

To: Joseph Foy, IBT Trustee, Local 813  
From: Members of the Independent Review Board  
Subject: Proposed Charges against Local 813 Members  
Albert Capone, Stephen Capone, Daniel Vulpis, Sr.  
and Daniel Vulpis, Jr.  
Date: March 17, 1995

I. RECOMMENDATION

The Independent Review Board respectfully recommends that the IBT Trustee for Local 813 initiate charges against Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. all IBT members for failing to cooperate with the IRB.

II. INTRODUCTION

An investigation has been conducted into allegations of racketeering by Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. members of IBT Local 813 located in New York City, New York. The initial allegation was referred to the Independent Review Board by the Local 813 Investigations Officer, appointed pursuant to the settlement of the United States Civil RICO suit against Local 813.

Based upon investigation it appears that while an IBT member Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. each violated Article II, Section 2 (a) and Article XIX, Section 7 (b) (1) & (2) and Section 14 (i) of the IBT Constitution by obstructing, interfering and unreasonably failing to cooperate with the duties of the Independent Review Board as set forth in Paragraph 6 of the March 14, 1989 Consent Decree in United States v. International Brotherhood of Teamsters, 88 Civ. 4486

(S.D.N.Y.).

III. INVESTIGATIVE FINDINGS

A. Background

Local 813 records showed that Albert Capone, date of birth January 21, 1950, address 849 41 St. Brooklyn N.Y. 11232 and Stephen Capone, date of birth November 13, 1953, address 2180 E.34th St. Brooklyn, N.Y. 11234, were owner/operators of Capone & Denilo Inc., located at 60-55 Strickland Ave. Brooklyn, N.Y. 11234. Local 813 records further reflected that both Albert Capone's and Stephen Capone's dues and employer paid benefit contributions (paid via "check-off" by Capone & Denilo Inc.) were up to date as of February, 1995. (Exhibits.1 & 2)

Local 813 records showed that Daniel Vulpis, Sr., date of birth January 13, 1919, address 3356 National Drive, Brooklyn, N.Y. 11203, and Daniel Vulpis, Jr., date of birth January 9, 1950 were owner/operators of DV Carting Co. located at 1379 Utica Ave, Brooklyn, N.Y. 11203. Local 813 records further reflected that Daniel Vulpis, Sr's dues and employer paid benefit contributions (which were paid via "check-off" by DV Carting Co.) were up to date as of February 1995. (Exhibit 3) Daniel Vulpis, Jr's dues and employer paid benefit contributions (which were paid via "check-off" by DV Carting Co) were up to date as of January 1995. (Exhibit 4)

B. Indictment

On August 9, 1994 an indictment 94-Cr.518-13 United

States of America v. Mark Barbieri, et al. was filed in the United States District Court, Southern District of New York. Albert Capone, Stephen Capone, Daniel Vulpis Sr. and Daniel Vulpis, Jr. were named as co-conspirators in this indictment, each charged with violation of Section 666 (a) (2) of Title 18, United States Code.

Count one of this indictment contained the following allegations:

"The Conspiracy

54. From in or about 1988, through in or about April 1992, in the Southern District of New York and elsewhere, . . . Albert Capone, Stephen Capone, . . . Daniel Vulpis Sr., Daniel Vulpis, Jr. . . ., the defendants and others known and unknown, did unlawfully, wilfully, and knowingly combine, conspire, confederate and agree together and with each other to violate Section 666 (a) (2) of Title 18, United States Code.

V. The Objects of the Conspiracy

It was a part and object of said conspiracy that, . . . Albert Capone, Stephen Capone, . . . Daniel Vulpis, Sr., Daniel Vulpis, Jr. . . ., the defendants and others known and unknown, would and did corruptly offer and agree to give a thing of value, directly and indirectly through CJE [CJE Land Clearing Inc.] to employees of the DOS [New York City Department of Sanitation], an agency of a local government receiving in excess of \$10,000 in Federal assistance in a one-year period, with the intent to influence and reward the DOS employees in connection with business, a transaction, and a series of transactions of the DOS involving

,0 or more, to wit, the defendants paid bribes to DOS employees, directly and indirectly through CJE, to permit the defendants to dump unapproved material free of charge under the use of the free cover program, thereby causing the City to lose excess of \$5,000 in dumping fees, in violation of Title 18, United States Code , Section 666 (a) (2)." (Exhibit 5)<sup>1</sup>

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Albert Capone and Stephen Capone were also named in Count 13 of this indictment and Daniel Vulpis, Sr. and Daniel Vulpis, Jr. were named in Count 14 of this indictment. (Exhibit 5)

C. Failure to Appear

Local 813 is located in New York City, New York. Its records show that Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. are members. No withdrawal cards have been issued to these members.

