

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA : 88 Civ. 4486 (DNE)
: :
Plaintiff, : APPLICATION XXII OF THE
: INDEPENDENT REVIEW BOARD
v. : --OPINION OF THE
: INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD : IN THE MATTER OF THE HEARING
OF TEAMSTERS, et al., : OF JOSEPH CAMMARANO, JR.
: :
Defendant. :
:

Pursuant to Paragraph O. of the Rules and 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 February 24, 1995, and thereafter determined, on the charges filed against Joseph Cammarano, Jr. ("Cammarano, Jr.").

Cammarano, Jr. was charged with knowingly associating with members of La Cosa Nostra while he was a member of Local Union 282 and by being a member of organized crime.

Having found that the charge against Cammarano, Jr. of knowingly associating with members of La Cosa Nostra was proved, the IRB saw no need to address the charge of membership in organized crime.

As a penalty, Cammarano, Jr. was permanently barred from membership in the IBT.

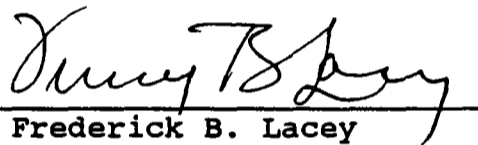
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Given the IRB's determination, we do not find it appropriate to stay the Opinion or the penalty imposed pending review by Your Honor as we found it in the best interest of the IBT that Cammarano, Jr. immediately be barred from IBT membership.

Enclosed with the September 15, 1995, Opinion are the following exhibits:

- 1) January 27, 1995, IRB Investigative Report (w/exhibits 1-34);
- 2) February 24, 1995, Cammarano, Jr. Hearing Transcript (w/exhibits 1-5).

It is respectfully requested that an Order be entered affirming the IRB's September 15, 1995, Opinion, if Your Honor finds it appropriate.

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

Dated: September 20, 1995

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In Re: Joseph Cammarano, Jr., : OPINION AND DECISION OF
IBT Local 282 : THE INDEPENDENT REVIEW
: BOARD
: :
-----X

I. INTRODUCTION

On January 27, 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 charges against Local 282 member and working Teamster foreman Joseph Cammarano, Jr. ("Cammarano, Jr.").

The IRB report alleged that Cammarano, Jr. was a member of the Bonnano Family of the La Cosa Nostra ("LCN") and knowingly associated with members of the Bonnano LCN Family in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) of the IBT Constitution.

By letter of January 30, 1995, the IBT returned the Report to the IRB for adjudication. See IRB Rules and Procedures, ¶ I, § 5. On February 24, 1995, the IRB held a hearing in New York on the charges against Cammarano, Jr. and, following the hearing, memoranda were submitted to the IRB by the Chief Investigator and Cammarano, Jr. In our following opinion and decision, we find that the charges that Cammarano, Jr. committed violations of the IBT Constitution have been established.

II. DISCUSSION

A. IBT Local 282 Has Been Dominated By Organized Crime

Cammarano, Jr. has been a member of IBT Local 282 as an on-site steward, or working Teamster foreman, for ten years. (Ex. 2 at 3-4). It has been well established that Local 282 has had numerous senior officials who are members of organized crime. (Ex. 9). Several previous working Teamster foremen of Local 282 -- Cammarano, Jr.'s position -- have been reportedly associated with organized crime. (Ex. 9). The testimony of a prior high-level organized crime official, Salvatore Gravano, indicates that Cammarano, Jr.'s position was previously used to generate illegal payoffs. (Ex. 9). In addition, Gravano testified that he received payoffs from Robert Sasso, a former president of Local 282 while Cammarano, Jr. served as a working Teamster foreman. (Ex. 9 at 3).

Cammarano, Jr. testified that he received a salary of \$80,000 as a working Teamster foreman, but could provide no detail concerning his work responsibilities. (Ex. 2 at 8). His vague descriptions of his work tended to suggest that his actual role was consistent with that of the historical function of many Local 282 working Teamster foremen associates as working closely with organized crime. Of further concern is that Cammarano, Jr. became a working Teamster foreman at Local 282 without any prior experience in this position. (Ex. 2 at 4-5). Moreover, his testimony during the IRB hearing that he never discussed with

anyone the obvious involvement of organized crime in Local 282 is simply not credible. (Tr. 113-120).

