



PENNSYLVANIA STATE CORRECTIONS OFFICERS ASSOCIATION

2421 North Front Street

Harrisburg, PA 17110-1110

(717) 364-1700 phone | (717) 364-1705 fax

1-866-GO-PSCOA (PA)

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

Roy Pinto, President
rpinto@pscoa.org

Tim Walsh, Executive Vice President
twalsh@pscoa.org

Robert Storm, Vice President
rstorm@pscoa.org

Jason Bloom, Vice President
jbloom@pscoa.org

John Chernavage, Secretary/Treasurer
jchernavage@pscoa.org

DATE: **March 30, 2012**

TO: **John Chernavage, Secretary Treasurer**

FROM: **James F. Delbaugh, Local SI Coal Township –
Judicial/Ethic Committee, Trial Board Chairperson**

RE: **PSCOA Forensic Investigation Trial**

The Trial Board consisted of PSCOA active members in good standing and members remained impartial though out the hearings. The Judicial/Ethics Committee agreed unanimously that due to non-attendance no postponement will be granted.

All charged members during the proceedings were afforded the opportunity to attend and given a reasonable amount of time to prepare their defense. No charged members appeared on their behalf. A fair hearing, consistent with the due process requirements set forth in the PSCOA Constitution was conducted on March 22 and March 23, 2012. All charges were sufficiently explicit and enumerated by Executive Vice President Tim Walsh. It is also noted no charged members filed a statement on their behalf.

James Delbaugh, Chairman arranged for Anna Evans, PSCOA Administrative Assistant to take notes and provide a summary of testimony of all the proceedings.

After the evidence for each charged member was presented the Chairperson declared the specific trial closed. The Trial board then, in private session, made decision of guilty or not guilty and the proceeded into the penalty phase. Let it be noted, all the determinations were unanimous of guilt. The penalties or judgments were also unanimous.

It is noted that the Chairperson, James Delbaugh requested all documents accepted as exhibits will be made part of the official record in these cases.



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jchernavage@pscoa.org

On March 22, 2012 the Judicial/Ethics Committee, Trial Board was convened by order of President Roy Pinto. At 9:45 roll call was conducted and all members were present. Executive Vice President, Timothy Walsh opened the meeting by notifying the committee members that he will present the charges in lieu of President Roy Pinto. The committee went into executive session where by unanimous consent James F. Delbaugh was appointed Chairman.

The Trial Board is comprised of the following members of the PSCOA:

James F. Delbaugh, SI Coal Township - Chairman

Robert E. Bankes, SI Camp Hill

Lance R. Burkholder, SI Greensburg

Brian J. Donahue, SI Dallas

Michael W. Henry, SI Chester

Christopher S. Kerestes, SI Mahanoy

William J. O'Donnell, SI Mahanoy

Jerome E. Safko, SI Smithfield

Mr. Delbaugh reconvened the meeting at 10:05am with Mr. Walsh explaining the Forensic Investigation Report conducted by Bruce J. Brown, CPA/ABV, CFF, CVA. Numerous questions were posed to Mr. Walsh with everyone in agreement the Trial Board will accept the report as written and will be used as evidence.

All Trial Board members were afforded the opportunity to review any and all travel vouchers submitted by the members who are standing trial. It should also be noted that the Trial Board was afforded the opportunity to review a disk with specific information supplied by the charging party prior to this hearing.

Mr. Delbaugh asked Executive Vice President Tim Walsh if all the members charged were given notification and if any responded. Mr. Walsh informed the Trial Board that all charged parties were notified by certified mail. The receipts were displayed for inspection.

