



OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

OCG, PO Box 8683
Warwick, RI 02888
February/March 2000
Volume 8, Number 1

BULK RATE
U.S. Postage
PAID
Providence, RI
Permit #2565

RI's Administrative Salary Spectacle

Out of Control at the Top

By Beverly M. Clay

On December 16, 1999 the state personnel office presented a newly minted classified pay plan at a public hearing. Included with the approximately 60 proposed salary increases were those of the Personnel Administrator, Labor Relations Administrator, State Controller and Executive Director of MHRH. All four joined the more than 169 state employees who are paid in excess of \$100,000.

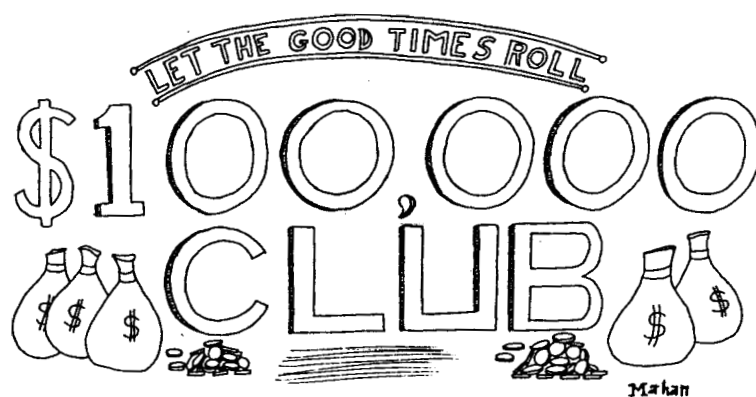
Less than a week later, the Governor approved all of the raises without anyone in his administration seeking data on salaries of comparable positions in other New England states. The Governor and his staff probably already knew that the figures would show Rhode Island salaries far in excess of comparable positions in New Hampshire, Maine and Vermont, states with populations comparable to Rhode Island.

The recent approvals of pay raises for top Rhode Island administrators gave increases as high as 18 percent for one year and 70 percent over the last five years.

Anthony A. Bucci, Personnel Administrator (one of the recipients of these raises) insists that the raises are warranted in most cases because of an increase in responsibilities of certain individuals, or the change of job titles, or to satisfy the issue of parity (which seems to mean that fairness dictates their pay be equal with other administrators at their level). He is not concerned with Operation Clean Government's arithmetic, because he is sure the public will understand that arithmetic itself does not fairly represent the case in point.

Obviously, Mr. Bucci and his superior, Dr. Robert Carl, Director of Administration, are satisfied that Rhode Island has more job classifications than the federal government. There are now approximately 1800 job classifications for all state employees, over 600 of these alone are for single individuals. A slight change in a job title brings about a new pay grade. For example, the Breath Analysis Inspector is now the Inspector Breath Analysis with an increase of \$3,002; the Senior Breath Analysis Inspector is now the Supervisor Breath Analysis Program with an increase of \$4,529; and the Chief of Staff (MHRH) is now the Executive Director (MHRH) with an increase of \$7,723. Additionally, this pay plan added 18 new classes of positions and abolished three classes.

Some other facts that do not seem to trouble the administration are that five years ago there were 63 employees receiving salaries of \$100,000. Today, that number has risen to at least 173. During this same period 431 state employees received salary increases ranging from \$20,000 to \$60,000, many without any indication of a promotion or change in job title.



What is one to make of this state of affairs in which such outrageous salary increases were not only proposed by the head of the state's personnel system but also accepted and approved by Governor Almond's hand-picked Director of Administration. While campaigning for reelection in 1998, the governor, with salary comparison data compiled by Operation Clean Government in hand, rejected such large pay raises, calling them unacceptable. Now, eighteen months later he has done an about-face. (His spokesperson, Lisa Pelosi denies that the governor ever flatly "rejected" the raises.) In December 1999, the governor was again provided with OCG data that would have reasonably allowed him to reject such salary hikes, but despite this compelling data, the Governor approved the pay plan.

