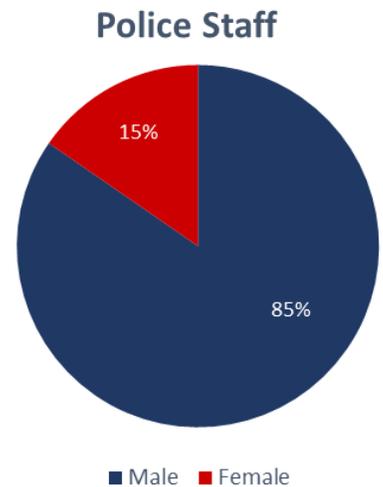
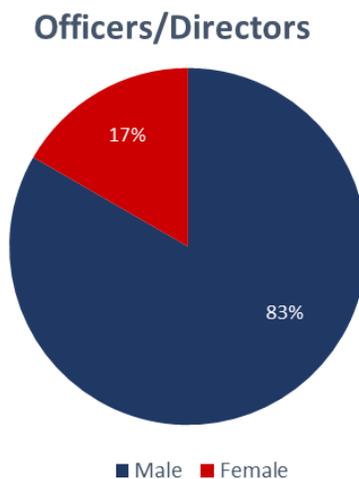
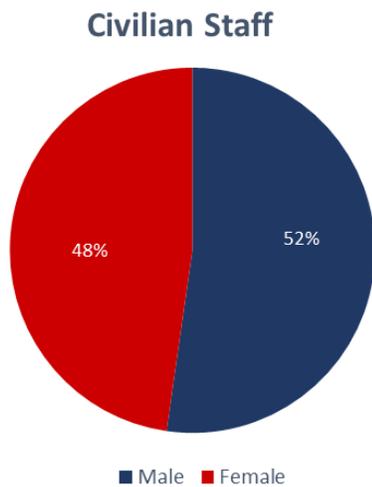
## DIVERSITY AND INCLUSION IN THE COMMISSION'S WORKFORCE

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 previously reported over the past several years, the Commission has steadily reduced its assessment rate from the maximum 2%. This year, the Commission again reduced its assessment rate, this time to 1.84%. 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 had a record surplus of \$4.0 million compared to \$983,000 budget surplus, exceeding the budget plan by \$3.0 million. After transferring \$3.2 million to the reserves, \$795,000 surplus was carried forward to FY 2019-2020. With another annual transfer to the postretirement benefit reserve, the unfunded Other Postemployment Benefits (OPEB) liability was further reduced to only 12% of the total accrued OPEB liability. The Commission closed the fiscal year ended June 30, 2019 with a fund balance of \$6.3 million.

FY 2018-2019 cash receipts were \$17.0 million, \$2.1 million (+14%) above budget and \$1.3 million (+8%) above last year. The 9% increase in quarterly assessments (+\$1.3 million) from last year reflected the growth (+6%) of the port activities between April 2018 and March 2019 and rise in labor cost per TEU. The increase in assessable wages was slightly offset by the reduction of assessment rate from 1.85% to 1.84% effective July 1, 2018.

This year, the Commission's spending was once again under budget. FY 2018-2019 cash expenditures were \$13.0 million, creating savings of \$929,000 primarily from regular payroll (\$692,000), group health insurance (\$97,000), travel (\$86,000), and various line items (\$54,000). The average headcount was 81, which was 10% below budget. The annual average staff size was at the lowest level since its creation in 1953.

## PORT STATISTICS

During calendar year 2018, the Port of New York-New Jersey, the Eastern seaboard's busiest port, handled 41,297 thousands of metric tons of waterborne cargo valued at \$ 188,127 million. The tonnage increased by 6.2 % and the dollar value increased by 7.6 % over 2017.

For 2018, 7,179,788 container units passed through the port, an increase of 7.0 % over 2017. For the same 2018 period, 573,035 vehicles were imported or exported, a decrease of 0.7% over the prior year.

The Port's leading waterborne general cargo exports for the year 2018 (as calculated in metric tons) were wood pulp, wood and articles of wood, and plastics. The leading general cargo imports (also in metric tons) were beverages, plastics and machinery parts. The largest containerized cargo volumes for import were furniture, machinery and appliances, plastics, and beverages. The largest containerized cargo volumes for export were wood pulp, vehicle parts, plastics, wood and articles of wood.

On June 30, 2019, the conclusion of the Commission's fiscal year, registered and licensed dock workers totaled 5,602 broken down into the following categories:

<b>2019</b>	<b>#</b>
"Deep Sea" Longshore Workers	<b>2208</b>
Special Craft	<b>122</b>
Checkers	<b>675</b>
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.	<b>2408</b>
Port Watchmen	<b>360</b>
Hiring Agents	<b>94</b>
Pier Superintendents	<b>387</b>
Telecommunications System Controllers	<b>8</b>
Longshore workers were decasualized by the Commission for failure to meet minimum work requirements in FY 2018-2019	<b>25</b>
Companies licensed as stevedores, (including 15 with permanent licenses), who have contracts or arrangements to move waterborne freight or to perform services incidental to the movement of waterborne freight.	<b>46</b>

