



The Commonwealth of Massachusetts
Office of the Inspector General

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Honorable Kevin J. Dumas
Mayor, City of Attleboro
Government Center, 77 Park Street
Attleboro, MA 02703

April 1, 2004

Dear Mayor Dumas:

This letter is in response to your letter dated 3/24/04 in which you requested a summary of our investigation into allegations of employee misconduct pertaining to the former City of Attleboro (City), Capron Park Maintenance Department (CPMD) Foreman. It is the understanding of this Office that this individual retired from his City position shortly after being interviewed by investigators from this office in August 2003. For your information, in 2002-2003, the Office of the Inspector General (Office) conducted an investigation into the above-mentioned allegations. At the time of the investigation, the Foreman had been employed by the CPMD for many years.

The initial complaint made to this Office regarding the Foreman was made in 2002 by a person who had been employed by the City for several years. This person (Source One) informed this Office that during the winter of 2002, that he/she observed the Foreman working on personal projects in the CPMD Gardener's Shed during work time. Source One advised that the Foreman was building wheelbarrows and repairing antique sleighs at a rate of approximately one per week or one every other week. Source One also observed the finished product of a wooden outhouse and a doghouse inside the Gardener's Shed. He/She advised that the latter items were "sitting in the Gardener's Shed where the building of items [by the Foreman] takes place." Source One advised that the Foreman had a word of mouth business regarding items that he constructed at the CPMD and that he sold them in the local area.

Source One stated that in or around March 2002, CPMD employees were constructing a table [for official use] with "four by six lumber boards." Source One advised that he/she observed two or three of these boards in the Foreman's personal vehicle. Source One advised that in the springtime of 2002, the City purchased flats of flowers, which were delivered to Capron Park on palettes. Source One observed the flowers on the palettes outside the CPMD Gardener's Shed in or around May 2002. At that time, Source One observed two flats of flowers stacked in the bed of the Foreman's personal vehicle.

Source One was certain that above mentioned flowers and boards left Capron Park in the Foreman's personal vehicle. Source One advised that the Foreman's personal vehicle is a black pick-up truck, which he drives to and from work each day.

During the investigation, this Office interviewed Source Two who has been employed by the City for several years. Source Two was interviewed in February 2002 and advised that the Foreman would arrive at the CPMD maintenance shed prior to the start of the official workday and begin working on his personal projects, e.g. building wheelbarrows, and repairing old wagons, antique sleighs and tables. Source Two advised that he/she would later observe the Foreman working on his personal projects at different times during the workday. Source Two advised that it was a common occurrence for him/her to observe the Foreman working on his personal projects before lunch. Source Two stated that the Foreman would stop working on his personal projects and join the other workers for lunch. Source Two advised that during the springtime months, the Foreman would produce one wheelbarrow per day. Source Two advised that most of the projects that the Foreman builds are for sale to the public. Source Two advised that the Foreman sells many of his personal projects to a shop in Cumberland, Rhode Island. Source Two has personal knowledge that the Foreman delivered his personal projects to the Rhode Island shop during work hours [i.e., on City time]. Source Two advised that the Foreman had three employees currently working under him who would be able to provide information to this Office but would be reluctant to talk, fearing retaliation from the Foreman.

Source Two advised that the Foreman was responsible for ordering and purchasing supplies and materials for official CPMD projects. Source Two stated that the Foreman would always purchase more materials than were necessary to complete particular jobs or he would instruct his subordinates to "buy extra for spares." Source Two advised that the Foreman would afterwards order subordinates not to touch the leftover supplies and he/she would later see the Foreman use them on his personal projects.

Source Two advised that during the spring of each year, CPMD employees would purchase and plant flowers around the City. He/She advised that before any planting was done, the Foreman would take some of the flowers for himself and offer other flowers to any CPMD employee who wanted them. Source Two advised that the Foreman would put aside three or four trays of flowers and instruct CPMD employees not to touch them. Source Two advised that there was an understanding that the Foreman intended to take them for himself.

