

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,      :
:                               : 88 Civ. 4486 (DNE)
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:                               : APPLICATION LXXI OF THE
:                               : INDEPENDENT REVIEW BOARD
:                               : --OPINION OF THE
INTERNATIONAL BROTHERHOOD      : INDEPENDENT REVIEW BOARD
OF TEAMSTERS, et al.,         : IN THE MATTER OF THE HEARING
:                               : OF ANTHONY F. ANTOUN
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Pursuant to Paragraph O. of the Rules of Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), Application is made by the IRB for ruling by the Honorable David N. Edelstein, United States District Judge for the Southern District of New York, on the issues heard by the IRB during a hearing on May 14, 1999, and thereafter determined, on the charge filed against Anthony F. Antoun ("Antoun").

Antoun was charged with knowingly associating with Lawrence Garono, an associate of La Cosa Nostra member Lenine "Lenny" Strollo. Having considered the evidence and post-hearing submission, by the Chief Investigator, the IRB found that the charge against Antoun was proved. As a penalty, Antoun has been permanently barred from membership in the IBT and may not hereafter obtain employment, consulting or other work with the IBT or any IBT-affiliated entity.

Given the IRB's determination, we do not find it appropriate to stay the Opinion or the penalty imposed pending

review by Your Honor as we found it in the best interest of the IBT that Antoun immediately be barred from IBT membership.

Enclosed with the September 21, 1999, Opinion are the following exhibits:

- 1) February 16, 1999, IRB Investigative Report with exhibits 1-47;
- 2) May 14, 1999, Antoun Hearing Transcript with IRB's exhibits IRB 1-IRB 6 and Supplemental Hearing exhibits 48-56.

It is respectfully requested that an Order be entered affirming the IRB's September 21, 1999, Opinion if Your Honor finds it appropriate.

By: Frederick B. Lacey
Frederick B. Lacey
Member of the
Independent Review Board

Dated: September 21, 1999

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IN RE: Anthony Antoun : OPINION AND DECISION
IBT Local Union 377 : OF THE INDEPENDENT
: REVIEW BOARD
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I. INTRODUCTION

On February 16, 1999, the Independent Review Board ("IRB") issued an investigative report concerning allegations of wrongdoing by Anthony Antoun ("Antoun"), a member of Local 377 and the chief steward for the Local's construction industry. (Exhibit A) The IRB report recommended that Antoun be charged with bringing reproach upon the IBT by knowingly associating with Lawrence Garono, an associate of La Cosa Nostra ("LCN") member Lenine Strollo ("Strollo"), in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) of the IBT Constitution. On February 22, 1999, the IBT filed the charge against Antoun and referred the matter to the IRB for adjudication. (IRB Ex. 2)¹

On May 14, 1999, the IRB held a hearing on the charge against Antoun in Cleveland, Ohio. We conclude that the evidence at the hearing established that Antoun committed the charged offense.

¹ "IRB Ex.", for example "IRB-2", refers to the Independent Review Board's Exhibits introduced at the hearing; "Ex." refers to the Chief Investigator's Exhibits which accompanied the Investigative Report and "Tr." refers to the transcript of the hearing before the IRB on May 14, 1999, enclosed herewith as Exhibit B.

II. STATEMENT OF FACTS

A. Antoun's IBT Membership and His Role at Local 377

Antoun filed a membership application with Local 377 on September 8, 1977, and began paying dues to the Local on September 21, 1977. (Exs. 1 and 14) Since joining Local 377, Antoun has worked in the construction industry. (Ex. 6 at 4-5)

Antoun was the chief steward for the construction industry in Local 377. (Ex. 6 at 10; Ex. 4 at 18)² In that capacity, Antoun referred Local 377 members to work. (Ex. 6 at 12-13; Ex. 4 at 18, 21) Antoun testified that when the construction business agent, Jerry Morrison ("Morrison"), was out of town or not available, contractors contacted Antoun and he would select who would work. (Ex. 6 at 5, 9-11; Ex. 16 at 9)

² According to the FBI,

Unions that organize employees in labor-intensive and time-sensitive industries, or have collective bargaining agreements with numerous small employers are especially attractive to organized crime members and labor racketeers. Control over a union, particularly a union that governs trades which must accomplish work for an employer within a fixed time frame, such as construction, places tremendous power in the hands of the controlling individual.

Labor racketeers can provide union membership, official positions, jobs, benefit fund coverage, service provider contracts and other direct benefits to organized crime members and associates and their designees through control of the union.