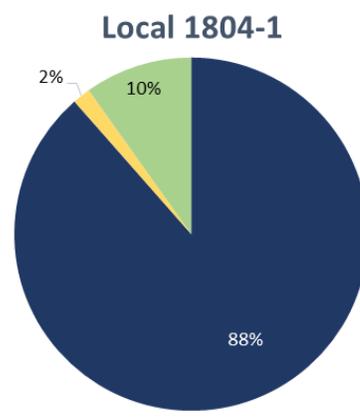
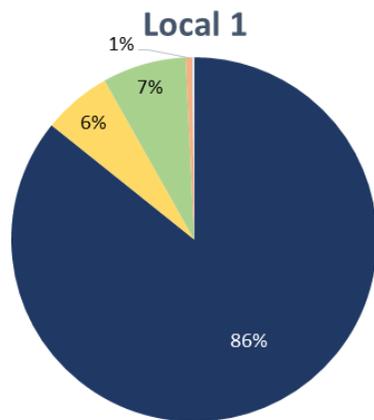
## DIVERSITY AND INCLUSION IN THE PORT WORKFORCE

Since its revitalization ten years ago, 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 International Longshoremen’s Association 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	579	85.8%	41	6.1%	50	7.4%	4	0.6%	1	0.1%	675
1233	64	8.0%	682	85.6%	42	5.3%	3	0.4%	6	0.8%	797
1235	621	71.1%	33	3.8%	204	23.4%	5	0.6%	10	1.1%	873
1814	88	67.7%	24	18.5%	15	11.5%	0	0.0%	3	2.3%	130
1588	229	65.6%	65	18.6%	47	13.5%	3	0.9%	5	1.4%	349
920	144	84.2%	14	8.2%	10	5.8%	3	1.8%	0	0.0%	171
824	62	80.5%	7	9.1%	5	6.5%	2	2.6%	1	1.3%	77
1804-1	108	88.5%	2	1.6%	12	9.8%	0	0.0%	0	0.0%	122
<b>Total</b>	<b>1895</b>	<b>59.3%</b>	<b>868</b>	<b>27.2%</b>	<b>385</b>	<b>12.1%</b>	<b>20</b>	<b>0.6%</b>	<b>26</b>	<b>0.8%</b>	<b>3194</b>

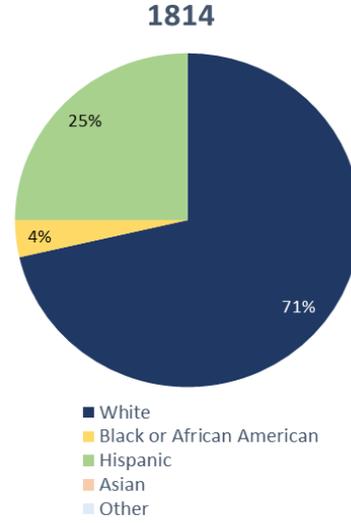
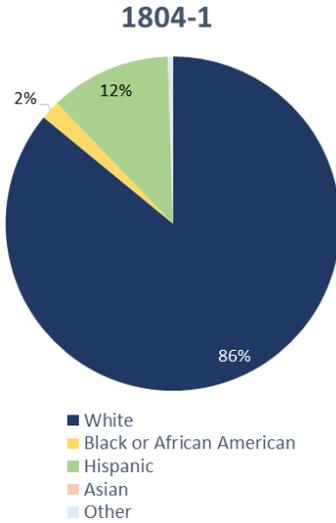


- White
- Black or African American
- Hispanic
- Asian
- Other

## MAINTENANCE WORKERS/MECHANICS - DIVERSITY

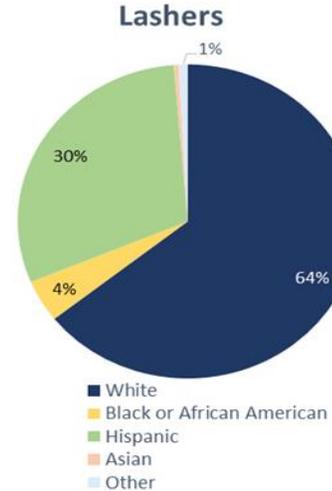
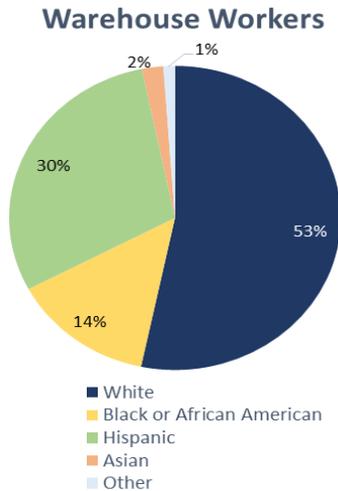
	White		Black/African American		Hispanic		Asian		Other		Total
	#	%	#	%	#	%	#	%	#	%	
<b>ILA Local</b>											
1804-1	832	86.0%	18	1.9%	113	11.7%	1	0.1%	4	0.4%	968
1814	40	71.4%	2	3.6%	14	25.0%	0	0.0%	0	0.0%	56
<b>Total</b>	<b>872</b>	<b>85.2%</b>	<b>20</b>	<b>2.0%</b>	<b>127</b>	<b>12.4%</b>	<b>1</b>	<b>0.1%</b>	<b>4</b>	<b>0.4%</b>	<b>1024</b>