One would think that Governor Almond would be well aware of the numerous studies undertaken since 1990, of the state's personnel and salary structure. These studies have recommended overhauling the personnel system. As late as 1997, a special report titled "Personnel Reform in Rhode Island" by the

Rhode Island Department of Administration stated that "...the single most serious flaw in the state personnel system is the state's antiquated classification system, kept viable only through a patchwork quilt of revisions and modifications....Our [the] study shows that it is outdated, lacks an objective basis for evaluation of the skills, knowledge and abilities of workers, and should be replaced by a better system." The report also announced that the Almond Administration would submit a comprehensive Personnel Reform Package to the 1998 General Assembly. We are now in the 2000 legislative session. Where is the Governor's legislation?

During the last five years the increase in the average salary for all Rhode Island state employees is more than twice (26.5 percent) the accumulated cost of living increase (12.7 percent). Yet, the private sector of middle and lower income employees are struggling to make ends meet—most losing ground to cover the increasing cost of living in Rhode Island. They do not receive automatic 3.5 percent COLAS every year or increases in their salary for taking on additional responsibili-

ties. They must absorb the costs of government and yet continue to pay their own bills and the ever-increasing price of medical care and rising property taxes.

In a study done by the American Legislative Exchange Council, published in January 1993, Rhode Island ranked number one over all other states in the measure of disparity between public and private sector pay scales, with public employee salary and pay benefits 36.7 percent higher than that of the private sector. The recent increases authorized by Governor Lincoln Almond further widen the gap between private sector pay and that of state employees. These spiraling salaries of many top paid employees in state government make a mockery of the term "public servant." In fact, it is the taxpayers that are the servants. It is the taxpayers who must finance outrageous salaries when their own are shriveling, who must absorb the rising costs of health benefits for public employees when they have no such benefits; and finally it is the taxpayer who must somehow continue to carry this load into the future when these administrators collect sizable pensions, up to 80% of their bloated salaries.

What is the inevitable conclusion of this reckless mismanagement of Rhode Island's financial resources? There is no doubt that if steps are not taken to reform the self-serving personnel system now in place, that Rhode Island taxpayers will pay the cost by having to significantly lower their own standard of living. And if the economy takes a downturn, it is likely that such a burden as now exists in the present state salary system could impair the state's ability to function in the future.

Comparing Top Administrative Salaries With Other New England States

January 1, 2000

	RI	VT	NH	ME	MA	CT
State Controller	\$104,048	\$74,568	\$65,508	\$73,466	\$103,502	\$70,687
Labor Relations Administrator	\$102,761	\$54,600	\$62,171	\$69,638	\$83,232	\$111,690
Personnel Administrator	\$101,324	\$67,392	\$74,372	\$71,032	\$104,699	\$119,769
population (millions)						
U.S. Census Bureau '96	1.0	0.6	1.2	1.2	6.1	3.3

State Employee Salary Increases December 1999

	1994 Salary	Jan. 1999 Salary	Dec. 1999 Salary	1999 Salary Increase	1999 Increase Percentage	5 yr. Increase Percentage
Sandra Murphy-Crowe <i>Admin. of Adjudication (DOA)</i>	\$46,996	\$67,804	\$79,868	\$12,064	17.8%	69.9%
Kathleen M. Spangler, <i>Chief of Staff to Exec Dir (MHRH)</i>	\$73,308	\$91,571	\$104,458	\$12,887	14.1%	42.5%
Lawrence C. Franklin <i>Controller (DOA)</i>	\$73,655	\$94,008	\$104,048	\$10,040	10.7%	41.3%
Anthony A. Bucci <i>Personnel Administrator (DOA)</i>	\$72,283	\$90,842	\$101,324	\$10,482	11.5%	40.2%
John J. Turano <i>Labor Relations Admin. (DOA)</i>	\$75,008	\$90,092	\$102,761	\$12,669	14.1%	37.0%
Anthony Arico <i>Deputy Director (DBR)</i>	\$71,883	\$84,405	\$94,857	\$10,452	12.4%	32.0%



**John L. Gudavich, Jr.
Joins OCG Board**

At the OCG Board meeting on January 6, 2000, John L. Gudavich was elected to

the board of directors. He recently retired as Associate Inspector General for Investigations, Office of the Inspector General, Washington, D.C. John has 28 years experience investigating criminal activity, specializing in white collar crime; such as procurement and financial criminal, civil, and administrative investigations involving acts of corruption, fraud, waste, abuse, misconduct and mismanagement within the Federal and local jurisdiction of the Government of the District of Columbia. John holds an MA in Legal and Ethical Studies and a BA in criminology. John has strong feelings concerning the ethical behavior of government officials. He will be a major contributor on our litigation task force team which is currently looking at expenditures at quasi-public agencies and other state agencies.