B. Cammarano, Jr. Knowingly Associated With Members or Associates of the Bonnano LCN Family

Credible evidence presented to the IRB establishes that Cammarano, Jr. had extensive contacts with members or associates of the Bonnano LCN family. Cammarano, Jr.'s father and brother both are prohibited from holding Local 282 memberships on the grounds that they were members of organized crime or associated with such members. (Ex. 4; Ex. 2 at 16). Moreover, Cammarano, Jr.'s father-in-law, Vito Grimaldi, was listed as a member of the Bonnano LCN family during 1988 congressional hearings, as was Louis Restivo, a close family friend. (Ex. 29).

Cammarano, Jr. had numerous other contacts with individuals associated with organized crime by virtue of his frequent visits to the Grand Avenue social club, which the FBI considers to be controlled by Michael Cardello, an alleged capo in the Bonnano LCN family. (Ex. 3(c) at 6; Tr. 43-44; Ex. 3 at 7). FBI Supervising Special Agent (SSA) Brian Taylor, an FBI expert with extensive experience in organized crime investigations, whom we find to be a credible witness and whose testimony we accept, testified that "virtually the entire active membership of the Bonnano LCN family . . . [was] observed entering the club on various occasions." (Ex. 3 at 9-10) Yet, Cammarano, Jr. testified that he was not aware of any organized crime connections in that club. (Ex. 28 at 26, 29-30, 42-43, 48-49).

SSA Taylor testified that the FBI observed Cammarano, Jr. visiting the Grand Avenue social club on over thirty occasions in one year. (Ex. 3 at 10). Cammarano, Jr. conceded having had meals at the club on more than twenty occasions. (Tr. 127). Cammarano, Jr. also conceded that he had meals at the club with Louis Restivo, Michael Cardello, Joseph DeSimone and Salvatore Vitale, all considered members of the Bonnano LCN family by the FBI. (Tr. 126-27). The FBI considers Salvatore Vitale to be an Underboss of the Bonnano LCN family. (Ex. 3 at 6).

A February 27, 1992 FBI raid on the club, and a photograph of the individuals present at the club on the date of the raid, provides further evidence of Cammarano, Jr.'s contacts with individuals the FBI considers to be associated with organized crime. (Ex. 3 at 10-11; Ex. 3(I)). This photograph shows Cammarano, Jr. sitting together at a table in the Grand Avenue social club with, among others, Salvatore Vitale, Louis Restivo, Michael Cardello, Joseph DeSimone, Vito Badamo, Jr. and Cono Babino, all considered by the FBI to be members or associates of the Bonnano LCN family. (Ex. 3(I); Ex. 3 at 10-11). We find that the circumstances surrounding this photograph (i.e., the allegation that the FBI asked the individuals in the photograph to take seats at the table) in no way detracts from

its significance in demonstrating Cammarano, Jr.'s presence at the club with known members of organized crime.^{1/}

Based on evidence presented to the IRB, including photographs and Cammarano, Jr.'s own testimony, it is established that Cammarano, Jr. frequently visited the Grand Avenue social club on Thursdays, the day of the week (as established through surveillance by the FBI) Bonnano LCN family members and associates would gather. (Tr. 135). Cammarano, Jr. also conceded in his own testimony that he had four or five meals at the Grand Avenue club with Salvatore Vitale, Louis Restivo, Joseph DeSimone, Michael Cardello and others. (Tr. 126-27).

Cammarano, Jr. also acknowledged in his own testimony that he had numerous contacts, outside of visits to the Grand Avenue social club, with Louis Restivo^{2/}, Joseph DeSimone, Vito Badamo, Jr.^{3/} and Cono Babino, who, as indicated above are considered to be members or associates of the Bonnano LCN family. (Ex. 28 at 10-11; Tr. 111-15, 123-127).

^{1/} That Cammarano, Jr. may not have been sitting at the table when the FBI entered does not affect this conclusion. In any event, Cammarano, Jr. gave conflicting accounts in his testimony as to whether he was sitting at the table or standing by the door when the FBI entered the club. (Ex. 28 at 28; Tr. 112-13; Ex. 28 at 54-55).

