



PENNSYLVANIA STATE CORRECTIONS OFFICERS ASSOCIATION

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1-866-GO-PSCOA (PA)

... *Patrolling the Toughest Blocks in the State* ...

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Tim Walsh, Executive Vice President
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Robert Storm, Vice President
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Jason Bloom, Vice President
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John Chernavage, Secretary/Treasurer
jchernavage@pscoa.org

May 1, 2012



RE: Request for Information

Dear Mr. McNany:

In response to your letter dated April 27, 2012, I am enclosing another copy of the minutes at the Trial Board hearing. Page 23 was erroneously marked as page 24.

Please remember that as per Appendix B Section 11(d) you are only entitled to papers and documents in the case which constitute the record of your Trial Board hearing which you chose not to attend.

Lastly, you asked for the name and contact information for the Secretary of the appellate body. That obviously would be me.

Thank you,

John Chernavage
Secretary/Treasurer, PSCOA

enclosures

March 23, 2012

DONALD G. MCNANY, LOCAL SI MERCER IS BEING CHARGED WITH:

Appendix B, Charges, Trials and Appeals of the PS COA Constitution Section 1:

(c) Disloyalty to the Association;

(e) Misappropriation; of Association funds; making false official reports;

(j) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and responsibilities of a member, officer or subordinate body of this Association.

It should be noted that Donald G. McNany is not in attendance. Unanimously, the Trial Board agreed to move forward in Mr. McNany's absence.

EXECUTIVE VICE PRESIDENT TIM WALSH'S OPENING STATEMENT:

Trial Board members, today we have asked you to be here in order to hear the charges brought against Donald G. McNany. These charges, because of their seriousness have been brought by the President of this Association, Mr. Roy Pinto. The charges are simple and there is nothing confusing about them. They are in the simplest of terms; disloyalty to the Association, misappropriation of Union funds, turning in false reports, and such other acts that would be considered inconsistent with the duties/responsibilities of a member, officer or other subordinate body of this Association.

Donald G. McNany was the President of this Association and as such was in a position of responsibility, a position of TRUST, a position that should have known the difference between RIGHT and WRONG. But apparently the temptation, the greed was just too strong. So strong, that Mr. McNany overcharges his mileage to the tune of \$11,544.

MR. WALSH PRESENTS THE SUMMARY OF FINDINGS OF MR. BROWN WHICH IS EXHIBITS K-1 AND K-2. THE FINDINGS READ AS FOLLOWS:

"Donald McNany was an officer of PS COA. Accordingly, his mileage reimbursement should have been limited to trips he made other than to travel to Harrisburg, which was considered his home office in accordance with the executive board policy of January 29, 2004 (see Exhibit N).

Based upon our analysis, Mr. McNany submitted claims for reimbursement of 26,298 miles during the period July 1, 2007 through June 30, 2010 and was reimbursed \$13,866. We determined Mr. McNany was entitled to reimbursement for 4,488 miles or \$2,322. The excess reimbursement he claimed was \$11,544.

We noted many of the reimbursements requested by Mr. McNany were on Mondays and Fridays (days he traveled to/from his home and the Harrisburg office). Many of the time sheets indicated

March 23, 2012

he stopped at a location on route, attempting to justify a mileage deduction from his home. The mileage was not deemed legitimate."

Mr. Walsh asks the Trial Board to turn to exhibits K-1 and K-2. He explains that Mr. McNany was the President of the Association. He is currently a full dues paying member of the Association and is employed as SCI Mercer. He explains that over a three year period Mr. McNany has charged the Association \$11,544 in excess mileage.

Mr. Walsh states that as the President of the Association Mr. McNany was the person most responsible. Mr. Walsh states that none of the mileage inflation would have happened if Mr. McNany was doing his job properly. Mr. Walsh states that Mr. McNany submitted mileage for his travel to and from Headquarters, which is not allowed.

Mr. Walsh would like to call forward Robert Storm, Eastern Region Vice president of PSCOA as a witness.

In Mr. Storm's testimony he states that starting in 2008 he was a member of PSCOA Executive Board. At such time he was asked by Mr. McNany to take a position at PSCOA Headquarter to assist the current Secretary/Treasurer at the time, Samuel Brezler. Mr. Brezler had medical problems and Mr. Storm was called in to assist him. Mr. Walsh asks Mr. Storm to explain his findings during his employment with PSCOA. Mr. Storm states that he noticed mileage vouchers that seemed to be in excess. He recalls several Business Agents boasting about their big mileage checks. Mr. Storm states he review the Quick Books program and noticed that the mileage being submitted seemed like a lot. Mr. Storm states that he brought these discrepancies to Mr. McNany's attention in which Mr. McNany told him "You don't want to open up that can of worms". Mr. Storm states that shortly after this incident he was terminated from his position at Headquarters. The Board would like to know if Mr. Storm feels that this incident led to his termination. Mr. Storm states that he does and it was about three months after the incident that he was terminated. The Board asked Mr. Storm if he brought this information to any other person. Mr. Storm states he did not. Mr. Delbaugh would like to know if there was a policy regarding mileage at that time. Mr. Storm states at the time the policy read you cannot claim mileage from your home to work.

Mr. Walsh states that the Board would not be here today if Mr. McNany was doing his job. In Mr. Walsh's closing he encourages the committee to see that the facts are self-evident and the evidence doesn't lie. He also recommends that the committee find Mr. McNany guilty of all charges and terminate his membership with the Association.

DONALD G. MCNANY, LOCAL SI MERCER HAS BEEN CHARGED AND FOUND GUILTY OF:

Appendix B, Charges, Trials and Appeals of the PSCOA Constitution Section 1:

(c) Disloyalty to the Association;

(e) Misappropriation; of Association funds; making false official reports;

(j) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and responsibilities of a member, officer or subordinate body of this Association.

Due to the serious nature of the offenses the following penalty or judgment will be imposed. Outright expulsion from the Association is warranted. Circumstances of continued misappropriation of Association funds and the ongoing filing of false reports over the time period warrants heavy fines as noted. Additional fines were levied upon Mr. McNany due to his position as Chief Officer of this Association.

JUDICIAL ETHICS COMMITTEE, TRIAL BOARD MEMBERS:

James F. Delbaugh, SI Coal Township - Chairman: **GUILTY**

Robert E. Bankes, SI Camp Hill: **GUILTY**

Lance R. Burkholder, SI Greensburg: **GUILTY**

Brian J. Donahue, SI Dallas: **ABSTAIN**

Michael W. Henry, SI Chester: **GUILTY**

Christopher S. Kerestes, SI Mahanoy: **GUILTY**

William J. O'Donnell, SI Mahanoy: **GUILTY**

Jerome E. Safko, SI Smithfield: **GUILTY**

JUDGMENT: Outright Expulsion

GUILTY AS CHARGED BY UNANIMOUS APPROVAL WITH 1 ABSTENTION

JUDICIAL ETHICS COMMITTEE, TRIAL BOARD MEMBERS:

James F. Delbaugh, SI Coal Township - Chairman: **GUILTY**

Robert E. Bankes, SI Camp Hill: **GUILTY**

Lance R. Burkholder, SI Greensburg: **GUILTY**

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

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Brian J. Donahue, SI Dallas: **ABSTAIN**

Michael W. Henry, SI Chester: **GUILTY**

Christopher S. Kerestes, SI Mahanoy: **GUILTY**

William J. O'Donnell, SI Mahanoy: **GUILTY**

Jerome E. Safko, SI Smithfield: **ABSTAIN**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL WITH 2 ABSTENTIONS

FINE: \$81,544