**GENDER: 1 FEMALE OUT OF 1,024 MAINTENANCE WORKERS/MECHANICS**



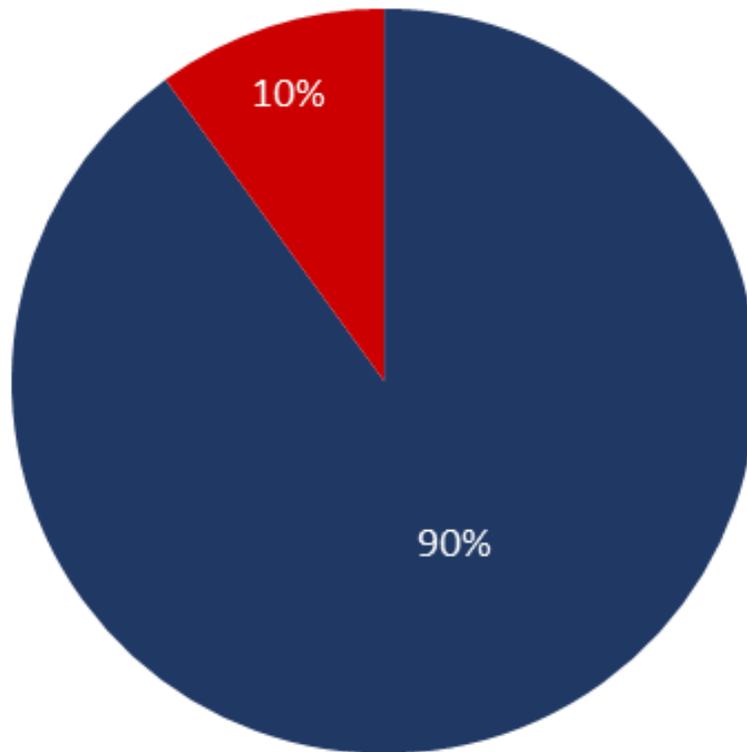
## WAREHOUSE WORKERS/LASHERS – DIVERSITY

	White		Black/African American		Hispanic		Asian		Other		Total
	#	%	#	%	#	%	#	%	#	%	
<b>Category</b>											
Warehouse workers	615	53.3%	161	14.0%	341	29.5%	24	2.1%	13	1.1%	1154
Lashers	148	64.3%	10	4.3%	69	30.0%	1	0.4%	2	0.9%	230
<b>Total</b>	<b>763</b>	<b>55.1%</b>	<b>171</b>	<b>12.4%</b>	<b>410</b>	<b>29.6%</b>	<b>25</b>	<b>1.8%</b>	<b>15</b>	<b>1.1%</b>	<b>1384</b>



## DEEP SEA LONGSHORE WORKERS – GENDER

Union Local	Male		Female		Not Identified		Total
	#	%	#	%	#	%	
Local 1	574	85.0%	101	15.0%	0	0.0%	675
1233	682	85.6%	115	14.4%	0	0.0%	797
1235	819	93.8%	54	6.2%	0	0.0%	873
1814	126	96.9%	4	3.1%	0	0.0%	130
1588	319	91.4%	30	8.6%	0	0.0%	349
920	161	94.2%	10	5.8%	0	0.0%	171
824	72	93.5%	5	6.5%	0	0.0%	77
1804-1	122	100.0%	0	0.0%	0	0.0%	122
<b>Total</b>	<b>2875</b>	<b>90.0%</b>	<b>319</b>	<b>10.0%</b>	<b>0</b>	<b>0.0%</b>	<b>3194</b>



■ 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 November 15, 2018 and May 21, 2019, 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 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 have been closely monitoring their referral and hiring practices to ensure compliance. And, 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.

On October 4, 2018, the Commission was advised by NYSA-ILA Contract Board that future additions to the longshore workforce would be recruited, referred, selected and sponsored in accordance with the terms of a NYSA-ILA hiring plan which was adopted in September 2018. **Unlike the prior plan which the Commission had accepted, this plan no longer allocated hiring percentages to Military Veterans.** Instead, the new plan provided that the NYSA and ILA would each recruit and refer applicants for new jobs in the industry, and that half of the new hires shall be selected from the NYSA pool and half of the new hires shall be selected from the ILA pool. After extended discussions between the Commission and industry representative, the NYSA-ILA Contract Board agreed to modify its plan to increase diversity and to ensure employment opportunities to qualified individuals, and submitted an amended plan.

