



The Commonwealth of Massachusetts
Office of the Inspector General

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Mr. Edward Jay Tamagini
Chairman of the Water Commissioners
Wareham Fire District Water Department
2550 Cranberry Highway
Wareham, MA 02571

Mr. Mark J. Andrews
Town Administrator
Town of Wareham
54 Marion Road
Wareham, MA 02571

Dear Sirs:

The Office of the Inspector General has conducted two separate investigations regarding allegations of improper conduct on the part of two Wareham Fire District Water Department (WFDWD) employees. The first investigation was initiated upon a complaint from a Wareham public official that alleged that a Wareham Fire District Water Department (hereinafter WFDWD) employee allowed a private individual to enter upon WFDWD property and remove reclaimed asphalt that belonged to the WFDWD. The second investigation involved an allegation that a WFDWD Foreman solicited a private contractor doing business with the Town of Wareham¹ (Town) to provide him with free fill to be used on a personal project.

¹ The Town of Wareham is a separate political entity from the WFDWD. The private contractor had a contract for sewer work with the Town of Wareham, not the WFDWD. Nevertheless, the investigation established that the WFDWD Foreman had an official responsibility to monitor the work performed by the private contractor for the Town to insure that WFDWD interests were being protected.

The investigations conducted by this office have confirmed the validity of the allegations. The first investigation revealed that an employee of the WFDWD allowed a private individual to access WFDWD property on a weekend evening in June 2009 and take six dump truck loads of reclaimed asphalt that belonged to the WFDWD. The investigation revealed that information concerning this matter was brought to the attention of one WFDWD Water Commissioner and the Superintendent of the WFDWD. The Superintendent handled the matter internally and, according to him, placed a written reprimand in the employee's file. Neither the Superintendent nor any of the Water Commissioners reported the matter to any State, County, or local law enforcement authority which may have had jurisdiction over the matter.

During the course of the initial investigation, the WFDWD Superintendent was asked whether he was aware of any other incidents that should be disclosed to authorities. At that time he reported details of inappropriate conduct concerning a second WFDWD employee. The misconduct involved a WFDWD Foreman soliciting and receiving free fill from Gioioso Construction Company (Gioioso), a private contractor performing sewer work for the Town. A subsequent second investigation conducted by this office confirmed the misconduct and disclosed that although the sewer work was being performed pursuant to a contract between the Town and Gioioso, the WFDWD Foreman was, as part of his official duties, required to monitor Gioioso's work on the Town contract to insure that it did not interfere with WFDWD operations.

This second investigation revealed that a WFDWD Foreman did personally solicit a Gioioso Project Manager and request that he provide the Foreman with a quantity of fill that he could use on his personal property. Moreover, the Gioioso Project Manager permitted one of his employees to load and deliver two trailer dump truck loads of fill to private property owned by the WFDWD Foreman while purportedly working for Gioioso on the Wareham sewer contract.

As explained above, this misconduct was reported to this office by the WFDWD Superintendent at the conclusion of his interview by this office concerning its initial investigation into the taking of the reclaimed asphalt. It should be noted however that the second incident involving the WFDWD

Foreman and Gioioso occurred in September 2009 and had not been previously reported to any official law enforcement entity.

Investigative Findings Regarding the Taking of WFDWD Property

1. A WFDWD employee did provide affirmative and active assistance to a private person which enabled him to enter WFDWD property during non business hours and take without permission several loads of reclaimed asphalt that belonged to the WFDWD.
2. The WFDWD employee was not truthful with Investigators from the Office of the Inspector General when he stated that only one truck load of “reclamae” (reclaimed asphalt) was removed from WFDWD property. Eyewitness accounts of the incident indicate that several more truck loads of reclaimed asphalt were removed from the WFDWD property.
3. The WFDWD employee received only a written reprimand for his conduct from the WFDWD Superintendent. Neither the WFDWD Supervisor nor any of the WFDWD Water Commissioners reported the employee’s conduct to any law enforcement agency, including the Wareham Police Department.
4. The WFDWD Supervisor and the WFDWD Water Commissioners did not report to any law enforcement body that a private person was involved in an unauthorized taking of WFDWD materials from a WFDWD property location.

Investigative Findings Regarding the Solicitation and Receipt of Fill by a WFDWD Foreman

1. A WFDWD Foreman, while on duty for the WFDWD, solicited a private contractor’s Project Manager to provide him with free fill for a personal project on land owned by the Foreman.