Mr. Walsh explains the methodology used in authenticating the miles traveled reading from the expert report of Mr. Brown:

- a) Credit card statements from Commerce Bank and M&T Bank for each month in the period July 1, 2007 through June 30, 2010.
- b) Supporting data for the credit card charges (invoices, credit card slips, etc.) for the same period.
- c) Personal expenses reports including supporting data for expense entries.
- d) EZ Pass reports for the transponder assigned to the applicable individuals for 2007, 2008, 2009 and 2010, which denotes trips made by the individuals.
- e) A list of Grievance Committee meeting dates that were scheduled in 2007 through 2010. This identified meetings that the business agents were expected to attend. However, these did not provide evidence that the meetings were, in fact, attended.
- f) Minutes for labor management and union meetings for 2007-2010. These minutes indicated which business agents attended specific meetings.
- g) A listing of hotel rooms reserved and paid for by PSCOA during 2007-2010. Using hotel invoices, PSCOA personnel prepared a listing of hotel rooms that were paid for by PSCOA for the individuals in our examination.
- h) Facility check-in and checkout details for the Commonwealth of Pennsylvania's correctional facilities for the individuals in our examination."

The Trial Board asked Mr. Walsh about Mr. Brown and his credentials. It should be noted that Bruce Brown is a certified accountant and his credentials are upheld by the Body.

March 22, 2012

LEE J. DYCHES, LOCAL SI GRATERFORD IS BEING CHARGED WITH:

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.

It should be noted that Lee J. Dyches is not in attendance. Unanimously, the Trial Board agreed to move forward in Mr. Dyches 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 Lee J. Dyches. 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.

Lee J. Dyches was a Business Agent 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. Dyches overcharges his mileage to the tune of \$79,860.

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

“Based upon our analysis, Lee J. Dyches submitted claims for reimbursement of 189,383 miles during the period of July 1, 2007 through June 30, 2010 and was reimbursed \$102,079. We determined Mr. Dyches was entitled to reimbursement for 39,589 miles or \$20,712. The excess reimbursement he claimed was \$79,860.”

Mr. Walsh asks the Trial Board to turn to exhibits D-1 and D-2.

After Mr. Walsh and the Trial Board read through the exhibit and have an open discussion he explains to the committee that there was no evidence of travel for the excess mileage.

Mr. Delbaugh states that there is evidence that Mr. Dyches claimed miles traveled for Union functions but no evidence that he actually attended the function. Mr. Walsh confirms this statement.

March 22, 2012

The Trial Board would like clarification regarding the mileage submitted by Mr. Dyches on page 7 of Exhibit D-1 and D-2. Mr. Dyches claimed that he traveled 336 miles from his home to the Four Points Hotel in Harrisburg. The correct mileage is 107 miles. Mr. Walsh states to the Trial Board that this inflation is seen consistently throughout the exhibits. Mr. Delbaugh states that he would like to look at the voucher submitted by Mr. Dyches.

The Trial Board asks Mr. Walsh if there is evidence that Mr. Dyches submitted mileage during times he was on vacation. Mr. Walsh explains that the Business Agents do not have to submit leave slips but do have to submit time sheets to Headquarters.

Mr. Walsh turns the Trial Boards' attention to page 3 of the exhibit. Mr. Dyches claimed that he traveled 192 miles to SCI Graterford, his parent institution. The correct mileage is 82. The evidence shows no credit card data or hotel receipts to prove he was traveling. The credit card data shows that he was in Newark. Mr. Walsh states that the evidence shows this whole week was fraudulent. Mr. Walsh states that Mr. Dyches was receiving an extra \$2,000 a month on top of his salary because of the inflated mileage.

The Trial Board observes that Mr. Dyches claimed to have traveled 371 miles on Christmas Eve 2008 with no evidence of travel. The Board also observes that he claimed to have traveled 255 miles on Christmas Eve the following year with no evidence of travel.

The Trial Board takes a short break and reconvenes at 11:15am.

Mr. Walsh asks the Trial Board to turn to page 20 of the exhibit. With the evidence of the EZ Pass it shows that Mr. Dyches traveled to Harrisburg on April 15, 2009 and claimed 405 miles of travel. The correct mileage that should have been submitted is 215. The next day the EZ Pass records show he traveled to Harrisburg again and claimed 410 miles. This again should have been only 215 miles of travel. Mr. Walsh states that as you read through the evidence this is a continuous pattern. The Trial Board states that in 2009 Mr. Dyches submitted 69,000 miles of travel.