^{2/} Cammarano acknowledges visiting Restivo's home and seeing Restivo at the Grand Avenue social club on at least twelve occasions, in addition to having four or five meals with Restivo. (Ex. 28 at 10; Tr. 125, 130-31).

^{3/} While initially testifying in December 1994 that he had seen Vito Badamo, a close friend, at the Grand Avenue social club only once, Cammarano, Jr. testified at the IRB hearing that he had met Badamo at the club on four or five occasions. (Tr. 113-14; 123-24).

In view of the substantial weight of evidence concerning the duration and quality of Cammarano, Jr.'s contacts with known organized crime figures, the IRB concludes that such contacts were purposeful and not incidental, fleeting, casual or inadvertent. See Investigations Officer v. Adelstein, IA Decision at 17, aff'd, United States v. IBT, 808 F. Supp. 279 (S.D.N.Y. 1992), aff'd, United States v. IBT, 998 F.2d 120 (2d Cir. 1993). As such, the IRB is permitted to infer that Cammarano, Jr. knowingly associated with such figures.

Investigations Officer v. Senese et al., IA Decision 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.2d 1292 (2d Cir. 1991).

C. Cammarano, Jr.'s Testimony Was Rife With Contradiction

That Cammarano, Jr.'s relevant testimony is particularly rife with contradiction also troubles the IRB. In his December testimony, for example, Cammarano, Jr. stated that he had visited the Grand Avenue club a maximum of ten times. (Ex. 28 at 23). In his testimony during the IRB hearing, he indicated that he visited the club at least twenty-four times. (Tr. 128-29). As indicated above, FBI surveillance identified Cammarano, Jr. visiting the club over thirty times between March 1991 and March 1992. (Ex. 3 at 10).

Cammarano, Jr. also gave conflicting testimony concerning his relationship with Michael Cardello and John Palazzolo, both considered by the FBI to be members of the Bonnano LCN family. In sworn deposition testimony from December

1994, Cammarano, Jr. stated that he had met Cardello only once, on the day of the FBI raid. (Ex. 28 at 39). In the IRB hearing, however, Cammarano, Jr. testified that he saw Cardello two dozen times at the Grand Avenue club. (Tr. 128-29) Cardello is now incarcerated after pleading guilty to conspiracy to participate in a racketeering enterprise. (Ex. 31).

In his December 1994 deposition testimony, Cammarano, Jr. failed to acknowledge that he knew John Palazzolo, but later, at the IRB hearing, indicated that he knew Palazzolo for twelve years and had meals with him at the Grand Avenue social club. (Ex. 28 at 4-5, 8-13; Tr. 122-23). Cammarano, Jr. also attended the wake of Palazzolo's mother in October 1994. (Ex. 3 at 11-12). A photograph from the wake shows Cammarano, Jr. with Michael Cardello. (Ex. 3(J)).

SSA Taylor testified that the FBI's opinion, based on information from two reliable informants and other credible information developed during organized crime investigations, is that Cammarano, Jr. is a member of the Bonnano LCN family. (Ex. 3 at 9). Given Cammarano, Jr.'s extensive contacts with individuals closely associated with the Bonnano LCN family, the IRB need not also determine that Cammarano, Jr. is a Bonnano LCN family member.

CONCLUSION

We find that the charge against Cammarano, Jr. of having knowingly associated with members of La Cosa Nostra has been proved. It has been firmly established that Cammarano, Jr.,

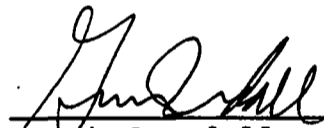
a working Teamster foreman for Local 282, which has long been dominated by organized crime, has associated frequently -- at the Grand Avenue social club and elsewhere -- with individuals who are members of, or who are closely associated with, the Bonnano LCN family. As such, Cammarano, Jr. has brought 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.