Source Two advised that on numerous occasions, the Foreman would cut tree logs into firewood during City time and instruct CPMD employees to do the same. Source Two advised that sometimes the CPMD employees would cut firewood all day. Source Two advised that most of the split firewood was for the Foreman's personal use. He/She advised that the Foreman and the CPMD employees would usually split enough firewood to load the Foreman's personal pick-up during City time. Source Two has personal knowledge that on one occasion, the Foreman and two other CPMD employees used a City truck during work hours to deliver firewood to the home of one of the Foreman's subordinates. Source Two stated that after this was done, the Foreman and the employees

returned to work and had lunch. Source Two also has personal knowledge that in the summer of 2002, the Foreman and another City employee loaded a doghouse that was built by the Foreman onto the Foreman's personal vehicle at the CPMD work area. The Foreman then drove the vehicle away from the work area during City work hours.

During the investigation, this Office interviewed Source Three who has been employed by the City for several years. Source Three was interviewed in February 2003 and advised that over the past four years, he/she had observed the Foreman working on personal projects in the Capron Park maintenance shed during regular working hours. Source Three has seen the Foreman working on personal projects such as wheelbarrows, birdhouses, an outhouse, wagon parts, and Christmas sleighs. Source Three has personally observed the Foreman working on wheelbarrows two or three times a week during the summer months over the past four years. Source Three advised that he/she once overheard the Foreman state that he works on wheelbarrows during his lunchtime. Source Three advised that he/she did not believe this to be true because he/she has seen him working on them during work hours and later eating his lunch. At other times, Source Three observed the Foreman eat his lunch and later saw him working on his wheelbarrows. For example, Source Three advised that on one occasion during the summer of 2002, he/she observed the Foreman working on a wheelbarrow for twenty minutes at around 10:00 or 10:30 a.m. Source Three noted that CPMD workers normally had lunch around noon each day. Source Three also advised that in the fall of 2002, he/she observed the Foreman splitting wood in the vicinity of the Maintenance Shed, stacking it and placing it in his personal pick-up truck for two hours during a workday. In 1999, Source Three observed the Foreman painting an antique horse drawn wagon in the CPMD maintenance shed. Source Three advised that the Foreman had been restoring the wagon for two months in the shed and was doing it on City time. In the spring of 2002, Source Three saw two flats of pink and white flowers in the bed of the Foreman's personal pick-up truck.

During the investigation, this Office interviewed Source Four in April 2003. This person has been employed by the City for several years. Source Four advised that for several years (approximately five), he/she observed the Foreman working on personal projects such as wheelbarrows, birdhouses, and sleighs during work time. Source Four explained that on the days he/she observed the Foreman working on personal projects, he would spend about an hour a day of work time on them, but considerably more on rainy days. Source Four advised that he/she has seen the Foreman load his personal vehicle at the CPMD with firewood during work hours.

During the investigation, in February 2003, this Office interviewed Source Five who has been employed by the City for many years. Source Five advised three years ago, the Capron Park Zoo purchased pressure treated lumber for a zoo exhibit. Source Five later noticed that six pieces of this lumber was missing. Source Five conducted an inquiry and learned from a CPMD employee that he saw the lumber in the possession of his supervisor, the Foreman of the CPMD. Source Five advised that because the missing lumber was no longer available at the zoo, the project at the zoo could not be completed. Source Five advised that during the past five years, he/she has seen the Foreman's

personal projects, e.g. birdhouses, wheelbarrows, and an outhouse in various stages of completion at the CPMD location. Source Five advised that he/she has personally observed the Foreman working on birdhouses and wheelbarrows during the past year and a half. Source Five advised that no matter what time of day, he /she observed the Foreman working on his personal projects, he would explain that he was on his lunch break.

In August 2003, this Office interviewed the owner of a private business in Cumberland, Rhode Island. She claimed that the Foreman had sold her two birdhouses in the past two years and ten wheelbarrows during the past five years. She advised that she also has purchased wagons and sleighs from the Foreman. She advised that the week before the interview, the Foreman called her and was very upset. She advised that the Foreman asked her whether anyone had contacted her regarding accusations that he worked on wheelbarrow projects during company time. He told her that he was being accused of mass-producing other things that she was selling for him. She stated that she usually paid the Foreman in cash but recalled writing him a check on a few occasions. She provided a copy of a check that she issued to the Foreman that was dated 7/27/03. She advised that the Foreman used his pick-up truck to deliver his items to her and that he would deliver them to her early in the morning or late at night.