On October 24, 1994, the Chief Investigator's Office sent overnight mail a Notice of Sworn Examination to Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. requiring their sworn examinations for November 17, 1994. (Exhibit 6)

On January 9, 1995, these sworn examinations were rescheduled for January 31, 1995. (Exhibit 7) At these sworn examinations, the Chief Investigator planned to ask questions concerning the allegations contained in United States v. Barbieri, et al., 94 Cr. 100.

Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr.

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<sup>1</sup> The other defendants in United States v. Barbieri were Mark Barbieri, Dominick Carano, Antonio Coraggio, John Costello, Joseph Cotoia, Louis Dontis, Nicholas Dontis, Michael Ferone, Joseph Latempa, Steven Russell, Joseph Vendittelli, Thomas Vendittelli and Joseph Zuccarello.

EXHIBIT LIST

1. Copies of Local 813 records re: Albert Capone's Membership Application and Dues Card
2. Copies of Local 813 records re: Stephen Capone's Membership Application and Dues Card
3. Copies of Local 813 records re: Daniel Vulpis, Sr's. Membership Application and Dues Card
4. Copies of Local 813 records re: Daniel Vulpis, Jr's. Membership Application and Dues Card
5. Copy of the Docket sheet and Indictment re: Case # 94 Cr-518-13, United States v. Barbieri et al.
6. Copies of Notice of Sworn Examination for Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. dated October 24, 1995
7. Copies of Notice of Sworn Examination for Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. dated January 9, 1995
8. Copies of the report of deposition for Albert Capone, Stephen Capone, Daniel Vulpis, Sr. and Daniel Vulpis, Jr. showing a failure to appear dated January 31, 1995.

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



LEGAL DEPARTMENT

OFFICE: (202) 624-6945  
FAX: (202) 624-6884

June 28, 1996

Mr. John J. Cronin, Jr.  
IRB Administrator  
Independent Review Board  
444 North Capitol Street, NW, Ste. 528  
Washington, DC 20001


Re: Charges Filed by Local 282 Temporary Trustee  
Peter Mastrandrea Against Ralph Ferreri,  
Dominick Caracciolo, Ronald Forino,  
Dominick Guidice, and Pasquale Ventimiglia

Dear Mr. Cronin:

In response to your letter dated June 10, 1996 informing General President Carey that the Independent Review Board ("IRB") found the penalties Mr. Carey imposed on Mr. Guidice and Mr. Forino in the above-referenced case to be inadequate, General President Carey has determined upon further review that those penalties should be increased in the matter described herein.

General President Carey has authorized me to report to you his decision that Dominick Guidice be permanently barred from membership in Local 282 and any IBT entity. General President Carey has also decided that Ronald Forino be suspended from membership in Local 282 and any IBT for a period of five (5) years. All other terms of Mr. Carey's May 16, 1996 decision in the above-referenced case remain the same.

Very truly yours,

  
David L. Neigus  
EPC Counsel

DLN/sd

cc: Mr. Dominick Guidice  
Mr. Ronald Forino  
Ms. Judith A. Scott, General Counsel  
Mr. Ron Carey, General President

INDEPENDENT REVIEW BOARD  
444 North Capitol St., NW, Suite 528  
Washington, DC 20001  
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Corruption Hotline (800) CALL IRB

Chief Investigator:  
Charles M. Carberry, Esq.  
17 Battery Place, Suite 331  
New York, NY 10004

Administrator:  
John J. Cronin, Jr.