2. The Project Manager gave the Foreman two free truck loads of fill, with an estimated value of over \$400.00 and ordered one of his employees to drive the soil to the Foreman's private parcel of land. This work was performed by a Gioioso employee who was supposed to be working on a sewer contract for the Town of Wareham.
3. This incident happened while the WFDWD Foreman was assigned by his WFDWD superiors to monitor the work being performed by Gioioso on the Town sewer contract. It should be noted here that the Gioioso contract was with the Town and not the WFDWD which is a separate political entity.
4. Neither the Superintendent of the Wareham Fire District Water Department nor his Operations Supervisor reported the actions of their Foreman to any law enforcement agency until asked about it by the Inspector General's investigators several months later.

Details of the Stolen Reclaimed Asphalt Investigation

Interview of Witness One

Witness One was interviewed and advised that on Saturday, June 20, 2009 at approximately 6:58 pm, he observed a Wareham Water District (WFDWD) employee drive in a white Ford F-150 pick-up truck up the hill to the WFDWD storage yard which is located in the Pinehurst section of Wareham on Warr Avenue. Witness One stated that about 5 minutes later, he saw the WFDWD employee drive back down the hill from the WFDWD storage yard. Shortly thereafter, Witness One observed the WFDWD employee drive back up the hill toward the WFDWD storage yard, followed by a local private contractor. The contractor was driving a green one ton dump truck. Witness One advised that the contractor and the WFDWD employee were up at the WFDWD storage yard (on the first visit) for about 15 minutes. Witness One stated that the contractor's dump truck was empty when it went up the hill to the storage yard. However when it was driven back down the hill by the contractor, the dump truck was full of recycled (reclaimed) asphalt. Witness One advised that this material is only supposed to be used for WFDWD jobs.

Witness One advised that the contractor took six dump truck loads of recycled asphalt from the WFDWD storage yard that evening. After the contractor loaded the last load on his dump truck, the WFDWD employee returned to the storage yard and locked the yard. Witness One thought this activity was very unusual and called the Wareham Fire Department to see if there had been any reported water main breaks that would require immediate intervention and repair. He thought that this might explain the activity he had observed at the storage yard. There were no reported water main breaks.

Witness One advised that after the contractor left the storage yard with the first load of recycled asphalt, he went up to the storage yard and took photographs of the pile of asphalt that the contractor took the asphalt from. He observed the contractor's mini excavator in the asphalt pile. This excavator was brought to the storage yard on a trailer pulled by the contractor's dump truck. The excavator was a Bobcat and the trailer that it came on had plate # A19888. Apparently, the excavator was used by the contractor to remove the asphalt from the pile and place it in the contractor's dump truck. Witness One advised that two persons known to him also observed some of the above described activity go on.

Witness One advised that he went to the WFDWD office on the following Monday and left a message for the WFDWD Superintendent to call him. The Superintendent did not call him. About a week later, Witness One spoke to a WFDWD Water Commissioner about the situation and told him about the above described observations. The Water Commissioner asked Witness One to email copies of the photographs he took to him and Witness One did so.

Witness One advised that later on the Water Commissioner sent him an email. This email said that the Water Commissioners went into executive session and took care of the matter involving the WFDWD employee. The email informed Witness One that the matter had been resolved and would not happen again. Witness One advised that he later learned that the Water Commissioners placed a letter of reprimand in employee's file. Witness One advised that this outcome was not pleasing to him because nothing was done about the contractor taking WFDWD asphalt.

Interview of Witness Two

Witness Two was interviewed and advised that in the afternoon or early evening of a Sunday, possibly in June 2009, he heard the noise of machines working in the WFDWD stock storage yard which is located on Warr Avenue in Wareham. He observed a mini excavator being operated in the storage yard and possibly being used to dig reprocessed (reclaimed) asphalt that was being stored in the WFDWD storage yard. He did not observe who was operating the mini excavator. He also observed the mini excavator on a trailer that was attached to a private contractor's dump truck. He identified the owner of the dump truck.

Witness Two explained that he observed a green Chevrolet or GMC dump truck with a trailer attached to it at the storage yard at this time. He advised that he knows a private contractor and recognized the dump truck as belonging to that contractor. He observed the dump truck haul away three or four loads of reprocessed asphalt from the storage yard. He advised that the body of the dump truck was full of reprocessed asphalt when it left the storage yard each time he saw it leaving the yard.