In April 2003, this Office attempted to interview a subordinate employee (Employee One) who worked directly for the Foreman at the CPMD. This individual initially stated that the Foreman was doing a lot of stuff that he should not be doing, that he has done a lot of crazy stuff over the years and does not hide it. He declined to elaborate because he stated that he has seen what the Foreman is capable of doing. He stated that the Foreman would come after him abusively if he provided details. This person was interviewed again in August 2003 after being requested to speak with us by former City Mayor Judith Robbins. He advised that ninety percent of the time the foreman works on his personal projects, the work is done during his personal time, i.e. before the workday begins or during the lunch break. He stated that most of the time, the Foreman assigns him to perform work away from the area where the Foreman's personal projects are kept. He advised that these personal projects include wishing wells, wheelbarrows, sleighs, and wagons. He stated that he never noticed whether the Foreman used City materials for his personal projects. He stated that the Foreman takes his personal projects home from work and sells them locally and on Cape Cod. He advised that he has assisted the Foreman in splitting wood when needed. Investigators asked this individual if the information he provided was all that he knew or all that he would tell them. He responded that he would "leave it at that." He denied that anyone had threatened him about speaking to this Office about the Foreman and his work habits. He further stated that he had twelve years before he could retire from the City and that his co-workers were very good to him when he was ill.

In August 2003, this office interviewed a second individual (Employee Two) who worked directly for the Foreman at the CPMD. This person advised that the Foreman builds wheelbarrows at work but only before work begins and during lunch breaks. He stated that the Foreman probably made twenty wheelbarrows in the past three years. He

advised that he has never seen the Foreman work on his personal projects during work time. He stated that he (the employee) occasionally split wood at work but this was done during lunchtime.¹

In August 2003, this Office interviewed a third individual (Employee Three) who worked directly for the Foreman at the CPMD. This individual advised that the Foreman works on his personal projects at the work location but does so only before working hours begin and during lunch breaks. He advised that he has never seen the Foreman work on personal projects during City time. He advised that the Foreman builds wheelbarrows and birdhouses at the CPMD location. He advised that the Foreman had also been building a wishing well for the past two months. He advised that a friend of the Foreman in Cumberland, Rhode Island buys the Foreman's wheelbarrows from him. He advised that on one day last summer he helped the Foreman load wheelbarrows into the Foreman's personal pick-up truck at the end of a workday and the Foreman said he was going to go to the Cumberland, Rhode Island location with the wheelbarrows.

Employee Three advised that the City Forestry Department has brought wood to the CPMD yard twice in the past sixteen months. He advised that he has seen wood in the CPMD yard every day. He advised that he eats his lunch quickly and then cuts wood himself. He advised that the Foreman and another CPMD employee cut wood every two weeks. He advised that the Foreman and the other employee use an axe to split the wood into firewood. He advised they place the firewood in their vehicles and take it home. He advised that he has seen the Foreman put firewood in his **black pick-up** truck at least three times. He advised that all of this is done during lunchtime.

The Foreman of the Capron Park Maintenance Department (CPMD) was interviewed by investigators from this Office in August 2003 and advised that he has been CPMD Foreman since 1979. He admitted that he works on personal projects after reporting for work but advised that this is done before his City workday begins. He advised that he started making wheelbarrows for himself approximately **a year and a half ago**.² He

¹ It should be noted that one of the sources interviewed by this office advised that he/she has personal knowledge that the Foreman and Employee Two left the CPMD work location with a load of firewood in a City owned truck on City time. They traveled to Employee Two's home where they dumped a load of firewood onto the employee's property. Afterwards, they returned to work and had lunch. A second source advised this office that the City Forestry Department delivered logs to the Capron Park Zoo for its use as zoo exhibits. Nevertheless, this source observed the Employee Two use a chain saw to cut the logs up. The source advised that Employee Two and the Foreman then split up the logs [earmarked for the Capron Park Zoo] in the vicinity of the Gardener's shed. A third source advised that Employee Two does a lot of personal work for the Foreman on City time. The source advised that this work included washing the Foreman's personal vehicle, splitting firewood, and running personal errands.

² It should be noted that the person in Cumberland, Rhode Island who has purchased wheelbarrows from the Foreman advised this Office that she has been buying wheelbarrows from the Foreman for the past **five years**. Source Three advised this Office that he/she observed the Foreman working on personal projects, including wheelbarrows, during work hours over the past **four years**. Source Four has informed this Office that he/she has observed the Foreman working on personal projects, including wheelbarrows for **several years** (approximately five) during work time. Source Five advised that during the past **five years**, he/she has observed the Foreman's personal projects in various stages of completion at the CPMD location. A person who worked directly for the Foreman (Employee Two) advised this Office that the Foreman probably made twenty wheelbarrows over the past **three years**.

advised that he makes ten wheelbarrows per year.³ He advised that in March 2002 he built an outhouse for himself and that his latest personal project was a wishing well.