Board Members:  
Grant Crandall, Esq.  
Crandall, Pyles & Haviland  
1021 Quarrier Street  
Charleston, WV 25301  
Frederick B. Lacey, Esq.  
LeBoeuf, Lamb, Greene & MacRae  
One Riverfront Plaza  
Newark, NJ 07102-5490  
William H. Webster, Esq.  
Milbank, Tweed, Hadley & McCloy  
1825 Eye Street, NW, Suite 1100  
Washington, DC 20006

June 10, 1996

Mr. Ron Carey  
General President  
International Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, D.C. 20001

Re: Decision on Charges Filed by Local 282  
Temporary Trustee Peter Mastrandrea against  
Ralph Ferreri, Dominick Caracciolo, Ronald  
Forino, Dominick Guidice and Pasquale Ventimiglia

Dear Mr. Carey:

The Independent Review Board has reviewed your May 16, 1996 decision in the above-captioned matter. With regard to Messrs. Ferreri, Caracciolo and Ventimiglia, the Board finds the decision to be not inadequate. With regard to Messrs. Guidice and Forino, the Board finds the decision to be inadequate as to penalty.

Very truly yours

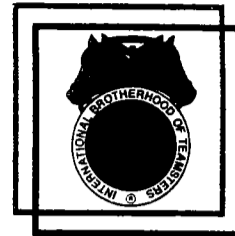
Members of the  
Independent Review Board

by:

  
John J. Cronin, Jr.  
Administrator

cc: Judith A. Scott, Esq  
David Neigus

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



OFFICE OF  
RON CAREY  
GENERAL PRESIDENT

May 16, 1996

Mr. Ralph Ferreri  
52 Janet Street  
Port Jefferson, NY 11776

Mr. Dominick Caracciolo ✓  
909 W. Fingerboard Rd.  
Staten Island, NY 10304

Mr. Ronald Forino  
20 Cromwell Road  
Carle Place, NY 11514

Mr. Dominick Guidice  
50-29 65th Street  
Woodside, NY 11377-5810

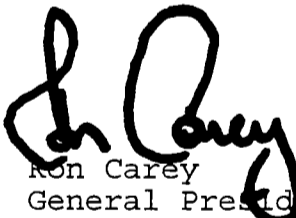
Mr. Pasquale Ventimiglia  
24-56 87th Street  
Jackson Heights, NY 11369

Re: Internal Union Charges Filed by Local 282  
temporary Trustee Peter Mastrandrea Against  
Ralph Ferreri, Dominick Caracciolo, Ronald  
Forino, Dominick Guidice and Pasquale Ventimiglia

Dear Sirs:

Enclosed please find a copy of my Decision on the Article XIX  
charges filed against you by Local 282 temporary Trustee Peter  
Mastrandrea.

Sincerely,

  
Ron Carey  
General President

RC/dnb

Enclosure

cc: Lou Partenza  
Jerry Ranita  
Robert Corbett  
Gary LaBarbera, Local 282 Trustee  
Local 282 Corruption Officer  
Independent Review Board ✓

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

In the Matter of: :  
: :  
ARTICLE XIX CHARGES : :  
: :  
                  against : :           DECISION  
: :  
LOCAL 282 MEMBERS RALPH FERRERI, : :  
DOMINICK CARACCILO, DOMINICK : :  
GUIDICE, RONALD FORINO and : :  
PASQUALE VENTIMIGLIA : :  
: :  
: :

This is my decision on Article XIX charges filed by Local 282 Temporary Trustee Peter Mastrandrea against Local 282 members Ralph Ferreri, Dominick Caracciolo, Dominick Guidice, Ronald Forino and Pasquale Ventimiglia (the "Charged Parties"). I make this decision based on review and consideration of the hearing record and the findings and recommendations of the hearing panel.

This case arises out of proposed charges referred to Local 282 temporary Trustee Peter Mastrandrea by the Independent Review Board ("IRB"). The charges allege that the Charged Parties brought reproach upon the IBT and violated Paragraph E(10) of the March 14, 1989 Consent Decree in United States v. IBT, 88 Civ. 4486 (S.D.N.Y.) (DNE), by knowingly associating with former Local 282 President Robert Sasso after Sasso was barred from all union activity and by visiting Sasso in prison after Sasso's conviction for labor racketeering. The Charged Parties were all former Local 282 on-site stewards who were removed from their positions by the Local 282 Corruption Officer. All of the Charged Parties continued to be members of Local 282.

A duly-noticed hearing on the charges brought by temporary Trustee Peter Mastrandrea was held on February 29, 1996 at Local 282 before a panel consisting of Chairman Lou Partenza, Jerry Ranita and Robert Corbett. Brothers Caracciolo, Ferreri and Ventimiglia failed to appear at the hearing before the panel. Brother Mastrandrea testified that both Ferreri and Caracciolo had indicated their willingness to sign agreements removing themselves from membership in Local 282 or any other IBT entity. An attorney for Brother Ventimiglia informed the IBT by letter dated February 27, 1996 that Brother Ventimiglia would not appear at the scheduled February 29 hearing.