Under that plan:

- (1) 50% of the new hires will be selected from the ILA pool which shall be recruited from rank-and-file longshore workers, from the Executive Boards of ILA locals, from other labor unions, from vocational and technical schools, and from community based organizations;
- (2) 20% of the new hires will consist of individuals from the NYSA pool who are members of U.S. military service organizations, including veterans and individuals who served in the U.S. Reserves or National Guard for a minimum of (3) years;
- (3) 20% of the new hires will consist of individuals recruited by NYSA from the employment offices of the New York and New Jersey Departments of Labor, in Essex County, Hudson County and Union County in the State of New Jersey, and New York County, Richmond County, Queens County and Kings County in New York;
- (4) 10% of the new hires will consist of individuals recruited by NYSA from job/career fairs, vocational and technical schools, colleges and community-based organizations, and from referrals made by managerial employees of NYSA and its members;

**The ILA specifically excluded military veterans from among its designated referral sources, and indicated that the union would not be actively recruiting from veterans.** Commission representatives questioned (1) whether the ILA employs objective criteria and standards when recruiting, selecting and referring individuals to the NYSA, and (2) whether the employers would be able to knowledgeably certify that individuals referred by the ILA were selected in a fair and nondiscriminatory manner. We pointed to the ILA's demonstrated past practice of exclusively referring friends and family of ILA members and officials, and questioned whether qualified candidates who went to the ILA locals to apply for Port employment would even be given the opportunity to apply if they had no union ties.

The ILA indicated that they generally consider: (1) current Port employment (e.g., warehouse workforce), (2) residence, (3) skills/qualifications, (4) referral source, (5) order of application (i.e., first-come first-served), (6) level of enthusiasm/interest, and (7) evaluations from NYSA re qualifications. Notwithstanding the ILA's representations that it would make a diligent effort to follow these criteria, Commission representatives advised that since the employers would be submitting certifications, they would have to affirmatively conduct some measure of due diligence for each sponsored individual. Prior to accepting the proposed hiring plan, the Commission advised the NYSA-ILA Contract Board that going forward, employers would have to disclose the information that they received from the ILA regarding each individual's recruitment, selection and referral.

The Commission also sought and received assurances from the ILA that even though the ILA locals have no affirmative obligation to actively recruit veterans under the new hiring plan: (1) the locals will accept as union referrals veterans who come to the locals' offices seeking employment in the industry; (2) in the event a local's list is already filled, and in order to afford an opportunity for the hiring of veterans, the locals shall refer these veterans to NYSA for consideration for open positions; (3) should these veterans be hired, they will be considered NYSA referrals under the hiring plan; and (4) upon request, the ILA locals shall provide proof that a locals' list was in fact filled at the time the application was referred to the NYSA.

## **DEEP SEA LONGSHORE WORKERS – EARNINGS**

During FY 2018-2019, deep-sea longshore workers (including checkers and special craft) were paid \$642,790,329.89, 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 New York Shipping Association, Inc., do not include additional container royalty payments.

<b>EARNINGS RANGE</b>	<b># OF WORKERS</b>
Over \$450,000	<b>17</b>
\$400,000 to \$450,000	<b>41</b>
\$350,000 to \$400,000	<b>86</b>
\$300,000 to \$350,000	<b>188</b>
\$250,000 to \$300,000	<b>364</b>
\$200,000 to \$250,000	<b>667</b>
\$150,000 to \$200,000	<b>800</b>
\$100,000 to \$150,000	<b>771</b>
\$75,000 to \$100,000	<b>250</b>
\$50,000 to \$75,000	<b>191</b>
\$25,000 to \$50,000	<b>102</b>
Below \$25,000	<b>137</b>

## **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.”

<b>EARNINGS RANGE</b>	<b># OF WORKERS</b>
Over \$450,000	<b>7</b>
\$400,000 to \$450,000	<b>10</b>
\$350,000 to \$400,000	<b>18</b>
\$300,000 to \$350,000	<b>29</b>
\$250,000 to \$300,000	<b>69</b>
\$200,000 to \$250,000	<b>193</b>
\$150,000 to \$200,000	<b>324</b>
\$100,000 to \$150,000	<b>380</b>
Below \$100,000	<b>242</b>

## **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.”

<b>EARNINGS RANGE</b>	<b># OF WORKERS</b>
Over \$450,000	<b>0</b>
\$400,000 to \$450,000	<b>0</b>
\$350,000 to \$400,000	<b>0</b>
\$300,000 to \$350,000	<b>0</b>
\$250,000 to \$300,000	<b>0</b>
\$200,000 to \$250,000	<b>1</b>
\$150,000 to \$200,000	<b>10</b>
\$100,000 to \$150,000	<b>47</b>
Below \$100,000	<b>954</b>

## **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 identified over 590 individuals who collectively received over \$147.6 million last year in outsized salaries, or for hours they never worked. The chart below illustrates the number of highest paid workers.