Witness Two also saw a WFDWD employee at the storage yard while this was going on. He identified the WFDWD employee by name. He stated that the employee drives a white Ford pickup truck and he was at the storage yard with his pickup truck. He advised that the removal of the reprocessed asphalt took one and a half hours to complete.

Witness Two advised that another witness also observed the activity described above at the WFDWD stock storage yard and took pictures of what went on. He advised that the other witness gave him a computer printed copy of a mini Bobcat excavator, X325, which was located in the middle of the reprocessed asphalt pile in the WFDWD stock storage yard. The Bobcat was not occupied at the time the photo was taken but it appeared to have been recently involved in digging reprocessed asphalt. Witness Two provided this photo to the Office of the inspector General. (See attached photo, enclosure one).

Interview of the Wareham Fire District Water Commissioner

A WFDWD Water Commissioner advised that he was informed by a citizen of Wareham of a problem concerning a WFDWD materials site located near the Pinehurst section of Wareham. He described it as an old water tank site where gravel and road materials belonging to the WFDWD are kept. The Water Commissioner advised that in the early summer of 2009, possibly in June, the citizen stopped by the Wareham Fire Station and informed him that some materials were taken from the Pinehurst WFDWD location. The Water Commissioner instructed him to speak with the WFDWD Superintendent about the problem.

About a week or two later, the citizen told the Water Commissioner that he was not able to speak with the Superintendent. The citizen also told the Water Commissioner that he believed that materials were stolen from the WFDWD Pinehurst location and that he had pictures. The Water Commissioner told the citizen to give him the pictures. The citizen later emailed the pictures to the Water Commissioner. The citizen sent the Water Commissioner 2 emails and a total of 5 pictures. The Water Commissioner forwarded the emails to the WFDWD Superintendent. The pictures showed an empty Bobcat excavator beside a pile of reclaimed asphalt. The asphalt pile was depleted and no persons were seen in the pictures.

After receiving the emails from the citizen, the Water Commissioner met with the citizen. The citizen identified a WFDWD employee and a private contractor as being involved in taking asphalt from the pile at the WFDWD Pinehurst location. The citizen told the Water Commissioner that the excavator and the truck used to take the asphalt from the WFDWD Pinehurst location belonged to the private contractor.

The Water Commissioner subsequently asked the WFDWD Superintendent to set up a meeting in Executive Session for the three Water Commissioners, the Superintendent, and the WFDWD Director of Operations to discuss the situation. The matter was subsequently discussed by the parties and the potential for a theft by a WFDWD employee was considered. The Water Commissioner advised that the Commissioners are not supposed to become involved in matters relating to employee issues. The Water Commissioner advised that it was therefore left to the Superintendent to decide what to do relative to the WFDWD employee.

The Superintendent later informed the Water Commissioner that the employee was interviewed by the Superintendent and that the Superintendent had investigated the matter. The Water Commissioner advised that the Superintendent told him that a letter of reprimand was placed in the employee's personnel file. The Water Commissioner advised that as far as he knows, no action was taken against the private contractor and no one reported the matter to the Police.

Interview of the Wareham Fire District Water Department Superintendent

The WFDWD Superintendent was interviewed at his place of employment and advised that he received a call from a WFDWD Water Commissioner. The Water Commissioner told the Superintendent that he received a complaint about the WFDWD employee and a private contractor taking reclaimed asphalt from a WFDWD site known as Pinehurst in Wareham. The Water Commissioner told the Superintendent that he had pictures relating to the incident. The Water Commissioner forwarded the pictures to the Superintendent by email. The Superintendent stated that the photos were four in number and showed a mini excavator and one license plate. (See attached photos, enclosure two).

The Superintendent stated that he interviewed both the private contractor and the WFDWD employee about the matter. He approached the private contractor on Swifts Beach Road where he was doing private contract work and asked him about the incident. The private contractor stated that he was not present when the incident happened but his nephew was there and had borrowed the private contractor's mini excavator. The private contractor did not further identify his nephew to the Superintendent and the Superintendent did not ask for his name.