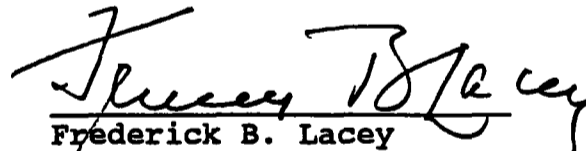
Accordingly, Cammarano, Jr. is permanently barred from holding membership in or any position with the IBT, or any IBT-affiliated-entity, in the future. Cammarano, Jr. also may not hereafter obtain employment, consulting or other work with the IBT or any IBT-affiliated entity.

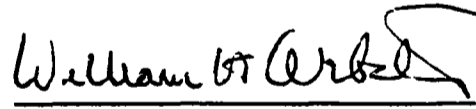
Dated: September 15, 1995

Members of the
Independent Review Board

by:


Grant Crandall


Frederick B. Lacey


William H. Webster

IRB on January 27, 1995.¹ In this report, the IRB charged Cammarano 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 282, you were a member of organized crime and knowingly associated with members of La Cosa Nostra including but not limited to Salvatore Vitale, Peter Rosa, Michael Cardello and Joseph DeSimone.

(Independent Review Board, Proposed Charges Against Local 282 Member Joseph A. Cammarano, Jr. 10-11 (January 27, 1995).) The IRB forwarded these charges and its report to the IBT on January 27, 1995.

By letter dated January 30, 1995, the IBT referred the charges against Cammarano back to the IRB for adjudication. A hearing on the above-quoted charges was scheduled for February 24, 1995 ("the hearing"). On January 30, 1995, the IRB sent a Notice of Hearing ("the Notice"), a copy of the IRB investigative report with exhibits, and the IRB Operating and Hearing Rules to Cammarano. The Notice informed Cammarano that the purpose of the hearing was to determine whether the charges contained in the

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).

investigative report were supported by the evidence, and the Notice stated that Cammarano would "be permitted to present any facts, evidence, or testimony that is relevant to the issues before the IRB." (Independent Review Board Notice of Hearing 1-2 (January 31, 1995).) The Notice further informed Cammarano that he had the right to be represented at the hearing by counsel or by an IBT member. Id. at 1.

At the hearing, the IRB heard testimony from Special Agent Brian Taylor ("Taylor") of the Federal Bureau of Investigation ("FBI"), "an FBI expert with extensive experience in organized crime investigations. . . ." Opinion and Decision of the Independent Review Board, In re: Joseph Cammarano, Jr. 3 (September 15, 1995) ("IRB Opinion and Decision"). The IRB also reviewed Taylor's sworn declaration, which was submitted as an exhibit. (IRB Investigative Report, In re: Joseph Cammarano, Jr., Ex. 3.) Taylor's testimony was based on his experience investigating organized crime in the New York City area and his review of documents and photographs. The IRB found Taylor's testimony and sworn declaration to be credible. IRB Opinion and Decision at 3.

At the hearing, Taylor testified that Cammarano was a member of the Bonnano Family of La Cosa Nostra ("LCN") in New York and that Cammarano, at all pertinent times, had associated with members of organized crime. Taylor stated that Cammarano's "father and brother both are prohibited from holding Local 282 memberships on the grounds that they were members of organized

crime or associated with such members," and that both his father-in-law and his close friend were Bonnano LCN family members. Id. Taylor further testified that Cammarano frequently visited the Grand Avenue social club, an establishment that the FBI considers to be controlled by a member of the Bonnano LCN family, and that Cammarano ate meals at the club with various members of the Bonnano LCN family. Id. at 3-4.

Following Taylor's testimony, Cammarano appeared and testified at the hearing. Cammarano was represented by counsel, Mr. Albert A. Gaudelli, Esq. ("Gaudelli"), at the time. In his testimony, Cammarano conceded that he knew many individuals who are alleged to be members of organized crime or associated with members of organized crime. IRB Opinion and Decision at 5; (Hearing Transcript, In re: IRB Charges Against Local 282 Member Joseph A. Cammarano, Jr. 111-15, 123-27 (February 24, 1995) ("Tr.")) Cammarano further admitted that he frequently visited the Grand Avenue social club and that he had dined with various individuals alleged to be members of organized crime. IRB Opinion and Decision at 5; (Tr. 126-27, 135). Cammarano also testified about his membership in Local 282 but denied that he knew that local members were involved with organized crime and that there was corruption within the union. (Tr. 141-45.)