<b>EARNINGS RANGE</b>	<b># OF WORKERS</b>
Over \$500,000	<b>6</b>
\$450,000 to 500,000	<b>17</b>
\$400,000 to \$450,000	<b>45</b>
\$350,000 to \$400,000	<b>61</b>
\$300,000 to \$350,000	<b>81</b>
\$250,000 to \$300,000	<b>79</b>
\$200,00 to \$250,000	<b>59</b>

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 packages were memorialized in the applicable collective bargaining agreements. Rather than eliminate or cap them, the NYSA and ILA instead negotiated a 2013 Memorandum of Settlement of Local Conditions in the Port of New York-New Jersey, which guarantees special 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 2018-2019 COMMISSION ACTION ON ADMINISTRATIVE PROCEEDINGS:  
PETITIONS, APPLICATIONS AND REVOCATIONS/SUSPENSIONS**

**Petitions**

<b>Petition Type</b>	<b>Denied</b>	<b>Granted</b>
For Reconsideration	0	0
For Leave to Reapply	1	0
For Rehearing	0	0
To Withdraw	0	11
To Remove Ineligibility	1	1
For Restoration	1	2
To Vacate Temporary Suspension	0	2
For Retention of Reinstatement	5	1
For Stay	0	0
To Surrender Registration	0	5
To Amend Determination	0	3
<b>Total</b>	<b>1</b>	<b>25</b>

**Applications for Licensure/Registration**

<b>Application Type</b>	<b>Denied</b>	<b>Granted</b>
Longshoreperson	3	0
Checker	0	0
Hiring Agent	0	0
Security Officer	2	0
Pier Superintendent	1	0
Stevedore	0	1
A – Register LS	2	0
Dispatcher (T.S.C.)	0	0
<b>Total</b>	<b>8</b>	<b>1</b>

**Suspension/Revocation Proceedings**

<b>Type of License or Registration</b>	<b>Revoked</b>	<b>Revoked w/ Leave to Reapply</b>	<b>Continue Temp. Prob. Registration</b>	<b>Suspended*</b>
Longshoreperson (LS)	0	1	3	11
Checker	0	1	1	1
Hiring Agent	0	0	0	0
Security Officer	0	0	0	1
Pier Superintendent	0	0	0	1
Stevedore	0	0	0	0
A – Register LS	0	2	2	9
Dispatcher (T.S.C.)	0	0	0	0
<b>Total</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>23</b>

\* Includes summary proceedings and informal hearings



## THE YEAR IN REVIEW

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

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

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



## SIGNIFICANT CASES

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



Frank Ferrara

Pasquale Falcetti  
Genovese Capo

Carmine Della Cava  
Genovese Soldier

Andrew Gigante  
Genovese Associate



**August 7, 2018 – Terminal Maintenance Worker Suspended After Arrest for Aggravated Assault.** The Commission temporarily suspended terminal maintenance worker Frankie Fawcett, of Brick Township, New Jersey, pending the outcome of an administrative hearing related to a recent arrest. Fawcett had been employed at Port Newark Maintenance and Repair, LLC. On July 12, 2018, in Brick Township, police arrested Fawcett for aggravated assault, a crime of the third degree. The Waterfront Commission’s Notice of Hearing alleges that Fawcett punched the victim in her face, resulting in a broken orbital bone and fractured jawbone. Fawcett also allegedly grabbed the victim in a “bear hug,” causing her to suffer a fractured rib. Fawcett allegedly committed these acts of violence after two occasions when the Waterfront Commission sanctioned him for, among other charges, submitting positive or diluted drug tests. The Notice of Hearing charges that Fawcett’s presence at the piers or other waterfront terminals in the port of New York district represents a danger to the public peace or safety.

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



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

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

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



**September 14, 2019 – Lucchese Associate Pleads Guilty To Attempted**

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

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

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

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



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

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

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





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

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

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

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

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

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

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

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

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

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



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

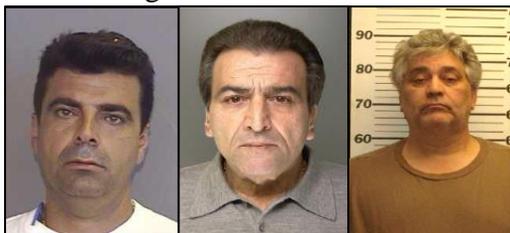
**October 23, 2018 - Warehouse Application Denied for Fraud, Deceit or Misrepresentation.** The Commission denied the application of James Guarino of Springfield, New Jersey, for a registration as a warehouseman following a hearing before an Administrative Law Judge. Guarino was sponsored for employment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

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



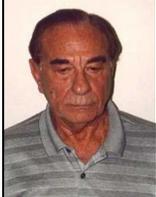
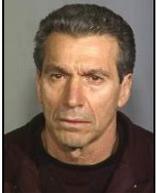
James Guarino                      Vito Alberti                      Ronald Reino  
Genovese Soldier                      Genovese Soldier

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



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

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



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

Lavignani is now barred from working on the waterfront.