Operation Double-Up Dinner for Two with Arlene Violet and Bruce Lang

Operation Clean Government has launched a "Double-Up" campaign to double the membership of OCG. The campaign is designed to encourage every current member of OCG to enroll at least one new member during the month of February 2000. What better ambassadors for this campaign than the present members of OCG?

In our six year history, OCG has waged a battle on dozens of issues. Now we must enlist the help of greater numbers of Rhode Islanders to help us in the successful accomplishment of OCG initiatives. Alone, one can do little, but together we can accomplish a lot.

If you are not now a member of OCG, we urge you to join, using the membership form on the last page of this newsletter. When you recruit new members, you are eligible to com-

pete for the prize described below. Enroll friends or family who are as concerned about and desirous of good, honest, clean government as you yourselves are.

The OCG member who enrolls the most new members in the month of February, the number being at least five, will receive a dinner for two with Arlene and Bruce at the Rue De L'Espoir Restaurant, compliments of radio station WHJJ. So that we can verify our tally to determine the winner, please mail your list of new members by March 5 to:

Operation Clean Government
PO Box 8683
Warwick, RI 02888

No matter what—Everyone please sign up at least one new member. This will make a big difference!

Automobile Emission Inspection Program

Is it Another Public Rip-off??

An Analysis by William H. Clay

The auto emission inspection program has been forced onto us by the RI General Assembly. After delaying five years, they buckled under pressure from the US EPA, threats from the US DOT to withhold highway funds, and advice from the RI DEM. Supposedly the emissions inspection program will bring Rhode Island into compliance with the US Clean Air Act of 1990. Twenty-three other states have also been coerced into adopting the unpopular program.

The state has contracted with Keating Technologies Inc., an Arizona company, to set up some 250 private vehicle repair businesses to do the inspections. This reduces the number of Rhode Island vehicle inspection stations from 900 to 250 and puts 650 small operators, who cannot afford the added facility costs, out of the vehicle inspection and associated repair business.

The inspection applies to all automobiles and light trucks (below 8500 lbs. gross weight) manufactured after 1975. New vehicles are exempted for the first two years or 24,000 miles. The new biennial inspection is replacing the annual safety inspection. Those vehicles failing the emission inspection must be repaired and reinspected during the month in which the inspection is required. The DMV will void the vehicle registration if these requirements are not met.

Waivers will be granted when repair costs exceed \$250 in the first inspection cycle, and raises to \$450 in subsequent failures at inspection. The repair cost schedule is designed to force the scrapping of older vehicles. Such vehicles are usually driven by low wage earners and retirees on small pensions, who already are struggling to make mandatory auto insurance payments.

Since the EPA and DEM regulators began insisting on the emission inspection program, they have ignored both the advancement of technology in remote drive-by testing, and that a decade of older air polluting vehicles are no longer in use.

Furthermore, these older vehicles have been replaced by newer models with on-board computer controlled ignition and fuel injection system designed to greatly reduce offending tailpipe emissions.

In spite of these changed circumstances that may have reduced the need for dynamometer inspection, approximately 600,000 automobiles and light trucks will be inspected. Of these, EPA and DEM experts expect that about ten percent will fail and need repairs. Nevertheless, all motorists will be inconvenienced and have to pay for inspection. Had the remote drive-by technology been selected, only those polluting vehicles would have been singled out.

Must we be ruled by bureaucratic regulators? Why should the US EPA, who is charged with enforcement of the Clean Air Act do more than set the standards, and leave the method of compliance to the states?

The people of Maine said "no." And in 1994 when the Maine Legislature imposed the emission inspection program on them, the citizens used their voter initiative power to raise 50,000 petition signatures calling for a ballot referendum to remove the unpopular program. Their legislature, in anticipation of referendum results, discontinued the program in 1995, and found alternative programs to comply with the Clean Air Act. This is an example of government responding to its citizens; of course, Rhode Island does not have voter initiative, albeit the citizens voted for it in 1996.

The auto emission inspection saga began in Rhode Island with the introduction of Senate 93-S 462 by Senators Kelly and Irons. The bill was assigned to the Joint Committee on Environment and Energy. The public hearing was held on May 20, 1993. The committee chair, RI Representative Edward Smith from Tiverton, conducted the meeting in the manner typical for the General Assembly at that time.