Mr. Walsh states that in 2010 someone tipped off the Business Agents and Executives that there was going to be an investigation. He states that in May 0f 2010 you see that the mileage submitted is much less, the pattern changes.

The Trial Board would like to know why the Business Agents are afforded mileage. Mr. Walsh states that as a Business Agent your place of business is your home.

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. Dyches guilty of all charges and terminate his membership with the Association.

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

March 22, 2012

LEE J. DYCHES, LOCAL SI GRATERFORD 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.

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: **GUILTY**

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**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL:

JUDGMENT: Outright Expulsion

FINE: \$79,860

March 22, 2012

SHAWN P. HOOD, LOCAL SI PITTSBURGH IS BEING CHARGED WITH:

Appendix B, Charges, Trials and Appeals of the PCSOA 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 Shawn P. Hood is not in attendance. Unanimously, the Trial Board agreed to move forward in Mr. Hood's absence.

EXECUTIVE VICE PRESIDENT TIM WALSH'S OPENING STATEMENT:

Judicial and Ethics Committee members, today we have asked you to be here in order to hear the charges brought against Shawn P. Hood. 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.

Shawn P. Hood was a Western Region Business Agent 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. Hood overcharges his mileage to the tune of \$71,623.

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

"Based upon our analysis, Shawn P. Hood submitted claims for reimbursement of 193,150 miles during the period July 1, 2007 through June 30, 2010 and was reimbursed \$102,184. We determined Mr. Hood was entitled to reimbursement for 56,611 miles or \$30,345. The excess reimbursement he claimed was \$71,623.

Attached as Exhibit P is a document that demonstrates the type of abuse we noted by Mr. Hood. This Exhibit represents an invoice and an opinion and award in an arbitration matter. The invoice indicates that on May 17, 2010 an attorney from Jennings Sigmond, P.C. met with Mr. Hood to prepare for an arbitration matter. The opinion and award clearly states Hood testified at the hearing on May 18, 2010. The meeting and hearing were in SCI-Fayette, which MapQuest indicates is 102 miles (round trip) from Hood's home. Hood charged PCSOA 828 miles travel for these two days, indicating he requested an excess reimbursement of 624 miles."

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Mr. Walsh asks the Trial Board to turn to exhibits E1 and E2. He explains that Mr. Hood was a Western Region Business Agent of the Association. He is currently a full dues paying member of the Association and is employed as SCI Pittsburgh. He explains that over a three year period Mr. Hood has charged the Association \$71,623 in excess mileage.

Mr. Walsh informed the Trial Board that SCI Fayette was a facility Mr. Hood was a Business Agent for. The evidence shows that every time Mr. Hood submitted mileage for his trips to SCI Fayette his mileage number changes each time. On page 3 of this exhibit it shows that Mr. Hood claimed that he traveled 543 to SCI Fayette. The correct mileage is 102.

Mr. Delbaugh notes that Mr. Hood submitted mileage for 8 days in a row and questions if he was working on those weekends. Mr. Walsh states there is no evidence to support this, no evidence of travel. Mr. Walsh turns the Board's attention to December of 2007, two days after Christmas. He shows the Board that there was evidence Mr. Hood traveled to Mentor, Ohio and claimed mileage for this trip. There is no proof this was Union related.

Mr. Delbaugh asked Mr. Walsh if Mr. Dyches and Mr. Hood still have any property of PCSOA. Mr. Walsh states that as far as he knows we did retrieve everything.

Mr. Walsh turns the Board's attention to page 5 of this exhibit. This page shows that Mr. Hood claimed he traveled 617 miles to Altoona. The evidence shows he should have only claimed 103 miles one way. Mr. Walsh asks the Board to turn to page 11 of the exhibit. The time period of April 13 to May 11, 2008 he claimed to have traveled 6,073 miles. He asks the Board to turn to page 18 which shows that his credit card was used in Pittsburgh but claimed hundreds of miles that he traveled to Pittsburgh. The evidence on page 30 shows he claimed over 2,000 miles of travel but there is no evidence he left his home.

As with Mr. Dyches, 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. Hood guilty of all charges and terminate his membership with the Association.