(Ex. 5 at 3-4)

Morrison also asked Antoun to attend construction prejob conferences on behalf of Local 377. At the prejob conferences the number of Local 377 members who would be employed on a construction project was determined. (Ex. 6 at 11) Antoun also testified that on behalf of Local 377 he attended prejob conferences without Morrison. During those meetings, Antoun described himself as an assistant business agent for Local 377. (Ex. 6 at 10)

In addition to his role in the construction industry, Antoun was the Sergeant at Arms at Local 377 membership meetings and at some Local 377 Executive Board meetings. (Ex. 6 at 14, 23; Ex. 18 at 16; Ex. 19 at 21)³ Antoun was also a Sergeant at Arms during the 1996 IBT Convention in Philadelphia. (Ex. 17)

**B. Lawrence Garono is an Associate of Organized Crime Member
Lenine Strollo**

Based upon reliable and credible information regularly relied upon by the FBI, including information from confidential informants and intercepted communications, the FBI considers Lawrence Garono ("Garono"), date of birth March 11, 1943, also known as "Jeep" and "Jeepers", to be one of Strollo's principal

³ Former Local 377 Trustee Nicholas DePizzo ("DePizzo") testified that it was unusual to have a Sergeant at Arms at Executive Board meetings. (Ex. 15 at 6) DePizzo testified that Antoun was the Sergeant at Arms at certain Executive Board meetings because the business agents and Local organizer were told at those meetings that they could no longer attend the entire Executive Board meeting as had been the previous practice. (Ex. 15 at 6-7) DePizzo testified, "[a]t the time we were making a few changes in who can actually stay at the executive board meetings, so we did have them [sic] in there just in case we did have a disturbance on people being asked to leave." (Ex. 15 at 7)

associates in organized crime activities. (Ex. 5 at 6) We accept and find credible this determination. According to the FBI,

LCN organized crime families often rely upon other individuals who assist LCN members in illegal activity. The FBI and other law enforcement agencies use the term "associate" to describe those individuals who knowingly assist LCN members in criminal matters. At times, an LCN associate may become very influential and highly trusted by LCN members. The associate will report to the made member regarding criminal activities which they are conducting and must provide a portion of his earnings from those illicit activities to the made member with whom he is associated. A person who associates with a made member of an LCN family can use this association to further his own criminal activities. The associate can use the power and influence which he derives from his association with "made" members to assist him in his daily dealings with other criminals and in business.

(Ex. 5 at 2-3)

In July 1998, Garono pled guilty to violating 18 U.S.C. Section 1962(c) in connection with supervising gambling operations for LCN member Strollo. (Ex. 52)⁴ He is currently awaiting sentencing. On March 2, 1999, Garono testified at a federal RICO trial as a government witness. During this trial, Garono acknowledged being part of LCN member Strollo's criminal enterprise. (Ex. 48 at 8-9) For example, Garono testified that he

⁴ In December 1997, Garono, Strollo and twenty-nine others were indicted for federal RICO violations. In April 1998 a superseding indictment was filed. In the superseding indictment, Garono was described as a liaison between Strollo and others conducting criminal activities on behalf of the Strollo enterprise. The indictment charged that Garono and others conducted and financed an illegal numbers lottery and an illegal sports bookmaking operation. (Ex. 5 at 6-7)

acted as a liaison for Strollo, operated bookmaking operations for Strollo and bought police protection for Strollo's illegal activities. (Ex. 48 at 8-9, 11-12, 23)

The FBI considers Strollo to be a member of the Pittsburgh LCN Family. (Ex. 5 at 5)⁵ On February 16, 1999 Strollo pled guilty to violating 18 U.S.C. § 1962(c) (RICO). (Ex. 51) During his March 3, 1999 testimony as a government witness in a federal RICO trial, Strollo admitted that he was a member of the Pittsburgh LCN. (Ex. 49 at 30-32) Strollo described the ceremony in which he was inducted into the Pittsburgh LCN Family. (Ex. 49 at 33) Strollo testified that Garono was one of his "main men" in controlling the Youngstown rackets. (Ex. 49 at 51) Strollo also testified that Garono was his liaison with the numbers operations and with police and judges. (Ex. 49 at 57-58, 144)

In September 1992, a confidential informant advised the FBI that Strollo controlled illegal gambling in the Youngstown,

⁵ Based upon reliable and credible information regularly relied upon by the FBI, including information from confidential informants of the FBI, the FBI considers Michael Genovese ("Genovese") to be the Boss of the Pittsburgh LCN. (Ex. 5 at 4-5) A reliable confidential informant advised the FBI that a member of the Pittsburgh LCN told him that in 1987, Genovese inducted Strollo and Joseph Naples, Jr. ("Naples") as members into the Pittsburgh LCN. (Ex. 5 at 5) According to the FBI, a cooperating witness told the FBI that, within one week after the murder of LCN member Naples in August 1991, "Garono told the cooperative witness that 'they' were now in charge." (Ex. 5 at 8) Based upon the cooperating witness' involvement in illegal gambling with Naples, Strollo and Dante Strollo, brother of Lenine Strollo, the cooperating witness advised the FBI that he understood Garono's statement to mean that the Strollos were in control of illegal gambling in the Youngstown area. (Ex. 5 at 8) We accept this information as reliable.