The meeting began more than an hour late, without a quorum. Representative Smith announced that the bill posted for the meeting would not be heard; instead, last year's bill had been "worked up" and would be the legislative proposal. He also announced there were no copies for witnesses who sat there with a copy of the posted 93-S 462.

However it was soon noticed that witnesses, who signed up to speak in favor of the legislation had conveniently been provided with the substitute bill. These witnesses called first to speak included Louise Durfee, RI DEM Director and Lynda Murphy, US EPA District 1 (Boston) who spoke for the benefits of the Clean Air Act. They were followed by RI DEM and DOT engineers who testified on the en-

forcement of the act, the technical aspects of dynamometer testing, and how the 600,000 vehicles subject to the inspection would be processed through seven strategically located inspection stations.

When witnesses were called to speak in opposition to the legislation, committee members were called to House and Senate floor sessions. However, Representative Smith announced he would remain and take testimony. Mr. Thomas A. Frank of the National Motorist Association spoke expertly on an alternative remote drive-by monitoring system developed by Professors Donald Stedmann and Gary Bishop, University of Denver. This system had successfully been used to single out polluting vehicles on Nevada highways.

The system, as used in Nevada, deploys sensor-monitors at high volume traffic locations. Exhaust emissions of vehicles passing are instantly analyzed; and if pollutants exceed standard thresholds, the vehicle is photographed; and the DMV summons the motorist to bring the offending vehicle to an inspection station for further tests. Unlike the General Assembly's emission inspection program, the remote-sensor system is not on a biennial schedule, it continually spots the vehicles that are polluting, and it does not exclude the larger vehicles.

On July 22, 1993, RI Representative Edward Smith rose to floor manage the new bill 93-S 462 Sub A as amended. The Senators and Representatives having little knowledge of what was before them and caught in an avalanche of legislation winding up the 1993 session relied on the integrity of the legislative committee recommendation to cast their votes. The Senate passed the bill 40 to 2, after Senator Irons amended it to remove his name as sponsor. The House passed it 53 to 17.

After passage, the emissions inspection program languished until January 2000. During that time the US EPA flip-flopped on their planned enforcement of the Clean Air Act. In June 1996, the EPA relaxed its requirement that inspections be performed at seven regional inspection stations thus permitting the state to expand to 250 licensed stations. In July 1996 the EPA stated that Rhode Island had serious ozone air pollution on hot days. Earlier in 1991 after air samples taken from rural West Greenwich showed higher pollution levels than those from metropolitan Providence, the agency had concluded that Rhode Island's polluted air was blown in from other

states. After urging expediency in 1991, the EPA in November 1996 granted Rhode Island a two-year delay to adopt the program.

Now, as a result of another clean air experiment, the EPA is desperately trying to diminish its responsibility for encouraging the American Petroleum Institute to enhance the oxygen content of gasoline by adding high percentages of methyl tertiary-butyl ether (MTBE). It turns out that this additive, [through gasoline spills], threatens the nation's water supply more seriously than tail pipe emissions threaten the air.

The General Assembly, except for delaying the starting date and greatly increasing the number of inspection stations as permitted by EPA, put the vehicle emission program aside. There was no exploring of alternatives that could have met clean air standards and protect the citizens. Other states managed to stiff-arm the indecisive US EPA and DOT. Maine sidestepped both the emission inspections and the MTBE gasoline additive without losing US Highway funds. The state, using its US DOT allocations, will begin the massive project of adding lanes to the Maine Turnpike in 2000.

What confidence does the citizen-motorist have that the vehicle emission inspection program will achieve the clean air standards for Rhode Island? If it is not achieved what more will the EPA mandate? The program is imposed because standard ozone levels are exceeded on a few hot summer days. The givens are: already polluted air comes over our borders from neighboring states; only 600,000 of the 1,000,000 vehicles registered will be inspected; large trucks and buses, with gross weight of 8500 lbs. and above are exempted; and no consideration is given for the thousands of buses, trucks and other out of state vehicles that travel the Rhode Island highways.

The motorist must conclude that this hazardous program is just another rip-off designed by bureaucrats who have little connection to reality and imposed by an uninformed legislature. He or she must participate; pay the fee, which includes a tribute (tax) of \$14.00 to the state's general fund; and humbly drive away wondering what purpose is this all going to serve.