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

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



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

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

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



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

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

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

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



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

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



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

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

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

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



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

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

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



Michielangelo Palumbo      John Riccobono  
Gambino Soldier



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

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

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

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

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



Joseph Ferdico      John Castellucci      Anthony Calabrese  
Lucchese Capo      Bonanno Soldier

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

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

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

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

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

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

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

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

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

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



John S. Riccobono

Joseph Juliano  
Gambino Capo

Vincent Romano  
Gambino Soldier

John Riccobono  
Gambino Soldier

Sam Riccobono  
Gambino Soldier

Ronald Ferrari  
Gambino Associate

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

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

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

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

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

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



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

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

## SIGNIFICANT LITIGATION

### **New Jersey Superior Court Dismisses Applicant's Lawsuit Against the Commission Alleging Delays/Discrimination**

On May 23, 2019, the Superior Court, Essex County granted the Commission's motion for summary judgment, dismissing the amended complaint of Pasquale Falcetti, Jr. As previously reported, Falcetti, Jr. alleged that the Commission had unreasonably delayed the processing and investigation of his application for registration as a maintenance man. He demanded immediate registration as a maintenance man, and 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. In dismissing Falcetti, Jr.'s complaint, the court found that the Waterfront Commission did not breach any of its statutory obligations, and that Falcetti, Jr. could not otherwise support any of the causes of action set forth in his complaint. The trial court similarly dismissed his argument that the length of the Commission's investigation of his application was in any way unreasonable. The court held that "The process was [followed]. It took over two years and it was withdrawn. And . . . there's nothing in the act or the regulations that require the Commission to process an application within a specific time period." *Falcetti v. Waterfront Commission of New York Harbor et al.*, ESX-L-3916-14 (Law Div.)

### **United States District Court for the District of New Jersey Issues Permanent Injunction Enjoining Unilateral Withdrawal From the Bi-State Waterfront Commission Compact**

On May 29, 2019, the United States District Court for the District of New Jersey issued a permanent injunction enjoining New Jersey's unilateral withdrawal from the Waterfront Commission Compact. On January 15, 2018, former New Jersey Governor Chris Christie, on his last day in office, signed legislation which purports to abolish the Commission and transfer its operations in New Jersey to the New Jersey State Police. Governor Christie had previously vetoed a virtually identical bill, and acknowledged in his veto statement that it was unconstitutional and that federal law does not permit one state to unilaterally withdraw from a bi-state compact approved by Congress. The Commission commenced an action the following day, naming newly elected Governor Phil Murphy in his official capacity as the sole defendant, in the United States District Court for the District of New Jersey. The Commission's complaint sought, among other things, an injunction to prevent the Governor from implementing the bill. Shortly thereafter, the State Senate and Assembly and their respective leaders intervened in the lawsuit. After successfully obtaining a preliminary injunction, the Commission was subsequently granted summary judgment, permanently enjoining the dissolution and damage to the agency. 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. Because the Act's unilateral directives unambiguously conflict with the Compact's concurrency requirement, Plaintiff's motion for summary judgment is granted and Defendants' cross motions for summary judgment are denied." The court also rejected New Jersey's contention that the Commission lacked the power and authority to bring the litigation. Defendants have appealed that decision, and that matter is currently pending in the United States Court of Appeals for the Third Circuit.

**United States Court of Appeals for the Third Circuit Affirms Dismissal of  
Lawsuit Filed by ILA Officials Against the Waterfront Commission  
Challenging Subpoenas in Connection with Port Walkout Investigation**

On May 30, 2019, the United States Court of Appeals for the Third Circuit affirmed the district court's dismissal of the complaint filed by Harold Daggett, Dennis Daggett, Wm. Bernard Dudley, Richard Suarez, James McNamara and David Cicalese. The ILA officials had sought to quash Commission subpoenas relating to its investigation of a January 2016 work stoppage by longshore and maintenance workers in the Port. That work action 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, 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." On appeal, the ILA plaintiffs maintained that the Commission's issuance of subpoenas limits their right to strike and has a chilling effect on future strikes. In affirming the district court's decision, the Third Circuit reiterated that this provision is not absolute and that collective bargaining rights cannot supersede the Commission's supervisory role regarding practices that might lead to corruption.

## MATTERS OF SPECIAL INTEREST

### **Determination 44: The Commission Opens the Deep Sea Longshore Worker's Register for the Inclusion of 658 Longshore Workers**

By letter received on February 7, 2019, the NYSA-ILA Contract Board requested, pursuant to Section 5-p of the Waterfront Commission Compact, that the Commission open the deep sea longshore worker's register for the addition of 538 longshore employees and 120 checkers to fill current shortages due to volume growths in the Port and to replace the expected retirements of longshore employees and checkers who will be leaving the industry in April 2019. The NYSA and ILA advised that new additions to the longshore workforce will be recruited, referred and selected in accordance with the terms of their amended hire plan which, as discussed earlier in this Report, provides that:

- 50% of the new hires will be selected from the ILA pool which shall be recruited from rank-and-file longshore workers, from the Executive Boards of ILA locals, from other labor unions, from vocational and technical schools, and from community based organizations; and
- 20% of the new hires will consist of individuals from the NYSA pool who are members of U.S. military service organizations, including veterans and individuals who served in the U.S. Reserves or National Guard for a minimum of (3) years;
- 20% of the new hires will consist of individuals recruited by NYSA from the employment offices of the New York and New Jersey Departments of Labor, in Essex County, Hudson County and Union County in the State of New Jersey, and New York County, Richmond County, Queens County and Kings County in the State of New York; and
- 10% of the new hires will consist of individuals recruited by NYSA from job/career fairs, vocational and technical schools, colleges and community-based organizations, and from referrals made by managerial employees of NYSA and its members.