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

March 22, 2012

SHAWN P. HOOD, LOCAL SI PITTSBURGH 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.

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: **GUILTY**

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**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL:

JUDGMENT: Outright Expulsion

FINE: \$71,623

March 22, 2012

PATRICIA A. HURD, LOCAL SI PINE GROVE IS BEING CHARGED WITH:

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.

It should be noted that Patricia A. Hurd is not in attendance. Unanimously, the Trial Board agreed to move forward in Ms. Hurd's absence.

Executive Vice President Tim Walsh's opening statement:

Judicial and Ethics Committee members, today we have asked you to be here in order to hear the charges brought against Patricia A. Hurd. 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.

Patricia A. Hurd was a Business Agent 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 Ms. Hurd overcharges his mileage to the tune of \$9,450.

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

"Based upon our analysis, Patricia A. Hurd submitted claims for reimbursement of 102,038 miles during the period of July 1, 2007 through June 30, 2010 and was reimbursed \$53,792. We determined Ms. Hurd was entitled to reimbursement for 83,780 miles or \$44,342. The excess reimbursement she claimed was \$9,450. Although as noted above, Ms. Hurd was the only agent who indicated on her time sheet the location to which she traveled. We were unable to validate all the locations she claimed she visited, and so, we concluded the claims were invalid."

Mr. Walsh asks the Trial Board to turn to exhibits F1 and F2. He explains that Ms. Hurd was a Western Region Business Agent of the Association. He is currently a full dues paying member of the Association and is employed as SCI Pine Grove. He explains that over a three year period Ms. Hurd has charged the Association \$9,450 in excess mileage.

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Mr. Walsh starts with page 1 of the exhibit. Mr. Walsh states that the pattern for her was just over inflating the mileage numbers each time. On page 1 she claimed 201 miles traveled but there is no evidence that she traveled anywhere. He states in this exhibit it appears that she is nickel and diming the Association. Mr. Delbaugh asks if she was actually attending the Labor Management and Union meetings. Mr. Walsh confirms that she was but she was inflating the miles traveled. He turns the Board's attention to page 8. This page shows 7 days she claimed mileage but there not evidence of travel. Mr. Walsh continues through the exhibit pointing out the dates she claimed travel but there is no evidence that she did. The Trial Board states that they can see a pattern in 2009 when all charged decided to start inflating there numbers.

As with the others, 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 Ms. Hurd guilty of all charges and terminate her membership with the Association.

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

March 22, 2012

PATRICIA A. HURD, LOCAL SI PINE GROVE 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.

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: **GUILTY**

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**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL:

JUDGMENT: Outright Expulsion

FINE: \$9,450

March 22, 2012

JOHN S. KLETT, LOCAL SI CRESSON 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 John S. Klett is not in attendance. Unanimously, the Trial Board agreed to move forward in Mr. Klett'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 John S. Klett. 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.

John S. Klett was a Business Agent 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. Klett overcharges his mileage to the tune of \$38,151.

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

"Based upon our analysis, John S. Klett submitted claims for reimbursement of 126,526 miles during the period of July 1, 2007 through June 30, 2010 and was reimbursed \$66,900. We determined Mr. Klett was entitled to reimbursement for 54,537 miles or \$28,747. The excess reimbursement he claimed was \$38,151."

Mr. Walsh asks the Trial Board to turn to exhibit G-1 and G-2. He explains that Mr. Klett was a Business Agent of PS COA. He is currently a full dues paying member and is employed at SCI Cresson. Mr. Walsh states that Mr. Brown was only able to authenticate about half of what he claimed. He points out that Mr. Klett claimed to be in two different hotels in one night on July 11, 2007. On July 19, 2007 he claimed 325 miles to Harrisburg. The correct mileage should be 260. Mr. Walsh states that all his mileage numbers are inflated. Mr. Walsh continues to present all the numbers that were inflated.

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The Trial Board would like to know why after the investigation and the findings, PSCOA decided to keep Mr. Klett as a Business Agent. Mr. Walsh states at the time Mr. Klett and Mr. Watson had agreed to pay the money back. The Board would like to know if there was a possibility Mr. Klett had submitted mileage while he was on vacation. Mr. Walsh states that could be a possibility.

