

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,      :
:                               : 88 Civ. 4486 (DNE)
:                               :
:                               : APPLICATION XXVII OF THE
:                               : INDEPENDENT REVIEW BOARD
:                               : --OPINION OF THE
INTERNATIONAL BROTHERHOOD      : INDEPENDENT REVIEW BOARD
OF TEAMSTERS, et al.,         : IN THE MATTER OF THE HEARING
:                               : OF COSTABILE LAURO
:                               :
:                               :
:                               :
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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 August 1, 1995, and thereafter determined, on the charge filed against Costabile Lauro ("Lauro").

Lauro was charged with knowingly associating with members of La Cosa Nostra while he was a member of Local Union 807. Having reviewed the evidence and the post-hearing submissions, the IRB found that the charge against Lauro of knowingly associating with members of La Cosa Nostra was proved. As a penalty, Lauro was permanently barred from membership in the IBT.

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 Lauro immediately be barred from IBT membership.

Enclosed with the November 14, 1995 Opinion are the following exhibits:

- 1) June 9, 1995, IRB Investigative Report (w/exhibits 1-17);
- 2) Federal Bureau of Investigation Exhibits 1-30 to Exhibit 7 of the IRB Investigative Report;
- 3) August 1, 1995, Lauro Hearing Transcript (w/exhibits 1-5).

It is respectfully requested that an Order be entered affirming the IRB's November 14, 1995 Opinion if Your Honor finds it appropriate.

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

Dated: November 22, 1995

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In re: Constabile Lauro, : OPINION AND DECISION OF
IBT Local 807 : THE INDEPENDENT REVIEW
: BOARD
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I. INTRODUCTION

On June 9, 1995, the Independent Review Board ("IRB") transmitted to the International Brotherhood of Teamsters ("IBT") General President for appropriate action an investigative report ("Report") concerning proposed charge against Local 807 member Constabile Lauro ("Lauro").

The IRB Report alleged that Lauro knowingly associated with members of the Genovese Family of the La Cosa Nostra ("LCN") in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), and (2) and (9) of the IBT Constitution.

By letter of June 15, 1995, the IBT returned the Report to the IRB for adjudication. See IRB Rules and Procedures, ¶ I, § 5. On August 1, 1995, the IRB held a hearing in New York City, NY on the charge against Lauro and, following the hearing, memoranda were submitted to the IRB by the Chief Investigator and Lauro. In our following opinion and decision, we find that the charge that Lauro committed violations of the IBT Constitution has been established.

II. SUMMARY OF FACTS

A. Lauro's Work History

Lauro joined IBT Local 807, located in Long Island City, New York, in January, 1990. (IO-11)^{1/} Prior to that time, he had worked in a range of intermittent jobs, including a periodic job as a bouncer at a night club in Brooklyn known as Pastels Disco ("Pastels"). His last steady job on the Brooklyn Waterfront ended in 1972. Since joining Local 807 in 1990 Lauro has worked at the Jacob Javits Convention Center ("Javits Center") in the trade show division. He has also worked at various hotels and trade shows where conventions have been held.

B. Relationship With Alphonse Malangone

Testimony provided by the FBI through Special Agent Brian F. Taylor, which we found to be credible, established that Alphonse "Ally Shades" Malangone was manager of Pastels while Lauro was working there as a bouncer; that Malangone was and is Capo with the Genovese LCN Family; and that Malagone worked for Capo Tommy Cotaldo until Cotaldo's death in 1989 after which he took over the crew. (Tr. 18; IO-1 at 18; IO-7 at ¶ 27; Decl. Ex. 4, IO-7 at ¶ 31).

A report issued in April 1988 by the U.S. Senate Permanent Subcommittee on Investigations identified Malangone as a member of the Genovese LCN Family. (IO-9)

^{1/} "IO" refers to Investigations Officer's Exhibits; "Tr." refers to the transcript of the August 1, 1995 hearing; and "Decl. Ex." refers to the Exhibits to the Declaration of FBI Supervisory Special Agent Brian Taylor, which is IO-7. "Response" refers to Lauro's post-hearing response.