**The ILA specifically excluded military veterans from among its designated referral sources, and indicated that the union would not be actively recruiting from veterans.** After consulting with industry representatives, the Commission convened a Special Session and opened the deep sea register a week later, on February 14, 2019.

## 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 2018-2019, the Law Division hosted interns and post-graduate fellows who attended Brooklyn, Cardozo, CUNY, Fordham, Georgetown, Hofstra, NYU, Roger Williams, Rutgers (Newark campus), and Tulane law schools. The Law and Intelligence Divisions also hosted undergraduate and master's degree students who attended American University, Binghamton University, Columbia University, Cornell University (School of Industrial and Labor Relations), Farmingdale State College, and John Jay College of Criminal Justice. In the summer, the Waterfront Commission also hosted students selected through the Thurgood Marshall Internship Program of the New York City Bar Association, which places New York City high school students with legal employers. 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.



### Summer 2018 Law Interns:

(L to R): Zoë Waldman, Matthew Dorfman, Nick Harper, Ross Toback, Rebecca Zeldin, Not Pictured: Dana Kennedy



### Summer-Fall 2018 Law Interns:

Back (L to R): Emily Gubin, Matthew Dorfman, Kathleen McGreal  
Front (L to R): Chantal Kwade, Oliver Lee, Katherine Screen

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*“Helping the government regulatory agency fight organized crime and unfair hiring practices was a dream come true for me. I’ve known that I wanted to be a lawyer since middle school, so this experience was life-changing.”*

*– Matthew Dorfman (Binghamton '20)*

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**Fall 2018 Law Interns and Post-Graduate Law Fellows:**

Left photo - Back (L to R): John Meyer, Chantal Kwade, Boyeon Jin; Front (L to R): William Winnick, Jhonattan Gonzalez  
Right photo (L to R): Khalil Huey, Stephanie Goldberg Rodikli

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*“The tasks that I performed during my internship allowed me to take what I have learned in law school and apply it in real world environment. Moreover, I developed interpersonal and problem solving skills through the assignments I had during the internship. Moving forward, I will take everything I learned during my internship at the Waterfront Commission and use it in my future endeavors.”*

*– Jhonattan Gonzalez (Rutgers Law '20)*

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**Winter 2018-2019 Law/Intelligence Interns**

Left photo (L to R): David Leynov, Mika Forman-Yossifov, Amy Eng, Melissa Felder, Irene Hartmann

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*“At the Waterfront Commission, I felt that I had many opportunities to truly learn about public sector law, and interact with a variety of attorneys in a meaningful manner. Through observing interviews and hearings, I feel that I have a stronger understanding of what an attorney may do on any given day....Once again, this internship has become one of my absolute favorite professional experiences.”*

*– Amy Eng (Cornell, School of Industrial and Labor Relations '21)*

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**Spring 2019 Law/Intelligence Interns and Post-Graduate Law Fellows:**

Upper left - Back (L to R): Michael Rosenberg, Chantal Kwade, Gina Gazivoda; Front (L to R): Ivan Cody Jr., Marco Collemi, Natalie Fisher  
 Upper right (L to R): Torie Rose DeGhett, Rossana Moussa, Simran Mohan  
 Lower left (L to R): Thomas Fisk, Yiwei (Nikol) Tang, Alex Cheng, Maria Nieto  
 Lower right – Back (L to R): Hannah Polakowski, Chantal Kwade; Front: Khalil Huey

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*“My time with the Commission has been incredible. I was able to witness more hearings in my two months at the Commission than I had in any of my other placements throughout law school. I gained further insights into the process by which government agencies pursue administrative actions.... And most importantly, I completed work that I felt mattered in keeping the waterfront safe.”*

*– Khalil Huey (Brooklyn Law '18)*

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**Summer 2019 Law/Intelligence Interns:**

Back row (L to R): Graig Sammis, Lorraine Ricco, Tal Edri, Courtney Woodards, Taylor Gorman  
Front row (L to R): Bryan Cheah, Jose Gerez, Brandon Galperin, Michael Gorodetsky



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*“This place is truly unique and I can see how passionate everyone here is to perform to the best of their ability and do what is right. I became interested in this internship because I want to work in public service and working here has made me more eager to pursue that passion.”*