Editor's note: The opinions expressed in the above article are those of the author. OCG has not taken a position on the need for automobile emission inspections or the technology used.

CREDIT CARD ABUSE AT ANOTHER QUASI-PUBLIC

Recent Examination of RIRRC's Expenditures Creates Questions

By Robert P. Arruda

Operation Clean Government (OCG), concerned that expense account and credit card abuses by the Economic Development Corporation could be more widespread, decided on November 6, 1999 to use the Rhode Island Access to Public Records Act to obtain and examine credit card records of selected other quasi-publics, starting with the Resource Recovery Corporation (RIRRC). This agency manages the state's central landfill and recycling facility in Johnston. The examination was designed to identify waste, abuse, mismanagement and indicators of fraud. OCG does not imply that criminal violations have been uncovered. Rather, there appears to be administrative violations, mismanagement and no oversight of the credit card program.

Credit cards were issued June 1998 to Austin Ferland, Chairman of the Board; Sherry Giarrusso-Mulhearn, Executive Director; James N. Allam, Deputy Executive Director; and Joseph J. Judge, Chief Financial Officer.

Ms. Giarrusso-Mulhearn, in a written document to OCG, stated that the cards were obtained to allow RIRRC to procure goods and/or services in an expedient manner, when necessary and to pay for business related expenses when traveling or conducting official business away from the office.

Also, the cards could be used to pay for meals for its Commissioners and/or Officers if such meals were in the company of an "interested person" as defined by the "zero tolerance" Ethics Regulation governing Prohibited Activities—Gifts, [adopted by the RI Ethics Commission July 1, 1998]. RIRRC provided OCG with monthly credit card statements from Fleet Bank, monthly documentation forms by RIRRC and the policy and procedure documents that detail the protocols to be followed by RIRRC credit card holders in the execution of state official business.

A review of the actual costs charged on the state credit cards for various out of town travel by RIRRC officials and employees could not be completed because of the lack of supporting documentation (individual charge slips and vendor invoices) attached to the monthly statements. However, a review of the transactions as they appeared on the statements themselves revealed questionable travel costs, and excessive or totally unjustified charges.

A review of RIRRC coversheets attached to monthly transactions contained limited explanations for the out of town travel expenses charged to credit cards. Particularly troublesome was the justification for one employee, John St. Sauveur, to attend three trade shows from February 11, 1999 to March 25, 1999 at

various locations: Orlando, Milwaukee, and Las Vegas. Although trade shows can be educational, there are limits to the amount of new landfill-related procedures and equipment that would require one employee to attend several in such short time. The total credit

\$1885.95 at Blockbuster Video in Dallas, Texas on November 24, 1998. This is considered an unauthorized expenditure which fails to meet the guidelines established for state credit card use. Charges made on government credit cards should meet the criteria of an



card charge for these shows was \$1426.60.

Another employee, Dominic Ragosta charged \$461.50 to the credit card issued to James Allam to attend a Landfill Equipment Show in Las Vegas on February 12, 1999, and further review found a total of \$634.27 charged to attend Waste Expos 1998 in Chicago on June 11, 1998 for James Allam and Patrick McQueeney.

These charges were over and above the trip expenses, which were already paid for:

Throughout the examination it became evident that credit cards were used for questionable meal expenses, for which documentation was sketchy at best and at times violated proper procedure by appearing to charge meals for government employees conducting business within Rhode Island. In one instance, the Chairman of RIRRC charged \$91.00 at Capital Grill in Providence for a "Commissioners Meeting with Legislators." Legislators and members of the commission are government officials and therefore not allowed to charge local meals to a state government credit card.

The single most costly credit card abuse was the purchase of what is termed "Employee Incentives—Christmas gift" by Sherry Giarrusso-Mulhearn for the amount of

immediate need, and one that cannot be obtained through normal procurement procedures.

In addition, Ms. Giarrusso-Mulhearn purchased an Empire three-arm candelabra for \$259.21 from Ross Simons Jewelers on October 10, 1998. In tracking the reimbursement for this item, it was found that Ms. Mulhearn's personal check for \$100 was posted to the Fleet RIRRC as a deposit on December 2, 1998. However, it was not until November 9, 1999 that the final payment of \$159.21 was paid back to the RIRRC account by a personal check from Commissioner A. Austin Ferland.

This final reimbursement occurred more than a year after the purchase and shortly after the credit card exposure at the EDC.