Ohio area. The FBI was also advised that Strollo "used associates to deliver 'tribute' from the gambling proceeds to Genovese, the head of the Pittsburgh LCN." (Ex. 5 at 5-6)

Garono helped to operate several of Strollo's illegal gambling businesses. (Ex. 5 at 7; Ex. 48 at 6-8) In 1988, Garono, Strollo and ten others were charged with federal gambling violations. (Ex. 5 at 5, 7) In May 1990, Garono pled guilty to operating an illegal gambling business (Title 18, United States Code, Section 1955) relating to those activities. Garono was sentenced to twelve months and one day incarceration. (Ex. 5 at 5, 7) In May 1990, Strollo pled guilty to violating 18 U.S.C. §1962(c) (RICO). Strollo was sentenced to fourteen months imprisonment. (Ex. 5 at 5)

In addition to Garono's admissions regarding his close ties to LCN member Strollo, conversations the FBI intercepted pursuant to court-authorized interceptions also demonstrated Garono's close ties to Strollo. For example, on February 14, 1996, Garono telephoned Strollo and arranged a meeting between Strollo and Campbell, Ohio Police Chief Xenakis, within an hour after an FBI Special Agent had contacted the Campbell Police Department and advised them the FBI was conducting a gambling investigation and requested to speak with Xenakis. (Ex. 5 at 9-10)

On February 14, 1996, Xenakis told Garono that there was "a little problem" and that "it's imperative that I see him." (Ex. 5 at 10; Ex. 21) Garono told Xenakis that he would try to arrange

a meeting. (Ex. 5 at 10; Ex. 21) Immediately after this intercepted conversation, on February 14, 1996, a call was made from Garono's cellular phone to Strollo's home. (Ex. 5 at 10; Ex. 22) During this intercepted conversation, Garono arranged a meeting between Strollo and Xenakis. (Ex. 22) Shortly after Garono's conversation with Strollo, on February 14, 1996, a call was made from Garono to Xenakis. During this conversation, Garono told Xenakis to "get Skinny this evening" and further stated that "Skinny knows what to do." (Ex. 5 at 10; Ex. 23)⁶

In addition to the above conversation with Strollo, Garono also contacted Strollo on at least five other occasions. (Ex. 5 at 8-9, 11; Exs. 25-27) In addition, on at least three occasions in July 1996, Garono called Strollo and arranged to meet with Strollo. (Exs. 28-30)⁷

Garono was a member of Local 377 reportedly employed at Garono Landscaping, a company his wife owned. (Ex. 31) On August 4, 1998, the IRB recommended that Garono be charged with knowingly associating with LCN member Strollo. The IBT filed the charge against Garono. On February 2, 1999, the IRB issued a decision finding that Garono knowingly associated with LCN member Strollo and permanently barred Garono from the IBT. (Ex. 47) On February

⁶ On March 28, 1998, Xenakis pled guilty to conspiracy to allow illegal gambling. (Ex. 32)

⁷ In addition to the intercepted conversations, the FBI observed Strollo and Garono together on June 12, 1996 at the Grandview Restaurant located in Canfield, Ohio. (Ex. 5 at 11)

23, 1999, District Judge David N. Edelstein affirmed the IRB's decision.

C. Antoun's Knowing Association with LCN Associate Garono

During his sworn examination and during the hearing before the IRB, Antoun testified that he and Garono are lifelong friends. (Ex. 6 at 25-26, 39; Tr. 14-15) For example, Antoun testified that he has known Garono since Antoun was eleven years old and he worked for Garono's father. (Tr. 15)⁸

Antoun testified that prior to Garono's incarceration in December 1997, he saw Garono "[o]nce a week. Maybe more." (Ex. 6 at 36) Antoun and Garono lived near each other and Garono often went to Antoun's home. (Ex. 6 at 36-37, 43) Jeffrey Morgan ("Morgan"), an employee of Garono Landscaping for 27 years, testified that Garono and Antoun regularly met for coffee. (Ex. 33 at 17) Antoun testified that he hired Morgan to work for Garono Landscaping. (Tr. 15)

The FBI intercepted Garono and Antoun in at least four conversations. In addition to the intercepted conversations between Antoun and Garono, during his June 1998 sworn examination, Antoun testified that since December 1997 when Garono was incarcerated pending trial on the RICO indictment, Garono called

⁸ During his sworn examination, Antoun testified that he knew Stollo, having met him approximately ten years prior to his sworn examination. (Ex. 6 at 27-28) When asked how he knew Stollo, Antoun responded, "I don't know him like I know Jeep. I know Lenny like hello. That's all." (Ex. 6 at 27) During the IRB hearing, Antoun testified that "I've never talked to Stollo." (Tr. 19)

him several times. (Ex. 6 at 28)

Antoun sometimes met Garono for breakfast at Mr. A's Eatery ("Mr. A's"). (Ex. 6 at 40) The FBI considers Mr. A's, located at 769 N. Garland Avenue, Youngstown, Ohio, to have been a location Garono and other Strollo associates used for gambling activities. (Ex. 5 at 12) On June 11, 1996, the FBI executed a search warrant at Mr. A's. (Ex. 5 at 12) During the raid, Antoun went to the door of Mr. A's and the FBI agents told him to leave. (Ex. 5 at 12) Antoun acknowledged going to Mr. A's at the time of the FBI raid. (Ex. 6 at 40-41) Later that day, the FBI intercepted a conversation between Garono and Antoun. (Ex. 5 at 12-13; Ex. 7) On June 11, 1996, Garono called Antoun and, in part, the following exchange took place:

Antoun: And the guy said, "We're closed."