Lauro knew Malangone from the Brooklyn Waterfront where they worked together as members of International Longshoreman's Association Local 1814. Malangone was the manager of Pastels while Lauro worked there as a bouncer. (IO-13 at 4-5, 11, 15). Lauro described Malangone as a close friend of forty years. (Tr. 25; IO-1 at 12). Malangone was godfather at the baptism of Lauro's son. (IO-13 at 18). Lauro attended the christenings of Malangone's grandchildren. (IO-1 at 24-25). Lauro testified at the hearing, "I've been friends with Mr. Malangone for forty years ... our wives were very close, our kids grew up together. Any time there was a party, anything in the family, we always were invited." (Tr. 25). Lauro and Malangone even got their haircuts together for twenty years. (IO-1 at 10-12). In the early 1970's they were arrested for illegal gambling together. (IO-13 at 7, 32).

Lauro's association with Malangone continued after Lauro became an IBT Local 807 member working at the Javits Center, which has a well documented history of organized crime influence. In fact, according to self-admitted Gambino LCN Underboss Salvatore Gravano, one of Malangone's rackets is the Javits Center. (Decl. Ex. 5 at ¶ 22). Lauro admitted approximately twenty occasions when he associated with Malangone since becoming a member of IBT Local 807. During his July 20, 1994 examination, Lauro admitted speaking with Malangone only two months earlier and telling Malangone about Lauro's April 27, 1994 examination and the questions asked. (IO-1 at 20-21).

In addition, Lauro testified that he has associated with Alan Longo since becoming an IBT member on approximately ten occasions. Longo is Malangone's driver and a Genovese LCN Family member whom Lauro has known for fifteen years. Lauro admitted that he heard about both Longo's and Malangone's ties to organized crime well before joining the IBT. He testified that although he had read of Malangone's organized crime connections, he never asked Malangone about this because, "It was none of my business." (Tr. 26.)^{2/}

Lauro's association with Malangone continued after Lauro began working at the Javits Center as a member of Local 807. He admitted seeing Malangone approximately fifteen times (IO-13 at 16) including attending the wedding of Malangone's son, Ali, in Brooklyn in 1991 and the christening of Malangone's grandson in 1992 at Malangone's invitation (IO-1 at 23, 24). He continues to meet Malangone at Dino's Hair Salon in Brooklyn every week or so for hair cuts (IO-1 at 12). They met and spent time together at a Las Vegas outing. (IO-1 at 27, Tr. 24-25.)

C. Relationship with Alan Longo

Alan Longo is Malangone's driver and is considered by the FBI to be a member of the Genovese LCN Family and a close associate of Malangone. (IO-7 at ¶ 31; Tr. 19.) He has been

^{2/} In his written response Lauro contended any inappropriate association was "totally inadvertently [sic] on my part." He described such associations as "trivial and inconsequential. . . . A man should not be ostracized by outside influences, but rather be given a chance to do good in life and be judged solely on his own worth and merit." (Response 1-2.)

observed on numerous occasions with other members of organized crime and is reported to have solicited self-admitted Genovese LCN member Vincent Cafaro to mediate a potential dispute between the Genovese and Luchese LCN Families. (IO-7 at ¶¶ 39-42.)

Lauro admitted meeting with Longo approximately ten times since working at the Javits Center, including drinks at Pastels and a coffee shop at Fifth Avenue and Seventeenth Street in Brooklyn. (IO-1 46-47; IO-13 at 19, IO-1 at 47-48.) Lauro and Longo were observed on April 16, 1989 at Pastels during a private party in honor of Frank Malangone's induction into the Genovese LCN Family. (Decl. Ex. 9.) Lauro said he had heard about Longo's ties to organized crime between seven and eight years before Lauro's April 27, 1994 examination (IO-13 at 20-21) but did not question Longo.

III. CONCLUSIONS

Lauro's LCN contacts were not limited to Malangone and Longo. His acquaintance with Anthony Ciccone (identified as a Gambino LCN Family Capo -- IO-7 at ¶ 47) and Gerald Guadango (identified as a soldier in the Genovese LCN Family in Malangone's crew -- Decl. Ex. 7 at ¶ 43) add additional force to this conclusion. (IO-1 at 38; 39-40; IO-13 at 22-23; IO-1 at 50-51.)

At the August 1, 1995 hearing, Lauro testified:

"When I did become a member of Local 807 I stopped seeing all the people we were speaking about." (Tr. 22)

While Lauro apparently would cloak himself in the mantle of King Henry V,^{3/} it is clear from the record that the associations continued after he became a member of Local 807 and went to work at the Javits Center.