Other charges made on the agency credit card indicate further liberties taken using state funds. A charge for sweaters with logos for staff members for \$316.16 perhaps should have been handled through the agency's budget for uniform allowance. The RIRRC policy and procedure provides for employee reimbursement when documentation is presented by the employee that required clothing was purchased. (It seems reasonable to assume that "required clothing" pertains to protec-

tive clothing for out-of-doors landfill employees and not to sweaters with decorative logos.)

Credit card charges for gifts, flowers and RI Bar Association dues are all examples of unacceptable charges under the current policies of the RIRRC.

In a period of two weeks during June 1999, Ms. Giarrusso-Mulhearn charged a total of \$80 in gas for a corporate vehicle. The documentation for such fuel charges did not provide information as to the specific vehicle or the reason for its use. As these are the only charges made for the entire year for gas refueling, the question becomes: what alternative means were used to pay for gas of agency vehicles and do such vehicles actually exist.

Although RIRRC's records were audited by a private firm in the year ended June 1999 which identified and accounted for the credit card charges made by RIRRC officials, it appears that the audit never matched the credit card purchases with the regulations and policies governing their use. Such an oversight has the potential for costing RI taxpayers significant sums.

At the conclusion of the study, OCG recommended the following steps be taken: 1) that future audits focus on performance issues and scrutinize transactions at RIRRC to determine if the process of spending government funds conforms to rules, regulations, and policies; 2) that senior state officials cause RIRRC to justify all credit card expenditures with detailed credit card slips and attached vendor invoices; and 3) if it is found that funds have been mismanaged or misused, then appropriate measures be taken to have such funds reimbursed to the general treasury and some measure of oversight be instituted to prevent a repeat of such abuse.

This OCG project was researched and the report compiled by the newest member of the OCG board of directors, John Gudavich, a certified fraud examiner and a retired federal agent with the U.S. Treasury Department. His report accompanied by 24 supporting documents was forwarded to Senator J. Michael Lenihan, Chairman of the Senate Select Commission on Quasi-Public Agencies. Representatives of OCG will be allowed to testify before Senator Lenihan's commission on the report, its conclusions and recommendations on February 2, after this newsletter has gone to print.

Editor's Note: On January 26, when the RIRRC appeared before Senator Lenihan's Commission, the agency's executive director stated that the credit card account had been closed.

Letters to the Editor

We invite letters to the editor. We reserve the right to determine the appropriateness of letters for inclusion in the newsletter. Send letters to:

Operation Clean Government
PO Box 8683
Warwick, RI 02888
or e-mail to WmHClay@aol.com

Typesetting & Layout:
Jill Padelford

ANALYZE THIS...

In the wake of the Harvard-Pilgrim failure, the attorney general, Sheldon Whitehouse recently announced that he is appointing an investigator from his office to look into the possibility of fraud at the HMO. He is doing this without regard to his two back-to-back articles for the *Providence Journal* Op-Ed page about the demise of Harvard-Pilgrim and the general chaos of the health care industry in Rhode Island and elsewhere, in which he never indicated in any way that Harvard-Pilgrim was criminal, only that it was the victim of the healthcare marketplace.

His investigation is entirely appropriate,

since the AG need not have clear indication of fraud to commence an investigation. However, it seems odd that Mr. Whitehouse is using his office to sniff out wrongdoing in the private sector; when he has totally ignored it in the public sector.

It was Peat-Marwick that pointed out the possibility of fraud in the Administrative Adjudication Court because the records which they examined were so incomplete. However, Mr. Whitehouse ignored these positive indicators of fraud and looked the other way with the excuse that there were no actual crimes identified by the auditing firm.

The OCG list of State Senators and Representatives with telephone numbers, addresses and occupations are available. To receive your 3-page copy of the most comprehensive list in the state, send a self-addressed stamped envelope to:
Operation Clean Government
PO Box 8683
Warwick, RI 02888

OCG'S "Frivolous" Pursuit of Justice

By Stephanie Rivera

The story of Operation Clean Government's (OCG) petition to the RI Supreme Court to hear evidence about the Administration Adjudication Court ("Top court refuses to reopen AAD[C] case" 11/24/99 by *Providence Journal* reporter Christopher Rowland) is very revealing in all its implications.