The Foreman stated that he does not use middlemen to sell his personal projects and he sells his woodworking projects out of his residential yard. He was asked about the identities of people who had purchased his personal projects from him. He advised that he had a hard time recalling who may have purchased items from him.⁴ He stated that there was one man who lived up the street from him who purchased one of his items. He could not provide the name of this person. He was then asked whether he sold any of his personal items to a business in Cumberland Rhode Island. He admitted that he did sell some wheelbarrows to a business in Cumberland Rhode Island.⁵ He advised that he would make deliveries of his personal projects to the Cumberland, Rhode Island business during lunch. He advised that he may have made one trip to make a delivery of his personal projects to Cumberland, Rhode Island during City Time but he was not sure.

The Foreman advised that the only time he split wood into firewood at the CPMD was on a vacation day in 1995. He advised that he placed the firewood into his white pick-up truck. He advised that he bought a black pick-up truck in 2000 and got rid of it in June 2003. He stated that he **never put firewood [from the CPMD] in it.**⁶

Based upon the above information developed during the investigation, this Office makes the following findings:

- The former CPMD Foreman used substantial amounts of City time to work on personal projects at a City work facility for several years.
- The former CPMD Foreman took property belonging to the City, including flowers and lumber and converted it to his own use.

³ It should be noted that Source Two has informed this Office that the Foreman would produce a wheelbarrow **per day** in the springtime and stockpile them at his home in Attleboro and his home on the Cape. Source One informed this Office that the Foreman would build wheelbarrows and repair sleighs at the rate of one per week or one every other week.

⁴ Investigators from this Office believe that this response strains credulity. After all, he claimed to have built approximately 10 wheelbarrows per year and had been doing so for a year and a half prior to the interview in August 2003. This would suggest that the number that he built would be approximately 15 wheelbarrows during the previous 18 months. The Foreman's inability, without additional prompting, to voluntarily provide the name of even one buyer suggests a lack of candor on the Foreman's part.

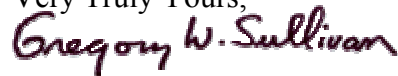
⁵ It should be noted that the Foreman did not offer this information when originally questioned about who he sold his projects to and only admitted to selling some items to the Cumberland, Rhode Island business when specifically asked about the Rhode Island sales contact by investigators. It was only when it became clear to him that investigators knew of the Rhode Island sales contact, that the Foreman confirmed what investigators had already uncovered.

⁶ This Office is in possession of photographs provided by Source Three, which show a black pick-up truck parked next to the CPMD Gardener's shed. The photographs show that the bed of the pick-up truck was filled with cut firewood. These photographs were taken in October 2002. Source One has advised this Office that the pick-up truck depicted in the pictures belongs to the Foreman. It should also be noted that Employee Three who worked directly under the Foreman advised this Office in August 2003 that he has seen the Foreman place firewood in his black pick-up truck at least three times.

- The former CPMD Foreman split firewood and loaded it into his personal vehicle on City time.
- The former CPMD Foreman profited financially by selling the items that he built on City time.
- The former CPMD Foreman substantially understated the number of items that he built at the CPMD location and the time period in which he constructed them during his interview with investigators from this Office.
- The former CPMD Foreman did not tell the truth when he told investigators from this Office that he never put firewood in his black pick-up truck at the CPMD location.

This Office recommends that City supervisors at all levels be required to promptly report allegations of employee misconduct to appropriate City officials in writing. Moreover, prompt and thorough internal investigations of employee misconduct allegations should be initiated where warranted. This Office stands ready to assist in uncovering serious employee misconduct upon prompt and timely notification. This Office wishes to thank you for your assistance in this matter and also acknowledge the assistance and cooperation of former City Mayor Judith Robbins.

Very Truly Yours,

A handwritten signature in dark ink that reads "Gregory W. Sullivan". The signature is written in a cursive style with a large, prominent "G" at the beginning.

Gregory W. Sullivan
Inspector General