We conclude that the requisite proof of prohibited association has been made with respect to both Malangone and Longo. His meetings were purposeful and many not incidental or fleeting. See Investigations Officer v. Senese, Decision of the Indep. Adm'r, slip op. at 35 (July 12, 1990), aff'd 745 F.Supp. 908 (S.D.N.Y.), aff'd 941 F.2d 1292 (2d Cir. 1991), cert. denied 112 S.Ct. 1161 (1992).

The argument that Lauro's contacts with organized crime figures were trivial or innocent is unavailing. The associations need merely be "calculated" or "conscious choices" to violate the "knowing association" prescription. Investigations Officer v. Dir. Giralano, Decision of Ind. Adm'r, (January 20, 1993), aff'd sub. nom. United States v. Int'l Broth. of Teamsters, 824 F.Supp. 410 (S.D.N.Y. 1993), aff'd 19 F.3d 816 (2d Cir.); cert. denied, 115 S.Ct. 199 (1994).

The length and closeness of these associations, despite Lauro's protests of ignorance, together with Lauro's admitted knowledge of contacts between Malangone and Longo with other La Cosa Nostra individuals, support the conclusion that Lauro's associations with Malangone and Longo were purposeful, not

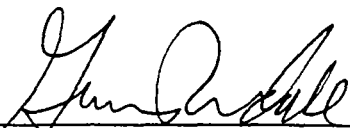
^{3/} "Presume not that I am the thing I was." Shakespeare, King Henry IV, Part II, iv, iii.

fleeting, and that Lauro was in fact aware of the LCN connections of Malangone and Longo. Yet he did nothing to curtail his own contacts with them and in the process has brought reproach upon the IBT and violated Article II, Section 2(a) and Article XIX, Section 7(b) (1), (2) and (9) of the IBT Constitution.

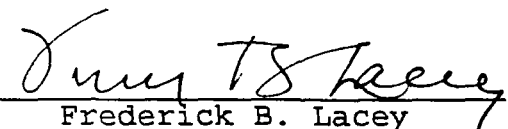
Accordingly, Lauro is permanently barred from holding membership in or any position with the IBT, or any IBT-affiliated entity, in the future. Lauro also may not hereafter obtain employment, consulting or other work with the IBT or any IBT-affiliated entity.

Dated: November 14, 1995

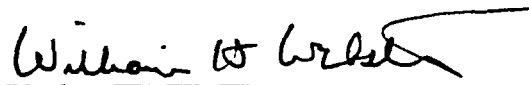
Members of the
Independent Review Board



Grant Crandall



Frederick B. Lacey



William H. Webster

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,
Plaintiff,

-against-

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, et al.,

Defendant.
-----X

MEMORANDUM & ORDER
88 Civ. 4486 (DNE)

-----X
IN RE: APPLICATION XXVII OF THE
INDEPENDENT REVIEW BOARD
-----X

EDELSTEIN, District Judge:

This opinion emanates from the voluntary settlement of an action commenced by plaintiff United States of America against, inter alia, defendants International Brotherhood of Teamsters ("IBT") and the IBT's General Executive Board embodied in the voluntary consent order entered March 14, 1989 ("Consent Decree"). Pursuant to the Rules and Procedures for Operation of the Independent Review Board for the International Brotherhood of Teamsters ("IRB Rules"), ¶ 0, the Independent Review Board ("IRB") has made an application to this Court seeking approval of its decision in this matter.

Application XXVII presents for this Court's review the decision of the IRB regarding disciplinary charges brought against Costabile Lauro ("Lauro"), a former member of IBT Local 807, located in Long Island City, New York. These charges are contained in an investigative report issued by the IRB on June 9,

1995.¹ In this report, the IRB charged Lauro as follows:

While an IBT member, you brought reproach upon the IBT and violated your membership oath in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) [of the IBT Constitution] to wit:

While a member of IBT Local 807, you knowingly associated with members of organized crime including, but not limited to, Alphonse "Ally Shades" Malangone and Alan Longo.

Independent Review Board, Investigative Report In re: Costabile Lauro ("Investigative Report") at 17 (June 9, 1995). The IRB forwarded its report, which included the charge against Lauro, to the IBT on June 9, 1995.

By letter dated June 15, 1995, the IBT referred the charge regarding Lauro back to the IRB for adjudication. On August 1, 1995, the IRB held a hearing in New York City on the above-quoted charge ("the hearing"). Following the hearing, both Lauro and Chief Investigator Charles M. Carberry submitted memoranda.