The fact is that there was no hearing, because the high court refused to allow OCG's attorney to present a case for an official review of the decision issued by the Commission on Judicial Tenure and Discipline (CJTD) concerning complaints forwarded to CJTD in March 1998 by OCG and Attorney Arlene Violet.

The only disciplinary action was taken against Chief Administrative Judge Vincent Pallozzi, who was issued a mild reprimand, which in no way interferes with his retirement or any future ventures into the courtroom. The CJTD dismissed the complaints against four other judges.

The commission has taken no action to date against Judge John Lallo, whose case apparently has languished in the commission's vault for almost two years. Having lost an estimated \$143,530 at Foxwood from 1992 to 1997, Judge Lallo declared under penalty of perjury on March 5, 1996 that he had suffered no losses from gambling within one year preceding bankruptcy proceedings. On that

sworn statement, he was freed from his debts while he continued to earn over \$90,000 per year as a traffic court judge.

Nevertheless, the high court seems to have accepted the argument of CJTD's attorney, John A. MacFadyen, that a full-blown public investigation, such as that requested by OCG was not the "responsibility of the commission." Of course, this is absurd. Beyond a preliminary investigation, the commission has the authority to determine whether formal proceedings shall be instituted and a hearing held. The point is that the CJTD chose not to go that route, and it is to redress just that omission that OCG petitioned the RI Supreme Court.

Mr. MacFadyen further defends CJTD by arguing that the commission tried to assess "the activities of individual jurists... (who) had experienced massive administrative difficulties." In other words, the reason that traffic court judges did not show up for work, misinformed litigants about the rights, and tolerated the administrative gauntlet served up to motorists was the direct result of "administrative difficulties"—the result, not the cause. Mr. MacFadyen has not only put the cart before the horse but seems to have convinced five august members of the high court that such a thing is possible.

His next turn of phrase, that of likening Operation Clean Government and its stated purpose of promoting accountable, respon-

sible government in RI to Napoleon declaring himself protector of the people at Notre Dame is an analogy as turned around as his previous argument. An organization of volunteers dedicated to rooting out corruption is hardly the stuff of dictators who lust for power and bring their country to defeat and bankruptcy.

That analogy might very well apply to the RI General Assembly Leaders and their appointees who behave as though they are above the law and use taxpayer monies to support a complex patronage system that is draining the state treasury. Regardless of the absurdity of Mr. MacFadyen's claim, the high court concurred that OCG "lacked any legal standing" to sue for "extraordinary relief" from CJTD's decision.

In its ruling the court also accuses OCG of making a "misstatement of fact," regarding the audit of the traffic court ordered by Chief Justice Joseph R. Weisberger in July 1998. OCG charges that a full fraud examination of the AAC was never done. And, indeed, it was not—according to the opinion issued by the high court itself which pointed out that "a certified fraud examiner and an associate certified fraud examiner were part of the team," the team being auditors from KPMG Peat Marwick. However, not once in the auditor's report does it mention that an *actual fraud examination* was performed. "(P)art of the team" is an evasion. In point of fact, OCG committed no "misstatement." The court and its

audit committee steered by state auditor Ernest A. Almonte had full charge of the investigation by Peat Marwick, which suggests that a certified fraud examination was intentionally circumvented in favor of the pretense of having done one.

The Supreme Court also took issue with OCG for using the investigative reporting done by reporters for the *Providence Journal* as evidence of wrongdoing in the traffic court, declaring they would not be "admissible evidence in any court proceedings." How convenient that such verifiable evidence would not be admissible, especially as no state authority had bothered to examine the traffic court's management of its responsibilities in the detail reported by the newspaper at any time in its six years of operation.

Furthermore, there are numerous occasions when reporters are ordered by the courts to deliver their notes for the purpose of furthering an investigation of alleged crimes. So OCG was well within the bounds of precedent to use reporters' articles as evidence that the court should investigate alleged fraud and malfeasance by the AAC.

The Supreme Court's decision is a reminder of just how much OCG has become a thorn in the side of all those in state government who want the traffic court scandal to go away now and forever.

The prospect of a full-fledged investigation, at least as the public now has reason to believe, evidently threatens to reach into the havens of the state's power elite—duly elected members of the General Assembly, members of the judiciary, state administrators and employees, and the legal community.