The Superintendent advised that he called the WFDWD employee into his office at the conclusion of a work day and asked him about the incident. The WFDWD employee admitted to the Superintendent that he went up to Pinehurst and took some material. The WFDWD employee stated that he took enough material to do a sidewalk. The Superintendent was not positive but stated that the WFDWD employee may have told him that the private

contractor's nephew was the WFDWD employee's neighbor and that the material was used on the nephew's property. The WFDWD employee did not identify the nephew to the Superintendent. The WFDWD employee told the Superintendent that the material taken was not purchased by the WFDWD but instead was dumped at the WFDWD site by the Town of Wareham before the Superintendent took over as Superintendent at the WFDWD. The Superintendent advised that he placed a written reprimand in the employee's personnel file. He did not report the matter to the Wareham Police Department.

The Superintendent advised that prior to taking any action on this situation; he took the matter before the Water Commissioners. He informed the Commissioners in Executive Session that he had received a complaint and there was a possibility of a criminal violation of law regarding a WFDWD employee. He further told them that he would be looking into it. The Superintendent advised that the WFDWD employee is still employed by the WFDWD. Moreover, the employee has worked for the WFDWD for twenty years and has been a good, reliable employee.

Interview of the Wareham Fire District Water Department Employee

The WFDWD employee was interviewed at his home in Wareham, MA by investigators from the Office of the Inspector General on 1/29/2010. The WFDWD employee asked what this was about. The investigators informed the WFDWD employee that we were there to ask him questions about some gravel (reclaimed asphalt) that was taken from a WFDWD location. He responded by stating that he did not know what we were talking about. It was explained to him that we understood that he was reprimanded by his employer in connection with the matter. He denied that he was reprimanded and then asked, "Is this about the reclaimae (reclaimed asphalt)?" An investigator responded in the affirmative and asked if we could come inside and speak with him. The WFDWD employee invited the investigators into the home and we stood around the kitchen table.

At that point it was explained to the WFDWD employee and his wife that the Inspector General is charged with investigating waste, fraud, and abuse regarding governmental agencies within the Commonwealth and that we received a complaint regarding the WFDWD employee being involved in

the unauthorized taking of materials that belonged to the WFDWD. The WFDWD employee inquired as to whether he should speak with a lawyer. He was informed that we could not give him legal advice and that he would have to make that decision on his own. He decided to speak with us and invited us to sit down at a table. After some discussion involving the WFDWD employee's wife who questioned the authority of the Inspector General to investigate the matter, the wife and another unidentified woman and possibly one or more children left the immediate area and went into another area of the residence.

The WFDWD employee advised that he thought he knew who the complainants were in this matter and stated that he believed that they were some people who lived in the area where the reclamation was located. He was told that he was wrong on his assumption and was further told that the complaint did not come from his employer either. The WFDWD employee advised that around the end of the summer 2009, only one truck load of reclamation was taken from a WFDWD site at the Pinehurst Tank. He described the material as junk that had been given to the WFDWD by the Wareham Highway Department. He explained that the reclamation did not cost the WFDWD anything and that it was going to be discarded anyway.

Before the investigators could question the WFDWD employee further, his wife called out to him from another area of the house and asked him to come and speak to her. The WFDWD employee got up from the table and left the room. He returned a few minutes later and terminated the interview. He said that he thought he should consult with a lawyer before saying anything else. The WFDWD employee was informed that we would wait to hear from his lawyer. No lawyer representing this employee has ever contacted the Office of the Inspector General.

Details of the Investigation Regarding Solicitation and Receipt of Free Loads of Soil by a Wareham Fire District Water Department Foreman from a Private Contractor

During the investigation of the WFDWD employee and the private contractor for allegedly taking reclaimed asphalt from WFDWD property, the WFDWD Superintendent was asked whether he was aware of any other potentially unethical conduct by WFDWD employees that he had not

reported to law enforcement authorities. He advised that his Operations Supervisor had conducted an inquiry pertaining to allegations that a WFDWD Foreman had solicited and obtained free soil from a private contractor working in Wareham for the Town of Wareham. He advised that this matter had not been reported to any law enforcement agency. He was informed that the Office of the Inspector General wished to speak with the Operations Supervisor about the matter.