The hearing focused on the issue of whether Lauro had associated with Alphonse Malangone ("Malangone") and Alan Longo ("Longo"). At the hearing, the IRB heard testimony from Special Agent Brian Taylor ("Taylor") of the Federal Bureau of

¹ The IRB is vested with broad investigatory and disciplinary powers. The IRB's investigatory authority is coextensive with that of the General President and the General Secretary-Treasurer under the IBT Constitution and applicable law. See February 2, 1994, Memorandum & Order, 842 F. Supp. 1550, 1551-52 (S.D.N.Y. 1994); see also August 19, 1991, Opinion & Order, 803 F. Supp. 761, 768 (S.D.N.Y. 1992), aff'd in relevant part, 998 F.2d 1101 (2d Cir. 1993). Under the Consent Decree, the IRB must use this authority, among other things, to investigate allegations of corruption within the IBT, allegations of influence by La Cosa Nostra or other organized crime groups upon IBT members or activities, and any failure of IBT members or leadership to cooperate fully with the IRB. 842 F. Supp. at 1551-52; see Consent Decree § G(a).

Investigation ("FBI"). Opinion and Decision of the Independent Review Board, In re: Constabile [sic] Lauro at 2 (November 14, 1995) ("IRB Opinion and Decision"). Taylor testifies that Malangone was a Capo with the Genovese LCN Family "and that Malangone worked for Capo Tommy Cotaldo until Cotaldo's death in 1989 after which he took over the crew." IRB Opinion and Decision at 2 (citations omitted). Taylor also testified that Malangone managed Pastel's Disco during a time when Lauro worked at the disco as a bouncer. Id (citations omitted). The IRB found Taylor's testimony to be credible. Id.

The IRB also received into evidence an April 1988 report by the United State Senate Permanent Subcommittee on Investigations, which identifies Malangone as a member of the Genovese LCN Family. Investigative Report, Ex. 9. In addition, the IRB reviewed the declaration of Gambino LCN Underboss Slavatore Gravano. Gravano's declaration states that the Jacob Javits Center--where Lauro worked as a member of Local 807--is one of the rackets controlled by Malangone. See Investigative Report, Ex. 7 at ¶¶ 27-28.

Taylor also testified that Longo is "considered by the Federal Bureau of Investigations to be a soldier or a made member of the Genovese family and a close associate of Mr. Malangone." (Transcript of Hearing In re: Costabile Lauro ("Tr.") at 19 (August 1, 1995).) The IRB also reviewed Taylor's sworn declaration, which asserts that "the FBI considers Alan Longo . . . to be a soldier in the Genovese LCN Family." Investigative

Report, Ex. 7, ¶ 37. Moreover, Taylor's declaration asserts that Longo serves as Malangone's driver. Id.

Lauro testified at the IRB hearing, and the IRB also examined transcripts of testimony that Lauro gave at IRB hearings on July 20, 1994, and April 27, 1994. During these hearings, Lauro testified regarding his contacts with Malangone. Lauro testified that: (1) Lauro worked as a bouncer at Pastel's Disco; (2) Malangone and Lauro had been close friends for forty years; (3) Malangone was the godfather of Lauro's son; (4) Lauro attended the baptisms of Malangone's grandchildren; (5) Lauro and Malangone had gotten hair cuts together for twenty years; and (6) Lauro and Malangone were once arrested together for illegal gambling. IRB Opinion and Decision at 3 (citations omitted). Lauro also testified that he had continued to associate with Malangone during the time that Lauro worked for IBT Local 807. Id. at 3 (citations omitted).

Although Lauro did not testify about his relationship with Longo during the hearing concerning the instant application, Lauro did testify regarding his relationship with Longo at the IRB hearings held on July 20, 1994, and April 27, 1994. Lauro admitted meeting with Longo on several occasions "since working at the Javits Center, including drinks at Pastel's [Disco] and a coffee shop at Fifth Avenue and Seventeenth Street in Brooklyn." Opinion and Decision at 5 (citations omitted). Lauro also testified that seven or eight years prior to his April 27, 1994, testimony, he had heard that Longo had ties with organized crime.

Id (citations omitted).