Garono: They went and picked that guy and his kid up.

Antoun: Yeah and I said "What do you mean you're closed?" "Wait a minute," he said and he come to the thing "I know you. Tony Antoun."

* * *

Antoun: Yeah he called me by name. He said, "I remember you."

Garono: Ah Hah.

Antoun: "What are you doing?" I said, "I eat breakfast here, I eat here." He said, "Find someplace else to eat. How are you doing." I says, "Good as long as I stay away from you."

Garono: (Laughs). Yeah somebody called me earlier this morning.

(Ex. 5 at 12-13; Ex. 7)

In August 1996, the FBI intercepted two conversations between Garono and Antoun. (Ex. 5 at 20-22) It appears that during these conversations Garono and Antoun discussed efforts to avoid being served with subpoenas. (Ex. 5 at 20-22; Exs. 10, 11)⁹ It

⁹ In contrast to the intercepted conversations, when Antoun was asked the following questions during his sworn examination he gave the following responses:

Q: Did you and Mr. Garono ever discuss what you would do if somebody tried to serve you a subpoena or other documents?

A: If you would serve me, what would he have to do with that?

Q: Did he ever tell you you should deny that you were Tony Antoun?

A: Definitely not, no.

Q: Did he ever tell you that you shouldn't answer your door a certain time?

A: He is my friend. He is not my boss.

Q: Did he ever give you friendly advice and suggest don't be home at a certain time or don't answer your door?

A: No. Why wouldn't I be home? I have not been indicted. I have not been charged with a crime. I have nothing to hide. I will answer my door whenever I am home.

Q: Did you ever tell Mr. Garono that your brother had told people that you were out of town when in fact you were in town?

A: I don't know. My brother?

Q: Yes.

A: Would you repeat the question?

Q: Did you ever tell Mr. Garono that your brother had told people that you were out of town when in fact you were

appears from these conversations that Antoun consulted Garono on how to obstruct a grand jury investigation.

D. Antoun's Involvement with Garono Landscaping

Local 377 has a collective bargaining agreement with Garono Landscaping. (Ex. 20) During his trial testimony, Garono described Garono Landscaping as a family business his wife and daughters owned. (Ex. 48 at 4) Garono testified that he was employed at Garono Landscaping as a supervisor. (Ex. 48 at 4) Garono became a Local 377 member in June 1990. (Ex. 31)

Antoun arranged for the collective bargaining agreement between Garono Landscaping and Local 377 to be signed. (Ex. 4 at 47) It appears that this collective bargaining agreement was a sham designed to benefit Garono Landscaping. For example, although pursuant to the collective bargaining agreement all employees of Garono Landscaping should be members of the Local, it appears that as of June 1998 only three employees of Garono Landscaping were members. (Ex. 20; Ex. 31; Ex. 33 at 3-6, 9)¹⁰ Ten other full-time

in town?

A: I have no idea. I don't know.

(Ex. 6 at 41-43)

¹⁰ One member was LCN associate Garono, whose wife owned the company, and who had been incarcerated since December 1997. (Ex. 31; Ex. 33 at 6) The other member, Morgan, described himself as a foreman at Garono Landscaping. (Ex. 33 at 3-4) The third individual listed as a member employed at Garono Landscaping, Tom Fitzsimmons, had not worked for Garono Landscaping since approximately 1997. (Ex. 33 at 5, 9) When Fitzsimmons worked for Garono Landscaping, he was a foreman. (Ex. 33 at 5)

employees of Garono Landscaping were not members of the Local. (Ex. 33 at 10-11, 24-25) Antoun, who had worked at Garono Landscaping, was thoroughly familiar with the company. (Tr. 15)

The agreement between Local 377 and Garono Landscaping appears to have been for the benefit of the company and not the employees. It appears that the collective bargaining agreement, which contained no health or pension benefits and no wage increase for the three-year term of the agreement (Ex. 20), was designed to assist the company to gain access to union worksites. Local 377 business agent Morrison testified, "[s]he [Ruth Garono] gets a teamster -- she gets a union contract every time it's up so she can work on union jobs. She just -- she works with other union crafts. . . ." (Ex. 56 at 6)

The Local's collective bargaining agreement with Garono Landscaping expired on February 27, 1998. (Ex. 20) When asked what he had done to arrange for a new contract, Morrison testified that he sent Garono Landscaping a letter and

I tried to make a call. No answer. I told Mr. Antoun, I said, "You're familiar with this contract. You know the guys that work over there. Can you get this contact? I want to get this closed up, see what they want."