Interview of Wareham Fire District Water Department Operations Supervisor

The WFDWD Operations Supervisor was interviewed and advised that on Monday 9/14/09 he received a call from an individual who informed the Operations Supervisor that he was driving in his vehicle and was near the intersection of Woodville Road and Hathaway Road in Wareham when he observed the WFDWD Foreman driving a WFDWD truck. The individual told the Operations Supervisor that he also observed a large orange colored Gioioso dump truck following behind the WFDWD Foreman. The Operations Supervisor advised that Gioioso is a private contractor that does work for both the WFDWD and the Town of Wareham. The individual reported that he saw both trucks enter a private land lot that was owned by the WFDWD Foreman. He also observed a pile of fill already on the ground that had been apparently previously dumped on the lot. The Operations Supervisor stated that the individual kept driving and called the Operations Supervisor on the phone. The Operations Supervisor was not sure of the time that he received the call but recalled that it might have been in the late morning and that he was in his office when he received the call.

The Operations Supervisor advised that he drove to the WFDWD Foreman's land lot on Hathaway Road and observed the WFDWD Foreman's land from the street through the trees. He saw more than one pile of fill on the ground. It appeared to him that multiple loads of fill had been dropped on the WFDWD Foreman's land. The Operations Supervisor advised that the WFDWD Foreman is in charge of sewer contractors that work for the WFDWD in Wareham and has direct oversight of their work. Included among the sewer contractors that work for the WFDWD at times is Gioioso.

The Operations Supervisor advised that at the time of this incident, Gioioso had a contract with the Town of Wareham which is a separate political entity from the WFDWD. The Gioioso contract with the Town involved the installation of sewers in the Parkwood and Tempest Knob area of Wareham. The Operations Supervisor advised that often when a contractor is doing work for the Town regarding sewers, the work has a negative impact on areas under the control of the WFDWD. He explained that because of the potential for damage to WFDWD controlled areas, the WFDWD Foreman will monitor the work done by the Town contractors, including Gioioso, to insure that their performance does not do any damage to WFDWD interests.

The Operations Supervisor advised that the WFDWD Foreman did monitor the work done by Gioioso for the Town on the Parkwood contract. In fact, sometime after September 2009, possibly in October or November 2009, Gioioso had to replace a water main in connection with its Town Parkwood contract. The Operations Supervisor advised that the WFDWD Foreman was involved in overseeing Gioioso's work regarding the replacement of water main.

The Operations Supervisor advised that after he went by the WFDWD Foreman's Hathaway Road lot on 9/14/09, he contacted the Chairman of the WFDWD Water Commissioners. He asked the Chairman to go with him to the WFDWD Foreman's lot to examine what he had observed earlier. They met at the WFDWD Foreman's property on 9/16/09 and observed two separate fill piles that were located on the lot. One of the piles was larger, perhaps twice the size of the other pile. The Operations Supervisor estimated that perhaps twenty yards of fill was located in the piles. The Operations Supervisor took pictures of the piles with a WFDWD camera. The Operations Supervisor downloaded the pictures to his computer and later forwarded them to the Office of the Inspector General by email. (Copies of the pictures are attached, enclosure three).

The Operations Supervisor advised that on 9/21/09 he drove to the Gioioso construction location in Wareham in the Parkwood area. He went there with another WFDWD employee. The purpose of the visit was to speak with the Gioioso Project Manager on the sewer project for the Town of Wareham. Upon arrival, they entered the Gioioso trailer and had a conversation with the Project Manager. The Operations Supervisor advised that he asked the Project Manager whether he was aware of any material being delivered to a parcel of land belonging to a WFDWD employee. The Operations

Supervisor stated that the Project Manager answered in the affirmative and stated that he gave fill to the WFDWD Foreman.

The Project Manager also said that he gave fill to home owners in the Parkwood area but not to any other WFDWD employee. The Operations Supervisor stated that he asked the Project Manager if he thought that what he did was inappropriate because the Project Manager authorized the use of Gioioso equipment and manpower to deliver the material to the WFDWD Foreman's lot while on the clock for the Town contract. Moreover, the WFDWD Foreman was on WFDWD time in a WFDWD truck doing private non work related things. The Project Manager agreed that it was inappropriate and told the Operations Supervisor that he gave the fill to the WFDWD Foreman at no charge. The Project Manager said he gave the WFDWD Foreman a couple of loads of fill. The Operations Supervisor advised that The Project Manager may have told him that the WFDWD Foreman asked him for the fill.