At the conclusion of the hearing, the IRB imposed a post-hearing schedule on the hearing participants, requiring the Chief Investigator to submit a post-hearing memorandum by September 8, 1995, requiring Lauro to submit a response within fifteen days of the date of the submission of the Chief Investigator's memorandum, and requiring the Chief Investigator to submit a reply within five days from the date of Lauro's response. (Tr. 27.)

Based on the evidence produced at the hearing, the IRB found that the Chief Investigator had demonstrated "the requisite proof of prohibited association" between Lauro and "both Malangone and Longo." Opinion and Decision at 6; see also IRB Rules, ¶ J.6 ("In order to be sustained, the proposed findings, charges, or recommendations regarding discipline or trusteeship, contained in the Investigative Report, must be supported by a preponderance of reliable evidence."). The IRB held that the evidence supported "the conclusion that Lauro's associations with Malangone and Longo were purposeful, not fleeting, and that Lauro was in fact aware of the LCN connections of Malangone and Longo." Opinion and Decision at 6-7. Accordingly, the IRB concluded that Lauro "has brought reproach upon the IBT and violated Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) of the IBT Constitution." Id. at 7.

Having held that the charges against Lauro had been proved, and having considered the gravity of the charges, the IRB

permanently barred Lauro from holding membership in, or any position with, the IBT or any IBT-affiliated entity. Id. The IRB further ruled that Lauro may not hereafter obtain employment, consulting, or other work with the IBT or any IBT-affiliated entity. Id.

This Court received IRB Application XXVII consisting of the IRB's Opinion and Decision concerning Lauro together with supporting exhibits on November 27, 1995. By letter dated that same day, Chambers informed Lauro that if he wished to object to the IRB's findings and rulings, he could submit any objections to IRB Application XXVII to this Court no later than ten days from the date of the letter. (Letter from James C. Maroulis, Law Clerk to the Honorable David N. Edelstein, United States District Judge, to Costabile Lauro (Nov. 27, 1995) (on file with Clerk of the Southern District of New York).)

On December 22, 1995, this Court received a letter from Lauro, dated December 8, 1995, in which Lauro objects to the IRB's Opinion and Decision. Although Lauro admits that he associated with Malangone and Longo, he argues that these meetings were both incidental and innocent: "My chance meetings and at times, social meetings, such as weddings, are products of past boyhood obligations fulfilled by my presence and social intercourse, not to be seen as clandestine or subversive." (Letter from Costabile Lauro to the Honorable David N. Edelstein, United States District Judge (December 8, 1995) (on file with the Clerk of the Southern District of New York).) Lauro further

argues that "[b]y no means has my contact with anyone deemed unsuitable been influential in my performance or dedication to my work as a Teamster in Local 807." Id.

Having carefully reviewed all of the relevant documents in the instant application, this Court finds that the IRB's decision is not arbitrary or capricious. See IRB Rules, ¶ 0 ("In reviewing actions of the IRB, this Court shall apply the same standard of review applicable to review of final federal agency action under the Administrative Procedure Act."); see also May 6, 1994 Opinion & Order, slip op. at 4 (S.D.N.Y. 1994). This Court has reviewed both Application XXVII and Lauro's objections to this Application. This Court finds that Lauro's objections are unavailing for two reasons. First, Lauro's objections were not timely because the November 27, 1995, letter from Chambers to Lauro clearly establishes that any objections must be "received by this Court no later than ten (10) days from the date of this letter." (Letter from James C. Maroulis, Law Clerk to the Honorable David N. Edelstein, United States District Judge, to Costabile Lauro (Nov. 27, 1995) (on file with Clerk of the Southern District of New York).) Although Lauro dated his letter December 8, 1995, this Court did not receive this letter until December 22, 1995--after Lauro's deadline for filing objections had passed. Second, Lauro's objections are meritless because his admitted associations with Malangone and Longo are sufficient to warrant IRB sanctions.