In addition to his hearing testimony, the IRB reviewed and received as an exhibit a sworn declaration given by Cammarano on August 9, 1994. (IRB Investigative Report, In re: Joseph Cammarano, Jr., Ex. 2.) In this declaration, Cammarano recounted

his work experience as a member of Local 282. He testified that he had been both a Teamster and a member of Local 282 for ten years. Id. at 3. Cammarano stated that at the time of the declaration, he was a Teamster foreman and received a yearly salary of \$80,000 for this position. Id. at 7-8. Throughout this testimony, Cammarano provided "only vague descriptions of his work," descriptions that "tended to suggest that [Cammarano's] actual role was consistent of that of the historical function of many Local 282 working Teamster foremen associates as working closely with organized crime." IRB Opinion and Decision at 2.

At the conclusion of the hearing, the IRB imposed a post-hearing schedule on the hearing participants. The IRB informed the participants that post-hearing submissions would be due fourteen days following the receipt of the hearing transcript. (Tr. 148.)

Based on the evidence produced at the hearing, the IRB held that it had been established by a preponderance of the evidence, see IRB Rules, ¶ J.6, that Cammarano, "a working teamster foreman for Local 282, which has long been dominated by organized crime, has associated frequently -- at the Grand Avenue social club and elsewhere -- with individuals who are members of, or who are closely associated with, the Bonnano LCN family." IRB Opinion and Decision at 8. The IRB found the hearsay evidence it heard at Cammarano's hearing to be credible. Id. at 3, 7. It also found that Cammarano had knowingly associated with members or

associates of the Bonnano LCN family during his membership in Local 282, id. at 3-6, and that "the substantial weight of the evidence concerning the duration and quality of Cammarano, Jr.'s contacts with known organized crime figures [demonstrated] that such contacts were purposeful and not incidental, fleeting, casual or inadvertent." Id. at 6 (citations omitted). The IRB further found that Cammarano's testimony was "rife with contradiction," id. at 6, because his hearing testimony conflicted with his earlier deposition testimony as well as FBI reports regarding Cammarano's visits to the Grand Avenue social club and his relationship with various members of organized crime. Id. at 6-7. Accordingly, the IRB concluded that Cammarano "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 8.

Having held that the charges against Cammarano had been proven, and having considered the gravity of the charges, the IRB permanently barred Cammarano from holding membership in, or any position with, the IBT or any IBT-affiliated entity in the future. Id. The IRB further ruled that Cammarano may not hereafter obtain employment, consulting, or other work with the IBT or any IBT-affiliated entity. Id.

This Court received IRB Application XXII consisting of the IRB's Opinion and Decision concerning Cammarano together with supporting exhibits on September 26, 1995. By letter dated that same day, Chambers informed Cammarano's attorney that if he

wished to object to the IRB's findings and rulings, he could submit any objections to IRB Application XXII to this Court no later than fourteen 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 Albert A. Gaudelli, Esq., Defense Counsel (Sept. 26, 1995) (on file with Clerk of the Southern District of New York).) On September 28, 1995, Gaudelli wrote to this Court requesting an extension of time to file objections to the IRB Opinion and Decision because he "ha[d] not had the opportunity to review this recommendation and application with [his] client." (Letter from Albert A. Gaudelli, Esq., Defense Counsel, to the Honorable David N. Edelstein, United States District Judge (Sept. 28, 1995) (on file with Clerk of the Southern District of New York).) On October 5, 1995, this Court denied Gaudelli's request because it "fail[ed] to set forth an adequate reason for extending Mr. Cammarano's time to file objections to Application XXII." 88 Civ. 4486, Application XXII of the Independent Review Board (Cammarano) (S.D.N.Y. Oct. 5, 1995) (Memorandum Endorsement).

On October 11, 1995, this Court received Cammarano's objections to Application XXII from Gaudelli. In the papers submitted to this Court, Cammarano detailed the specific portions of the IRB Opinion and Decision that he found objectionable. He asserted that the IRB's references to Cammarano's father and brother were "patently unfair" because "[e]very person is entitled to normal contact with his own family. . . ."