The Operations Supervisor advised that on 9/22/09 he wrote a report on this matter and gave it to the WFDWD Superintendent. Later that same week he spoke with the WFDWD Foreman about the situation in the WFDWD conference room. The Operations Supervisor asked the WFDWD Foreman if he took fill from Gioioso and the WFDWD Foreman admitted that he did and said that he got it for free and paid nothing for it. The WFDWD Foreman stated that he got the fill from the Gioioso Project Manager and said he thought it was okay to do it. The Operations Supervisor responded by telling the WFDWD Foreman that his conduct was inappropriate because he had the WFDWD job of monitoring the Gioioso work in Wareham. The Operations Supervisor allowed the WFDWD Foreman to read his report on the matter and he kept it until the end of the day. The WFDWD Foreman signed the report at the end of that day and the Operations Supervisor gave the signed report to the Superintendent. The Superintendent told the Operations Supervisor that he was going to put a letter about the incident into the WFDWD Foreman's personnel file.

The Operations Supervisor advised that the three Water Commissioners for the WFDWD received a copy of the Operations Supervisor's report. The Operations Supervisor placed a copy of the report in each of the Commissioners' folders. He can't say if they ever read the report.

The Operations Supervisor advised that he came to work at the WFDWD in 2003. Shortly thereafter, in December 2003, the WFDWD Superintendent left for military duty in Iraq. The Operations Supervisor became the Acting Superintendent while the Superintendent was gone. During that time, the WFDWD Foreman began to place fill/fill on top of the land behind the WFDWD facility. Eventually the WFDWD Foreman placed so much fill in this area that it began to affect the wetlands area nearby. The Town Conservation Commission became involved and issued an Order of Conditions directed toward the WFDWD.

The WFDWD was ordered to remediate the wetlands encroachment caused by the WFDWD Foreman's actions and it cost the WFDWD about \$100,000 to accomplish the remediation. The Operations Supervisor advised that the WFDWD Foreman obtained the fill that he placed in the back of the WFDWD from St. Patrick's Cemetery in Wareham. The WFDWD Foreman picked up the fill from the cemetery intermittently over about a year's time. The WFDWD Foreman used WFDWD trucks and WFDWD personnel to bring the loads of fill from the cemetery to the WFDWD location.

The Operations Supervisor advised that the Superintendent fired the WFDWD Foreman over this issue in July, 2005 and had instructed the WFDWD Foreman before he left for Iraq not to do what he did. After the WFDWD Foreman was fired, he hired a lawyer and a hearing was held to review the WFDWD Foreman's termination. The hearing was held by the Wareham Prudential Committee, possibly in the fall of 2005. After the evidence was presented, the Committee first voted to uphold the WFDWD Foreman's termination. However, when they voted again, the dismissal was not approved. The WFDWD Foreman was given his job back.

WFDWD employees have informed the Operations Supervisor that WFDWD employees went with the WFDWD Foreman while all of them were on duty, picked up fill from the cemetery and brought it back to the WFDWD. They also told him that they used WFDWD trucks and equipment to do the job. The Operations Supervisor advised that the WFDWD Foreman not only got his job back but also received back pay with interest. The Operations Supervisor advised that as far as he knows, no one has ever investigated the relationship between the WFDWD Foreman and the people who operate St. Patrick's Cemetery or determined why the WFDWD Foreman was taking the fill from there and delivering it to land owned by the WFDWD.

Interview of Gioioso Project Manager

The Gioioso Project Manager was interviewed at the P. Gioioso & Sons (Gioioso) construction trailer located on Parkwood Drive, Wareham, MA. He advised that Gioioso entered into a contract with the Town of Wareham in May 2009 to install a sewer line with four pump stations. This project initially generated a high volume of displaced fill/fill. He explained that this excess fill must be disposed of and it is often cheaper for Gioioso to give the fill away to local persons, contractors and businesses than haul it to a company's lot in Abington.

The Project Manager advised that in order to dispose of the excess fill created during the initial stage of the Wareham sewer construction; he gave about 5000 yards of free fill to Southeast Commercial Real Estate, Inc., and approximately 1000 yards of fill to Fielding Landscape Construction and Renovation. He also gave away fill to a couple of Wareham residents. He advised that during this time period, the WFDWD Foreman approached him about getting some of this fill for a private land parcel owned by the WFDWD Foreman.