Turning, once again, to IRB Application XXVII, this Court

notes with great concern that several errors have been committed. First, in the title of the IRB's Opinion and Decision, Lauro's first name is misspelled as "Constabile." Second, on one occasion, the IRB's Opinion and Decision misspells Malangone's name as "Malagone." IRB Opinion and Decision at 2. Third, the IRB submitted a copy of Exhibit 13 of the IRB Investigative Report--which is a transcript of Lauro's testimony before the IRB on April 27, 1994--with several missing pages. Because the IRB's Opinion and Decision cites to several of these missing pages, this Court obtained a copy of the missing pages from the Chief Investigator's Office prior to issuing this Memorandum and Order. These missing pages are now on file with the Clerk of the Southern District of New York. Fourth, and more troubling, the IRB's Opinion and Decision misstates Lauro's testimony regarding the number of meetings he had with Longo. The Opinion and Decision states: "Lauro testified that he has associated with Alan Longo since becoming an IBT member on approximately ten occasions," Opinion and Decision at 4, and the Opinion and Decision supports this assertion with citations to Lauro's testimony at the July 20, 1994, and April 27, 1994, IRB hearings. A review of Lauro's testimony at these hearings, however, reveals that Lauro testified to meeting with Longo on four or five occasions, not "approximately 10." Investigative Report, Ex. 1 at 47-49; Investigative Report, Ex. 13 at 19.

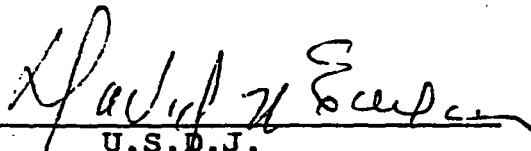
I am deeply troubled by the errors in Application XXVII. My displeasure is beyond words. It is hard to understand how these

errors could have escaped notice. It occurs to me that due diligence and vigilance were lacking.

Despite the mistakes in Application XXVII, this Court finds that there is more than enough evidence in the record to support the IRB's conclusion that "Lauro's associations with Malangone and Longo were purposeful, not fleeting, and that Lauro was in fact aware of the LCN connections of Malangone and Longo." Opinion and Decision at 6-7. Accordingly, the decision of the IRB is affirmed in its entirety.

SO ORDERED.

DATED: New York, New York
January 11, 1996


U.S.D.J.

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January 23, 1996

The Honorable David N. Edelstein
United States District Court
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Re: Application XXVII of the Independent Review Board -- In
the Matter of the Hearing of Costabile Lauro, 88 Civ.
4486 (DNE)

Dear Judge Edelstein:

I called your office today to ascertain whether it might be possible for me to call on you on Thursday, January 25 when I will be in New York. I was informed that you are out of the city for several weeks. Because I did not want to appear to be indifferent to the concerns expressed by you in your Opinion, I thought it best not to wait until your return and am writing you at this time and will also seek an appointment shortly after your return to New York City.

First, let me express the dismay that we all feel that typographical errors and an incomplete exhibit escaped our notice and reached your desk. We are reexamining our procedures to prevent such occurrences in the future.

As the principal author of the opinion, I feel a special responsibility for our shortcomings in this instance. I can assure you that the opinion was carefully prepared and was scrutinized by the other two members of the Board, each of whom submitted suggested changes. The revisions were made and

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signatures obtained. Because of unique filing requirements in the Southern District, the document was forwarded to Judge Lacey's office where an exhibit was appended and the application signed by Judge Lacey and forwarded to Your Honor. We deeply regret that the copy of the exhibit furnished contained missing pages, causing inconvenience and delay to the Court.

The more troubling concern expressed by Your Honor was whether the opinion and decision misstated Lauro's testimony regarding the number of meetings that he had with Longo. As your Opinion points out, the Opinion and Decision states:

"Lauro testified that he has associated with Alan Longo since becoming an IBT member on approximately ten occasions,"

Opinion and Decision at 4. Your Honor was of the view that the testimony cited in support of this finding revealed that Lauro testified to meeting with Longo on only four or five occasions.

I am enclosing copies of the Investigative Reports cited in the Opinion which reveal that Lauro admitted meeting Longo four or five times at Pastel's Disco and four or five times at the coffee shop.

The record reflects that Lauro testified about associating with Alan Longo in two separate establishments: Pastel's Disco located on 88th Street in Brooklyn and a coffee shop located near 17th Street and Fifth Avenue in Brooklyn. (IO-13 at 10, 19-20) He testified that he saw Longo at Pastel's "four or five times" since being at the Javits Center (IO-1 at 47) and that he saw Longo at the coffee shop on Fifth Avenue and 17th Street four or five times. (IO-1 at 47) That would be a minimum, in total, of eight or a maximum of 10 times. (The Opinion did not cite two additional instances in which Lauro admitted seeing Longo at Malangone's son Ally's wedding and at Malangone's grandson's christening. (IO-1 at 23-25)) Thus, Lauro admitted associating with Longo on not less than 10 or more than 12 times since Lauro began working at the Javits Center.