The hearing panel found that Brothers Caracciolo and Ferreri violated the IBT Constitution by continuing to associate with Robert Sasso after he was permanently barred from the IBT. The panel recommended that Brothers Caracciolo and Ferreri themselves be permanently barred from membership in Local 282 or any IBT

entity. The panel did not make a finding or recommendation as to Brother Ventimiglia but a decision in Brother Ventimiglia's case is rendered here by virtue of his refusal, through counsel, to attend the scheduled hearing. Copies of correspondence concerning Brother Ventimiglia's attendance at the hearing are attached hereto.

Dominick Guidice appeared before the panel and testified that he met with Robert Sasso while he was in prison and met with Sasso for coffee on several occasions with other members of Local 282. Brother Guidice testified that he was aware of the Consent Decree but was not knowledgeable as to its contents. Brother Guidice testified that he did not realize he was violating any rules by meeting with Robert Sasso and that Sasso was his friend. The hearing panel found that the charges against Brother Guidice were proven and recommended that he be suspended from membership in Local 282 and all IBT entities for a period of one (1) year.

Ronald Forino appeared at the hearing before the panel and admitted that he visited Robert Sasso while he was in prison and also attended a dinner with his wife and six or seven other couples along with Sasso and his wife. Brother Forino also testified that he had heard of the Consent Decree but was not aware of its contents. He further testified that he felt indebted to Sasso who helped him and his wife adopt a baby girl five (5) years previously.

Brother Forino testified that he became aware of the provision forbidding association with officers and members who have been barred from the IBT when he was removed from his position as an on-site steward. Brother Forino testified that he would not have met with Sasso had he known he could lose his membership in Local 282. The hearing panel found that Brother Forino was guilty of the charges against him, but also noted that Brother Forino has been a member in good standing of Local 282 for approximately 23 years. Based on the length of Brother Forino's membership, his personal indebtedness to Sasso and his testimony that he was not aware that he was prohibited from meeting with Sasso, the panel recommended that Brother Forino be barred from holding any union position with Local 282 or any IBT entity for a period of two (2) years, but that he be permitted to maintain his membership in Local 282.

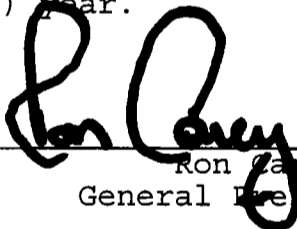
Having reviewed and considered the hearing record and the findings and recommendations of the hearing panel, I find that all of the Charged Parties brought reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX, Sections 1, 7(b)(1) and (2) of the IBT Constitution by knowingly associating with Robert Sasso after he was permanently barred from the IBT and by visiting him in prison after his labor racketeering conviction. In addition, the Charged Parties also violated Paragraph E(10) of the March 14, 1989 Consent Decree entered in United States v. IBT, which prohibits IBT members from knowingly associating with a barred person.

Accordingly, I impose the penalties listed below giving due consideration to the mitigating testimony of Brothers Guidice and Forino before the hearing panel, and mindful of the evidence reported by the IRB. In particular, I note that in his sworn testimony to the IRB, Brother Guidice denied that he visited Sasso in prison on June 2, 1995 with Brother Ventimiglia, but prison records show that he and Ventimiglia visited Sasso in prison on that date. I also note that Brother Forino testified to the IRB investigator that he was aware that the Consent Decree barred union members from contact with people who have ties to organized crime or who were barred from the union, but he could not say when he became aware of the prohibition.

Based on the above record and the findings and recommendations of the hearing panel, I impose the following penalties:

1. Dominick Caracciolo is permanently barred from membership in Local 282 and any IBT entity.
2. Ralph Ferreri is permanently barred from membership in Local 282 and any IBT entity.
3. Pasquale Ventimiglia is permanently barred from membership in Local 282 and any IBT entity.
4. Dominick Guidice is suspended from membership in Local 282 and any IBT entity for a period of two (2) years.
5. Ronald Forino is suspended from membership in Local 282 and any IBT entity for a period of one (1) year.

Dated: May 16, 1996

  
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Ron Carey  
General President

ATTACHMENT