The Project Manager advised that the WFDWD Foreman was known to him as an employee of the WFDWD. He advised that the WFDWD Foreman would appear from time to time at the Gioioso job location in Wareham in his official capacity as a WFDWD Foreman while Gioioso was performing the sewer project for the Town of Wareham. The purpose of these visits by the WFDWD Foreman was to shut the water off or repair something owned by the WFDWD that was damaged by Gioioso during construction. The Project Manager advised that the WFDWD Foreman would show up at the job location a couple of times a week.

The Project Manager stated that sometime in September 2009, the WFDWD Foreman came to the Gioioso trailer on Parkwood Drive and met with him. The WFDWD Foreman told The Project Manager that he had a parcel of land that he was going to build a house on and asked the Project Manager if he could have a couple of loads of fill. The Project Manager agreed to give him the fill and no money was exchanged.

The Project Manager advised that a Gioioso employee delivered two trailer dump truck loads of fill to a private lot owned by the WFDWD Foreman.

The Project Manager advised that the WFDWD Foreman met his employee at Tobey Road in Wareham. The Gioioso employee drove a truck load of fill to the WFDWD Foreman's lot. The Gioioso employee followed the WFDWD Foreman to the lot, dumped the fill and then returned later with a second load of fill which he also dumped on the WFDWD Foreman's land. The Project Manager advised that each truck load of fill amounted to 26 yards of fill for a total delivery of 52 yards of fill. The Project Manager estimated that it would cost a person \$8.00 a yard if the fill was purchased from a private seller. He estimated that the value of the fill delivered was \$416.00.

The Project Manager advised that the fact that the WFDWD Foreman worked for the WFDWD did not matter to him in the decision to give the WFDWD Foreman the free fill. He advised that he was just trying to get rid of the excess fill to save money for the company. The Project Manager advised that the WFDWD has not had any contracts with Gioioso.

The Project Manager stated that the day after the fill was delivered; the WFDWD Assistant Superintendent and another WFDWD employee came to the Gioioso trailer to speak with him about the WFDWD Foreman. The Project Manager advised that he related to them the same story he told to the Inspector General's investigators. He stated that later in the day the WFDWD Foreman came by the trailer and spoke with the Project Manager. The WFDWD Foreman inquired as to what the Project Manager told the WFDWD employees. During the conversation, the WFDWD Foreman informed the Project Manager that his bosses had it out for him because of an incident that happened earlier. The WFDWD Foreman told The Project Manager that he had been wrongfully fired, got his job back and filed a grievance against the WFDWD Superintendent over back pay. The Project Manager advised that the WFDWD Foreman never asked for or received anything else from him during the time they have known each other.

Recommendations

Public officials and public employees hold positions of public trust. Public employees have an ethical and legal responsibility to serve the public that they represent by acting at all times in the public interest. The episodes detailed in this letter involve breaches of the fiduciary duty that public

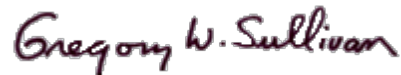
employees owe to the citizens they are hired to serve. Each investigation uncovered evidence of misconduct on the part of public employees that involved actions intended to serve themselves or their friends rather than the public that they are hired to represent. This kind of conduct is unacceptable and should not be tolerated.

When self serving conduct such as that revealed here is brought to the attention of supervisory personnel, it is incumbent upon them to promptly investigate the allegations, and institute appropriate disciplinary action. Moreover, in cases of this nature, which involve allegations of potential criminal and/or unethical conduct, it is imperative that supervisory officials expeditiously report the allegations of misconduct to the appropriate law enforcement and ethics investigative bodies.

Accordingly, this office recommends to the Wareham Fire District Water Department Commissioners that they immediately report the facts of each of the investigations described herein to the Wareham Police Department, the Plymouth County District Attorney and the State Ethics Commission for whatever action they may deem necessary and appropriate. Furthermore, it is recommended that all WFDWD personnel receive ethics training from the State Ethics Commission to insure that employee conduct conforms to current ethics laws and regulations. Finally, this office recommends that the WFDWD Water Commissioners and Superintendent promptly report to this Office and the State Ethics Commission all future potential violations of criminal and ethics violations pertaining to WFDWD personnel and private contractors that come to their attention. The WFDWD shall promptly notify the Office of the Inspector General by letter to inform us that the above mentioned notifications have been made to the agencies described above.

Please feel free to contact me if I may provide any further information.

Sincerely,

A handwritten signature in black ink that reads "Gregory W. Sullivan". The signature is written in a cursive, slightly slanted style.

Gregory W. Sullivan
Inspector General

Enclosures