Therefore, it became necessary for the high court to play its trump card. It was Chief Justice Weisberger who wrote OCG telling them how to proceed with an appeal. When OCG complied and filed a formal petition, the court accused OCG of an appeal that "borders on the frivolous," sending a message that seems intended to discourage any future legal pursuits. Such terms as "frivolous" are red flags for "trying the court's patience." When this happens the court has the authority to levy fines and court costs.

In the end, it may be that Rhode Island's citizens will have to go outside the confines of their own state to seek relief from the prejudice and injustice of their judicial system. This is what happened after the General Assembly voted to allow union leaders to buy into the state pension system, even though it was illegal for them to do so. The RI courts failed to completely eliminate them; so it remained for the 1st Circuit Court of Appeals to throw the pensions out summarily, and for the US Supreme Court to refuse to hear the appeal by those who stood to benefit from having them restored.

Check out the latest news at
www.ocg.to

OCG Board Meetings

First Thursday of every month—7:00 P.M.
Bickford's Restaurant meeting room
Jefferson Blvd., Warwick
For more information, call 1-877-SWEEP-RI
OCG members are invited to attend

OPERATION CLEAN GOVERNMENT—BOARD OF DIRECTORS

Tel 1-877-SWEEP-RI (1-877-793-3774)

Website: <http://www.ocg.to>

OFFICERS:

Chair	Robert P. Arruda, Warwick	732-5484
1st Vice Chair	Beverly M. Clay, West Greenwich	397-3676
2nd Vice Chair	Roger H. St. Germain, Lincoln	334-1858
Treasurer	Nolan Byrne-Simpson, Albion	334-2181
Secretary	Donald W. Cottle, Portsmouth	683-9126
EX OFFICIO:	Bruce Lang, Newport	848-0772

Three-year Directors:

Lee Blais, Pawtucket	724-7140
Anthony Freitas, Providence	751-4505
Donald Koehn, Providence	931-5359
Sandy Mellen, Pawtucket	723-3777
Ronald G. Santa, Middletown	847-1476

Two-year Directors:

William H. Clay, West Greenwich	397-3676
Marcia Gerstein, Riverside	437-0985
John L. Gudavich, West Warwick	822-5183
Joe Mellen, Pawtucket	723-3777
Karen Rosenberg, Cranston	461-4348

One-year Directors:

Andy Galli, Providence	942-0432
Ralph Greco, Warwick	463-1887
Sidney M. Green, Providence	331-0039
Pauline Ricci, Warwick	737-4998
Robert Senville, Barrington	435-5610

COMMITTEE CHAIRS:

Issues/Research	Beverly M. Clay, West Greenwich	397-3676
Judicial Reform	Robert Senville, Barrington	435-5610
Litigation Support	Lee Blais, Pawtucket	724-7140
Newsletter	William H. Clay, West Greenwich	397-3676
Organization	William H. Clay, West Greenwich	397-3676

WHO WE ARE...

OPERATION CLEAN GOVERNMENT is a grassroots organization working to bring about positive changes in Rhode Island state government. We advocate the passage of legislation which will provide Honest, Responsible and Responsive state government. We file ethics complaints and alert the public to government wrongdoing via OCG newsletters, press releases and appearances in the electronic media. Dues are \$12 for an individual membership and \$15 for a family membership. Donations of any amount are also welcome. As an all volunteer organization, there are no salaries or compensation other than the satisfaction that we are giving our best effort to make a positive difference in Rhode Island. Our costs include newsletters, mailings, office materials and supplies, publicity and public forums.

OCG MEMBERSHIP FORM

YES, I want to join other Rhode Island citizens and help to promote Honest, Responsible and Responsive State Government.

New member Renewal

My membership contribution to OPERATION CLEAN GOVERNMENT is enclosed:

\$12 Individual \$15 Family (list all names to be included) \$25 \$50 \$100 \$____ Other

Name(s) _____ Home Phone _____

Business Phone _____

Street _____ Email Address _____

City/Town _____ State _____ Zip _____

OCG is a non-profit organization, however contributions are not tax deductible because our activities include lobbying.

Yes, I would like to volunteer some time or participate on one or more of the OCG committees. Please call me.

I heard about OCG from _____

Send this form to:

OPERATIONCLEANGOVERNMENT
POBOX 8683
WARWICK, RI 02888

tel: 1-877-SWEEPRI
1-877-793-3774

To promote HONEST, RESPONSIBLE and RESPONSIVE STATE GOVERNMENT in RHODE ISLAND