(Ex. 4 at 52) When asked whether he spoke with Garono Landscaping employee Morgan about the collective bargaining agreement before he signed it, Morrison responded, "I talked to Tony Antoun." (Ex. 4 at 48)

The circumstances under which certain Garono Landscaping

employees paid dues to Local 377 further illustrated that the arrangement between the Local and the company was not designed to benefit the employees. For example, when Morgan was asked how he became a member of Local 377, he responded, "[t]hrough my boss, Ruth Garono." (Ex. 33 at 3)¹¹

During the IRB hearing, Antoun testified that years ago he worked for Garono Landscaping and had hired his friend Morgan to work at Garono Landscaping. (Tr. 15) According to Morgan's Local 377 membership application card, in 1992 Morgan's Local 377 initiation fee was paid to Antoun. (Ex. 55)¹² However, Morgan testified that he did not meet with anyone from the Local prior to joining the union. (Ex. 33 at 4) Morgan also testified that Antoun never spoke with him about any contract between Local 377 and Garono Landscaping. (Ex. 33 at 22-23)

¹¹ During his sworn examination, Morgan was asked the following questions and gave the following responses:

Q: And can you describe what Ruth Garono told you about joining the Teamsters?

A: That I had to pay an initiation fee and I had to pay dues.

Q: Did she say why you would be joining the union?

A: No.

(Ex. 33 at 4-5)

¹² Antoun testified that he grew up with Morgan. (Tr. 15) Morgan and Antoun drove to their June 1998 sworn examinations together. (Ex. 33 at 13-14)

In addition to Morgan's membership application reflecting that his initiation fee was paid to Antoun, the membership applications for two other Garono Landscaping employees, Benedict Bernard and Frank Perline, also reflected that their initiation fees were paid to Antoun. (Exs. 53-55)

When asked what Antoun's role was with respect to the collective bargaining agreement, Morrison testified, "I guess he would talk to Morgan and Mrs. Garono and the guys there." (Ex. 4 at 49) When asked why Antoun was involved with the Garono Landscaping contract, Morrison replied, "I guess he's friends with Mr. Garono." (Ex. 56 at 8-9) Indeed, Antoun had played an active role at Garono Landscaping hiring Morgan. (Tr. 15)

E. Antoun Assisted Leo H. Connelly, who has Ties to LCN Member Strollo, to Get Work Through Local 377

Based upon reliable and credible information regularly relied upon by the FBI, the FBI considers Leo H. Connelly ("Connelly"), date of birth July 23, 1947, to have close ties to Pittsburgh LCN member Strollo. (Ex. 5 at 13) The FBI considers Connelly to be "a burglar, enforcer and collector of money for Strollo." (Ex. 5 at 13) We credit and accept this determination. Connelly is a member of Local 377. (Ex. 34)¹³

¹³ Connelly initially became a member of Local 377 in April 1981. Local 377 records showed that Connelly was issued a withdrawal card from the Local during November 1982. IBT records reflected that Connelly returned to active membership during September 1987. He subsequently withdrew from active status during February 1988. (Ex. 34)

On September 11, 1988, Connelly was arrested by the Hermitage, Pennsylvania, Police Department and charged with burglary, possession of criminal instruments, unlawful theft and criminal trespassing. On June 6, 1990, Connelly was convicted and was sentenced to six to twenty years. He was released on June 26, 1996. (Ex. 5 at 13)

The hearing evidence showed that Connelly had close ties to LCN member Strollo. (Ex. 35) For example, two days after Connelly was released from prison, on June 28, 1996, he was intercepted in a telephone conversation with LCN member Strollo. (Ex. 5 at 13; Ex. 36) During this conversation, Connelly and Strollo made arrangements to meet the next day. (Ex. 36) Connelly was also intercepted by court-authorized wire interceptions contacting Strollo on at least ten other occasions. (Ex. 35; Exs. 36, 39-43)

The evidence, which we found credible and accepted, including several court-authorized intercepted conversations, showed that Antoun arranged for Connelly to obtain work in the Local 377 construction industry. On July 16, 1996, Garono spoke with Robert Poghen ("Poghen") whom the FBI considers to be an LCN

On August 20, 1996 Connelly paid dues to Local 377. He remained a member until July 17, 1997 when he was suspended from membership for failure to pay his dues. (Ex. 34) On September 9, 1998 Connelly returned to active membership in Local 377. (Ex. 34)

associate. (Ex. 5 at 16)¹⁴ During the conversation between Garono and Poghen, Poghen asked Garono if "Tony" was in the area. Garono told Poghen that, "he's out of town. . ." and "he had to go to that convention up in Philly. . ." (Ex. 8) As noted above, Antoun was a Sergeant at Arms at the IBT Convention in Philadelphia which was held between July 15 and July 19, 1996. (Ex. 17) After Poghen asked Garono about "Tony's" whereabouts, the following exchange took place:

Poghen: No my my son, ah looking to Bobby I'm trying to see if Tony's got any room to put him to work somewhere.

Garono: Yeah. I'm sure he could work with you.

Poghen: Now Bobby's telling me. I said you should of told me this two weeks ago before I got Leo on there.

Garono: Ah hah. He'll get him on.

Poghen: I think he put Leo to work somewhere.

Garono: Yeah he put him on I think he's ah. I don't know if he's in Lordstown. I had him put him up in Lordstown.