*– Jose Gerez (Binghamton '20)*

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# ANNUAL FINANCIAL REPORT

## WATERFRONT COMMISSION OF NEW YORK HARBOR

FOR THE FISCAL YEAR ENDED JUNE 30, 2019

**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, 2019**

	<u>Actual</u>	<u>Budget</u>	<u>Favorable / (Unfavorable) Variance</u>	
<b>RECEIPTS</b>				
Assessments	16,830,290	\$ 14,940,000	\$ 1,890,290	13%
Dividend and interest income	96,572	10,000	86,572	N/A
Overtime reimbursements	55,400	-	55,400	N/A
Insurance recovery	34,286	-	34,286	N/A
Other	16,228	-	16,228	N/A
Total receipts	<u>17,032,776</u>	<u>14,950,000</u>	<u>2,082,776</u>	14%
<b>DISBURSEMENTS</b>				
<i>Personal Services</i>				
Regular payroll	6,969,184	7,660,963	691,779	9%
Overtime payroll	117,945	85,000	(32,945)	-39%
Group health insurance	1,340,059	1,437,552	97,493	7%
Workers' compensation insurance	210,748	229,000	18,252	8%
Employer taxes	539,356	599,000	59,644	10%
Pension costs	905,912	947,000	41,088	4%
Subtotal - salaries and benefits	<u>10,083,204</u>	<u>10,958,515</u>	<u>875,311</u>	8%
Outside auditors, consultants and counsels	273,159	111,000	(162,159)	-146%
Administrative judges, transcript and other	88,834	109,000	20,166	19%
Subtotal - professional services	<u>361,993</u>	<u>220,000</u>	<u>(141,993)</u>	-65%
Total personal services	<u>10,445,197</u>	<u>11,178,515</u>	<u>733,318</u>	7%
<i>Other Than Personal Services</i>				
Office rentals	1,063,776	1,072,460	8,684	1%
Utilities	91,849	115,300	23,451	20%
General insurance	652,983	667,100	14,117	2%
Travel and automobile	253,087	339,070	85,983	25%
General office	68,427	80,420	11,993	15%
Communications	141,825	173,480	31,655	18%
Special supplies	166,697	157,325	(9,372)	-6%
Information system	108,264	110,000	1,736	2%
Repairs and maintenance	24,645	35,000	10,355	30%
Printing	6,756	8,600	1,844	21%
Furniture and equipment	8,912	10,600	1,688	16%
Continuing education	5,001	19,030	14,029	74%
Total other than personal services	<u>2,592,222</u>	<u>2,788,385</u>	<u>196,163</u>	7%
Total disbursements	<u>13,037,419</u>	<u>13,966,900</u>	<u>929,481</u>	7%
<b>Excess of Receipts over Expenditures</b>	<u><b>3,995,357</b></u>	<u><b>983,100</b></u>	<u><b>3,012,257</b></u>	306%
Transfer to Reserves	(3,200,000)	-	3,200,000	N/A
<b>NET CHANGE IN FUND BALANCE</b>	<u><b>795,357</b></u>	<u><b>983,100</b></u>	<u><b>(187,743)</b></u>	-19%
<b>FUND BALANCE, July 1, 2018</b>	<u><b>5,534,549</b></u>	<u><b>5,534,549</b></u>	<u><b>-</b></u>	0%
<b>FUND BALANCE, June 30, 2019</b>	<u><b>\$ 6,329,906</b></u>	<u><b>\$ 6,517,649</b></u>	<u><b>\$ (187,743)</b></u>	-3%

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, 2019

(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, 2019

(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 7.50% and 10% respectively through June 30, 2019, 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, 2019, 2018, and 2017, amounted to \$101,198, \$97,269, and \$100,153, 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, 2019

(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:

2019	\$ 803,157
2018	823,647
2017	846,221

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, 2019

(4) Lease Commitments

The Commission leases building and office facilities under non-cancelable leases. Total costs for such leases were \$1,063,776 for the year ended June 30, 2019.

The future minimum lease payments are as follows:

<u>Fiscal Year</u>	
2020	\$ 1,161,003
2021	1,143,745
2022	983,087
2023	1,042,505
2024 and thereafter	<u>3,299,749</u>
	<u>\$ 7,630,089</u>

# MEMBERS, OFFICERS AND DIRECTORS



## MEMBERS

**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

**Brian Hannan**  
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,  
Security and Operational  
Continuity

## OFFICES



### **PRINCIPAL OFFICE**

39 Broadway - 4<sup>th</sup> Floor  
New York, New York 10006  
Telephone: (212) 742- 9280

### **LICENSING & EMPLOYMENT INFORMATION CENTERS**

#### **New York:**

39 Broadway- 4<sup>th</sup> Floor  
New York, New York 10006  
Telephone: (212) 742-9280  
Fax: (212) 905-9249

#### **New Jersey:**

1201 Corbin Street  
Elizabeth, New Jersey 07201  
Telephone: (973) 344-1803  
Fax: (973) 532-6891

### **TELECOMMUNICATIONS HIRING EMPLOYMENT INFORMATION CENTER:**

333 Thornall Street, 3<sup>rd</sup> Floor, Suite 303  
Edison, New Jersey 08837  
Telephone: (732) 321-9293  
Fax: (732) 321-0301

### **POLICE FIELD OFFICES**

#### **Headquarters:**

39 Broadway – 4<sup>th</sup> Floor  
New York, New York 10006  
Telephone: (212) 742- 9280

#### **New York:**

100 Columbia Street  
Brooklyn, New York 11201  
Telephone: (718) 852-2434  
Fax: (718) 596-5306

#### **New Jersey:**

1201 Corbin Street  
Port Elizabeth, NJ 07201  
Telephone: (973) 817-7798  
Fax: (973) 532-6892

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