With Your Honor's approval, we would like to resubmit this application and IRB opinion and decision, properly corrected nunc pro tunc.

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I apologize again for the mistakes contained in our original document and assure you that we will do our very best to avoid any repetition.

Respectfully,



William H. Webster

Enclosures

MEMORANDUM ENDORSEMENT

WHEREAS in a November 14, 1995, Opinion and Decision the Independent Review Board ("IRB") of the International Brotherhood of Teamsters ("the IBT") permanently barred Costabile Lauro ("Lauro") from the IBT because the IRB found that Lauro knowingly associated with members of the Genovese Family of La Cosa Nostra; and

WHEREAS the IRB submitted IRB Application XXVII to this Court to review the IRB's Opinion and Decision regarding Lauro; and

WHEREAS in a January 11, 1996, Memorandum and Order, this Court reviewed IRB Application XXVII and affirmed the IRB's Opinion and Decision, January 11, 1996, Memorandum and Order, 1996 WL 11267; and

WHEREAS in the January 11, 1996, Memorandum and Order, this Court noted "with great concern that several errors have been committed" in Application XXVII, id. at *4; and

WHEREAS this Court noted that Application XXVII contained typographical errors and that several of the pages were missing in one of the exhibits to Application XXVII, id.; and

WHEREAS this Court also expressed particular concern that "the IRB's Opinion and Decision misstates Lauro's testimony regarding the number of meetings he had with [Alan] Longo," a member of La Cosa Nostra, id.; and

WHEREAS this Court noted that "[t]he Opinion and Decision states: 'Lauro testified that he has associated with Alan Longo since becoming an IBT member on approximately ten occasions,'" id. (citation omitted); and

WHEREAS in the January 11, 1996, Memorandum and Order, this Court found that "[a] review of Lauro's testimony . . . reveals that Lauro testified to meeting with Longo on four or five occasions, not 'approximately 10,'" id.; and

WHEREAS on January 30, 1996, this Court received a copy of a letter from IRB member the Honorable William H. Webster ("IRB Member Webster") (Letter from the Honorable William H. Webster to the Honorable David N. Edelstein, United States District Judge (Jan. 23, 1996) (on file with Clerk of the Southern District of New York)); and

WHEREAS in this letter, IRB Member Webster represents to the Court that the IRB is reexamining its procedures to ensure that future IRB applications will not contain typographical errors,

id. at 1; and

WHEREAS IRB Member Webster further states that the IRB deeply regrets that several pages were missing from one of the exhibits to Application XXVII, id. at 2; and

WHEREAS in this letter, IRB Member Webster also addresses the concern that this Court expressed in the January 11, 1996, Memorandum and Order that the IRB's Opinion and Decision misstates Lauro's testimony regarding the number of meetings he had with Alan Longo; and

WHEREAS IRB Member Webster explains in detail how the IRB came to the conclusion that Lauro had met with Longo approximately ten times since becoming an IBT member, and this explanation is supported by citations to the exhibits to IRB Application XXVII, id. at 2; and

WHEREAS this Court has reviewed IRB Member Webster's letter and has reviewed the exhibits to IRB Application XXVII that are referenced in this letter; and

WHEREAS in light of the explanation provided by IRB Member Webster's letter, this Court finds that the IRB's assertion that Lauro met with Longo on approximately ten occasions since becoming an IBT member is supported by the evidence in the record of Application XXVII; and

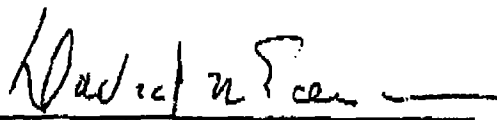
WHEREAS in light of this letter, this Court finds that the IRB did not misstate Lauro's testimony regarding the number of meetings he had with Alan Longo; and

WHEREAS because IRB Member Webster's letter demonstrates that the IRB did not misstate Lauro's testimony, this Court finds that it is appropriate to supplement the record of IRB Application XXVII to include IRB Member Webster's letter;

IT IS HEREBY ORDERED that the record of IRB Application XXVII is supplemented to include IRB Member Webster's letter.

SO ORDERED.

Dated: New York, New York
February 1, 1996



U.S.D.J.