14 According to the FBI,

Poghen, along with two others, including Sam Scaffidi, pled guilty to a 1982 Federal indictment charging them with conspiracy and illegal firearms possession in connection with a failed June 1982 robbery of Long's Greenhouse in Youngstown, Ohio. Poghen was sentenced to 15 years in prison. Scaffidi, who was sentenced to 17 years, died in prison, and was considered by the FBI to be a close associate to the Pittsburgh LCN family.

(Ex. 5 at 16)

Poghen: Ah Huh

* * *

(Ex. 5 at 17-18; Ex. 8) It appears from this conversation that LCN associates Garono and Poghen were involved in having Antoun get Connelly work through Local 377. Indeed, Garono stated, "I had him [Antoun] put him [Connelly] up in Lordstown." (Ex. 5 at 17; Ex. 8)¹⁵

Four days after this intercepted conversation, on July 20, 1996, a conversation was intercepted at Strollo's residence between Strollo, Connelly and Garono. (Ex. 5 at 15-16; Ex. 43) During a portion of this conversation, Connelly's work was discussed. It appears that Connelly referred to Antoun when he told Garono and Strollo "he made me the steward up there." (Ex. 5 at 15-16; Ex. 43 at 16) The following is an excerpt from the July 20, 1996 conversation at Strollo's residence:

Connelly: Well I called him and ah believe me, this guy I mean, whatever I want. He's a beautiful guy.

Garono: Yeah.

Connelly: And ah. I mean the job looks like it's a two year job, he made me the steward up there. But ah they're not working. Well you know with your business the way the weather's been ...

* * *

(Ex. 5 at 15-16; Ex. 43 at 15-16)

¹⁵ During the IRB hearing, Antoun testified that Connelly did not work at Lordstown. (Tr. 18) Rather, Antoun stated that the July 20, 1996 intercepted conversation at Strollo's home showed that Connelly worked at Ashtabula. (Tr. 18; Ex. 5 at 15-16; Ex. 43 at 15-16)

Another intercepted conversation also showed Garono and Poghen's involvement in Antoun getting work for Connelly through Local 377. In a conversation intercepted on July 31, 1996, Garono called Antoun and then put Poghen on the telephone. (Ex. 5 at 18-19; Ex. 9) During this conversation, Poghen told Antoun "thanks for helping Leo out, I appreciate it" and Poghen and Antoun arranged to meet at Garono's home that evening to discuss Antoun introducing Poghen to someone whose identity was not clear from the conversation. (Ex. 5 at 19; Ex. 9)

In light of the intercepted conversations, Antoun's claim that Connelly approached him by coincidence in a restaurant near Connelly's half-way house is not credible. (Ex. 6 at 17; Tr. 21; Ex. 45 at 8-9) When asked during his sworn examination how he first met Connelly, Antoun responded,

I first met Leo Connelly at a restaurant. I was having dinner with my girl and he asked me if I was Tony Antoun. I said "Yes." We shook hands. He was in a halfway house. That's where I first met Leo Connelly.

(Ex. 6 at 17)¹⁶

16 When asked during his November 1998 sworn examination how he returned to Local 377 in 1996, Connelly related a similar account stating,

I was -- there's a restaurant right there in Sharon where the halfway house was. It just happened to be a coincidence that I had just received from the halfway house orders that I would be going out, meaning be released, I made parole. It was two, three months before that, I don't know and they told me that I would have to submit five letters of employment. . . . So I submit five letters

Antoun acknowledged that he arranged for Connelly to get work in the construction industry through Local 377. (Ex. 6 at 35-36) Antoun testified that Connelly called him and told him that he had been a Teamster, was on withdrawal and had just gotten out of prison on parole. (Ex. 6 at 18) Antoun testified that he told Connelly that he would talk to Morrison, the business agent for the construction industry. (Ex. 6 at 18) Antoun then spoke with Connelly's parole officer and told him that there was work for Connelly. (Ex. 6 at 19)¹⁷ Connelly was reinstated into Local 377 on August 20, 1996. (Ex. 34)

III. ANTOUN HAD PROHIBITED CONTACTS WITH LCN ASSOCIATE GARONO.

In order to establish a knowing association charge, the association with the organized crime associate must be purposeful and not incidental or fleeting. United States v. IBT [DiGiralamo],

to contractors and that night I went to eat at The Wave and this guy comes in that I had seen before, but I never knew him, his name is Tony Antoun, he was with his girl and I walked over. I introduced myself. I apologized for interrupting his meal and I introduced myself and I told him my name is Leo Connelly, years ago I was a Teamster member and that I had a withdrawal card and was there any work available.

(Ex. 45 at 8-9)

¹⁷ When questioned during his sworn examination whether Poghen spoke to him about getting work for Connelly through Local 377, Antoun testified "[h]e could have. I don't recall." (Ex 6 at 38) When asked if Poghen asked Antoun to help Connelly get work, Antoun responded, "I don't think so." (Ex. 6 at 38) Antoun testified he met Poghen approximately three years prior to his June 1998 sworn examination. (Ex. 6 at 34)

824 F. Supp. 410, 414 (S.D.N.Y. 1993) aff'd, 19 F.3d 816 (2d Cir.) cert. denied, 513 U.S. 873 (1994). The hearing evidence showed that Antoun knowingly associated with Garono, a self-admitted close criminal associate of Pittsburgh LCN member Strollo. (Ex. 5 at 6; Ex. 48 at 9)

As discussed above, Strollo's organized crime membership was established through his sworn admissions, the FBI's expert opinion, which we credit and accept, that he is a member of the Pittsburgh LCN, his conviction in 1990 for federal gambling violations and his 1999 guilty plea to a violating the RICO statute.