As with the others, 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. Klett guilty of all charges and terminate his membership with the Association.

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

March 22, 2012

JOHN S. KLETT, LOCAL SI CRESSON 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.

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: **GUILTY**

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**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL:

JUDGMENT: Outright Expulsion

FINE: \$38,151

March 23, 2012

JOHN A. MILLER, LOCAL SI PINE GROVE IS BEING CHARGED WITH:

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.

It should be noted that John A. Miller is not in attendance. Unanimously, the Trial Board agreed to move forward in Mr. Miller'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 John A. Miller. 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.

John A. Miller was a Business Agent 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. Miller overcharges his mileage to the tune of \$49,888.

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

"Based upon our analysis, John A. Miler submitted claims for reimbursement of 163,855 miles during the period of July 1, 2007 through June 30, 2010 and was reimbursed \$89,929. We determined Mr. Miller was entitled to reimbursement for 69,759 miles or \$36,919. The excess reimbursement he claimed was \$49,888."

Mr. Walsh asks the Trial Board to turn to exhibits H-1 and H-2.

After Mr. Walsh and the Trial Board read through the exhibit and have an open discussion, he explains to the committee that there was no evidence of travel for the excess mileage.

Mr. Walsh states that on page 1 of the exhibit every number has been inflated. The Trial Board makes note that with every year on Christmas Eve, the day after Christmas, New Year's Eve and the day after the New Year he claimed mileage. Mr. Walsh also notes that Mr. Miller's report is

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49 pages long with a continuous pattern of inflation. Mr. Walsh turns the Board's attention to page 3. This shows that Mr. Miller used his credit card at home but claimed he traveled 177 miles. The findings of the investigation show no evidence of travel.

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. Miller guilty of all charges and terminate his membership with the Association.

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

March 23, 2012

JOHN A. MILLER, LOCAL SI PINE GROVE 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;

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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: **GUILTY**

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**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL:

JUDGMENT: Outright Expulsion

FINE: \$49,888

March 23, 2012

MARK A. WATSON, LOCAL SI ROCKVIEW IS BEING CHARGED WITH:

Appendix B, Charges, Trials and Appeals of the PCSOA 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 Mark A. Watson is not in attendance. Unanimously, the Trial Board agreed to move forward in Mr. Watson'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 Mark A. Watson. 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.

Mr. Watson was a Business Agent 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. Watson overcharges his mileage to the tune of \$41,837.

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

"Based upon our analysis, Mark A. Watson submitted claims for reimbursement of 110,040 miles during the period July 1, 2007 through June 30, 2010 and was reimbursed \$57,860. We determined Mr. Watson was entitled to reimbursement for 30,235 miles or \$16,023. The excess reimbursement he claimed was \$41,837."

Mr. Walsh asks the Trial Board to turn to exhibits I-1 and I-2. He explains that Mr. Watson was a Western Region Business Agent of the Association. He is currently a full dues paying member of the Association and is employed as SCI Pittsburgh. He explains that over a three year period Mr. Watson has charged the Association \$41,837 in excess mileage.

Mr. Walsh states that he notices a different pattern with Mr. Watson. He states that the evidence shows Mr. Watson traveled to Penn State often and used his credit card there. Mr. Walsh reads

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through the miles submitted with no evidence of travel. Page 2 he claimed 131 in mileage on July 30, 2007 with no evidence of travel. On page 2 the evidence shows that he purchased pizza in his hometown but submitted 189 miles to Harrisburg. On page 4 the evidence shows that Mr. Watson claimed he traveled 252 miles but there is no evidence of travel.

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. Watson guilty of all charges and terminate his membership with the Association.

JUDICIAL/ETHICS COMMITTEE, TRIAL BOARD

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MARK A. WATSON, LOCAL SI ROCKVIEW 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.

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: **GUILTY**

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**

GUILTY AS CHARGED BY UNANIMOUS APPROVAL:

JUDGMENT: Outright Expulsion

FINE: \$41,837

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

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.

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 PSCOA. 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

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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 the 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