(Cammarano's Objections to the IRB Opinion and Decision Application XXII, at 2 (Oct. 10, 1995).) He challenged the IRB's findings as "vague" and unsupported by the evidence. Id. at 4-5. In addition, Cammarano asserted that several of the IRB's findings were erroneous because they "[i]nferr[ed] criminal association . . . by hearsay and unfounded unsubstantiated opinion" Id. at 6. Specifically, Cammarano challenged the IRB's use of hearsay testimony, id. at 3, and objected to "the conclusion made by the IRB based on FBI reports and testimony which at best were double hearsay and most times triple and beyond." Id. at 3.

In response to Camarano's objections, both the IRB and the office of the United States Attorney for the Southern District of New York submitted letters in support of the IRB Opinion and Decision. Both letters focused on Cammarano's "principal objection to the IRB decision . . . that [the] IRB relied upon hearsay evidence." (Letter from Celia A. Zahner, Special Counsel to Chief Investigator Charles M. Carberry, to the Honorable David N. Edelstein, United States District Judge 1 (Oct. 24, 1995) (on file with Clerk of Southern District of New York) ("Zahner Letter")); see (Letter from Beth E. Goldman, Assistant United States Attorney, to the Honorable David N. Edelstein, United States District Judge (Nov. 3, 1995) (on file with Clerk of Southern District of New York) ("Goldman Letter")). Citing Second Circuit case law, both letters emphasized that it is well settled that reliable hearsay is admissible at internal union

disciplinary hearings under the Consent Decree. (Goldman Letter (citing United States v. IBT (Cimino), 964 F.2d 1308, 1312-13 (2d Cir. 1992))); (Zahner Letter at 1 (citing United States v. IBT (DiGirlando), 19 F.3d 816, 823 (2d Cir.), cert. denied, 115 S.Ct. 119 (1994); United States v. IBT (Adelstein), 998 F.2d 120, 124 (2d Cir. 1993); United States v. IBT (Senese), 941 F.2d 1292, 1297-98 (2d Cir. 1991), cert. denied, 502 U.S. 1091 (1992))).

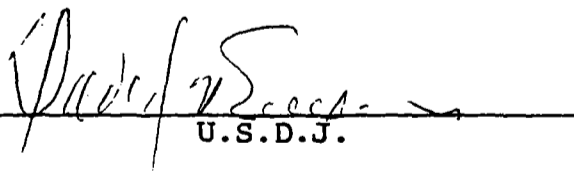
In addition, the IRB addressed the issue of whether expert testimony offered at the hearing could be based on information beyond the personal knowledge of the expert witness. Citing both the Federal Rule of Evidence and case law from this Court, the IRB asserted that an "expert opinion can be predicated upon information given to [the expert] prior to the hearing and otherwise inadmissible evidence if it is 'of a type reasonably relied upon by experts in the particular field in forming opinions.'" (Zahner Letter at 2 (citing Fed. R. Evid. 703; Investigations Officer v. Senese, IA Decision at 23 (July 12, 1990), aff'd, United States v. IBT, 745 F. Supp. 908 (S.D.N.Y. 1990), aff'd, 941 F.2d 1291 (2d Cir. 1991), cert. denied, 502 U.S. 1091 (1992)).) Finally, both letters asserted that the evidence presented at Cammarano's hearing fully supported the IRB Opinion and Decision and that the IRB Opinion and Decision should be affirmed in all respects. (Goldman Letter); (Zahner Letter at 2).

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 also has reviewed the arguments advanced by the IRB and the office of the United States Attorney in their respective responses to Cammarano's objections. This Court finds that the IRB and the office of the United States Attorney are correct in their assertions that hearsay testimony is admissible at internal union disciplinary proceedings, that expert opinion can be predicated upon information given to an expert prior to a hearing, that if expert opinion is based upon facts or data of the type reasonably relied upon by experts in the particular field in forming opinions the facts or data need not be admissible in evidence, and that the IRB's Opinion and Decision is fully supported by the evidence. Finally, this Court has reviewed Camarano's objections and finds that these objections are meritless. Consequently, the decision of the IRB is affirmed in its entirety.

SO ORDERED.

DATED: New York, New York
December 8, 1995


U.S.D.J.