Garono's status as an associate of organized crime member Strollo was shown through his sworn admission that he ran illegal gambling operations for Strollo and was part of Strollo's criminal enterprise. The FBI's expert opinion that Garono is an associate of LCN member Strollo was corroborated by Garono's 1990 conviction for being part of Strollo's illegal gambling operation and his 1998 guilty plea to a RICO charge in connection with supervising gambling operations for LCN member Strollo. Moreover, the intercepted conversations between Garono and Strollo demonstrated their close relationship.

Antoun's relationship with LCN associate Garono was purposeful. For example, Antoun described himself as a lifelong friend of Garono. (Ex. 6 at 25, 39; Tr. 15) Antoun testified that prior to Garono's current incarceration, he and Garono met at least

once a week. (Ex. 6 at 36) For example, Antoun testified that he and Garono often met at Mr. A's. (Ex. 6 at 40) The FBI considered Mr. A's to be a location Garono and others used for Strollo's illegal gambling activities. (Ex. 5 at 12) On June 11, 1996, Antoun went to Mr. A's during an FBI raid at that location. Later that day, in a court-authorized intercepted conversation, Antoun spoke with Garono about his conversation with the FBI Agents during his visit to Mr. A's. (Ex. 5 at 12-13; Ex. 7) Antoun testified that subsequent to Garono's incarceration in December 1997, Garono called Antoun on several occasions. (Ex. 6 at 28)

Antoun's close relationship with Garono was also shown through his facilitation of a sham collective bargaining agreement between Local 377 and Garono Landscaping. The membership application cards for at least three of the employees of Garono Landscaping reflected that Antoun collected the initiation fee from the members. (Exs. 53-55) Given Antoun's close relationship with Garono and Garono Landscaping employee Morgan, it appears that Antoun knew of the sham nature of the collective bargaining agreement under which not all employees were members of the Local despite a provision in the agreement requiring all employees to be members and no health or pension benefits were provided to the members.

The hearing evidence also showed that Antoun, at the request of LCN associates Garono and Poghen, arranged for Connelly to get work through Local 377. On July 31, 1996, Garono called

Antoun and then put LCN associate Poghen on the telephone. (Ex. 5 at 18-19; Ex. 9) Poghen thanked Antoun for getting work through Local 377 for Connelly who had recently been released from prison. Antoun acknowledged helping Connelly to get work through Local 377. (Ex. 6 at 18-19)¹⁸

Further demonstrating Antoun's ties with LCN associate Garono, during the July 31, 1996 intercepted conversation between Poghen and Antoun which Garono arranged, Poghen and Antoun agreed to meet at Garono's home to discuss Poghen's request that Antoun introduce him to someone whose identity was not clear from the intercepted conversation. (Ex. 5 at 18-20; Ex. 9)

Antoun's knowledge of Garono's organized crime ties can be inferred from the length of their relationship as well as the nature of their association. A further test of knowledge of organized crime ties that are violative of the Consent Decree is:

[i]n the absence of direct evidence of knowledge of the organized crime ties of an associate . . . such knowledge may be inferred from the duration and the quality of the association.

Investigations Officer v. Senese, et al, Decision of the Independent Administrator at 37, aff'd, United States v. IBT, 745 F. Supp. 908 (S.D.N.Y. 1990), aff'd, United States v. IBT, 941 F.

18 During the IRB hearing, Antoun stated "as of Jeep telling me put this guy here or put that guy, he is my friend, but I would call him a liar because that's totally false." (Tr. 19) However, the intercepted conversations demonstrated that Garono and Poghen were involved in arranging for Antoun to assign Connelly to work.

2d 1292 (2d Cir. 1991)

Antoun, who was a lifelong friend of Garono, knew that Garono was incarcerated for a year for illegal gambling in approximately 1990. (Ex. 6 at 26; Tr. 22)¹⁹ In addition, as detailed above, Antoun spoke with Garono about the FBI raid at Mr. A's on June 11, 1996 and described to Garono his conversation with an FBI agent at the raid. (Ex. 5 at 12-13; Ex. 7) The two conversations between Garono and Antoun during which they discussed obstructing an investigation by dodging the service of subpoenas was further evidence that Antoun knew of Garono's organized crime ties. (Ex. 5 at 20-22; Exs. 10 and 11)

Garono's ties to organized crime were publicized in Youngstown area newspapers. (Exs. 12 and 13)²⁰ Antoun also testified that he read about Garono's ties to organized crime after Garono's December 1997 indictment in the pending RICO case. (Ex. 6 at 26) Given Antoun's longtime close relationship with Garono, Antoun's knowledge of Garono's illegal gambling conviction and their discussions regarding evading the service of subpoenas, as well as the publicity surrounding Garono's organized crime ties, Antoun's knowledge of Garono's organized crime ties can be inferred.

19 When Antoun was asked whether he knew Garono to have organized crime ties, Antoun stated "I don't ask him his personal business". (Ex. 6 at 26-27)

20 For example, in a April 1987 article regarding FBI raids on illegal gambling locations, Garono was described as being involved in an illegal gambling operation the proceeds of which went to the Pittsburgh LCN. (Ex. 13 at 5-6)

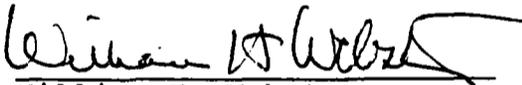
IV. CONCLUSION

Based upon the foregoing, the hearing evidence established just cause for the IRB to find that Anthony Antoun brought reproach upon the IBT and knowingly associated with LCN associate Lawrence Garono in violation of the IBT Constitution. Accordingly, Antoun is permanently barred from holding membership in or any position with the IBT, or any IBT-affiliated entity, in the future. Antoun also may not hereafter obtain employment, consulting or other work with the IBT or any IBT-affiliated entity.

Members of the
Independent Review Board


Grant Crandall


Frederick B. Lacey


William H. Webster

DATED: September 21, 1999

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :
 :
 Plaintiffs, :
 :
 -v- :
 INTERNATIONAL BROTHERHOOD OF :
 TEAMSTERS, et al., :
 :
 Defendants. :
-----X

MEMORANDUM & ORDER
88 Civ. 4486 (DNE)

EDELSTEIN, District Judge:

WHEREAS on February 16, 1999, the Independent Review Board ("IRB") issued an Investigative Report (the "IRB Report") and forwarded it to the General Executive Board of the International Brotherhood of Teamsters ("IBT") recommending charges against Local 377 member Anthony Antoun ("Antoun") for bringing reproach upon the IBT by knowingly associating with a member of organized crime, in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) of the IBT Constitution; and

WHEREAS by letter dated February 22, 1999, Tom Sever, Acting General President of the IBT, advised the IRB he had adopted and filed the recommended charges against Antoun and that the charges were referred back to the IRB for adjudication; and

WHEREAS on March 9, 1999, at the direction of the IRB, John

J. Cronin, Jr. ("Cronin"), the IRB administrator, notified Antoun by UPS overnight letter that a hearing was scheduled for April 14, 1999, at 10:00 a.m., at the offices of the IRB, located at 444 North Capitol Street, N.W., Suite 528, Washington, D.C., and also gave Antoun the opportunity, in the alternative, to have the hearing in Cleveland, Ohio, if he were to reply within five days stating his preference; and

WHEREAS on March 11, 1999, Antoun notified the IRB by telephone that he would prefer if the IRB conducted his hearing in Cleveland, Ohio; and

WHEREAS on March 18, 1999, at the direction of the IRB, Cronin informed Antoun by UPS overnight letter that a hearing was scheduled for May 11, 1999 at 10:00 a.m., at the law offices of Jones, Day, Reavis & Pogue, located at Northpoint, 901 Lakeside Avenue, Cleveland, Ohio; and

WHEREAS on April 15, 1999, the IRB gave notice to Antoun, via UPS overnight letter, that the hearing was rescheduled for May 14, 1999 at the same location; and

WHEREAS on May 14, 1999, the noticed hearing proceeded before the IRB with testimony taken from Federal Bureau of Investigation ("FBI") Special Agent Ronald E. Helmick in which Special Agent Helmick testified that the information contained in

his declaration was true; and

WHEREAS Special Agent Helmick's declaration states that the FBI considers Lenine Strollo ("Strollo") to be a member of the Pittsburgh La Cosa Nostra ("LCN"), and further enumerates several instances where Antoun had extensive contact with Strollo and some of his key associates; and

WHEREAS by letter dater October 5, 1999, this Court offered Antoun the opportunity to submit written objections to Application LXXI by October 19, 1999 at 5:00 p.m.; and

WHEREAS Antoun never submitted any objections to Application LXXI to this Court; and

WHEREAS having reviewed the IRB's September 21, 1999 Opinion and Decision and all accompanying exhibits, including Special Agent Helmick's declaration, this Court finds that the charge against Antoun has been proven by a preponderance of the evidence; and

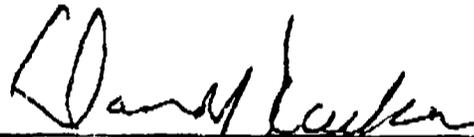
WHEREAS having reviewed the sanctions imposed by the IRB, this Court finds that the sanctions are proportionate to the severity of the misconduct of which Antoun was guilty; and

WHEREAS accordingly, this Court finds that Application LXXI of the IRB should be granted;

IT IS HEREBY ORDERED THAT Application LXXI of the
Independent Review Board regarding the charges and sanctions
imposed against Anthony Antoun is GRANTED.

SO ORDERED

DATED: New York, New York
December 7, 1999



U.S.D.J.