

Riverside Press-Enterprise

Press-Enterprise, The (Riverside, CA)

October 11, 1998

Riverside official charged Waste water manager stands accused of falsifying records to aid son-in-law.

Author: Steve Moore; The Press-Enterprise

Edition: RIVERSIDE; DESERT & PASS; HEMET-SAN JACINTO; CORONA-NORCO; SAN BERNARDINO COUNTY

Section: LOCAL Page: B01

Riverside's waste water treatment manager is being accused of falsifying records to help her son-in-law get a state license to work at a sewage treatment plant in San Bernardino, according to the San Bernardino County District Attorney's Office.

Gail McPherson, waste water systems manager for Riverside's plant since 1991, and her son-in-law, Vincent Bibbee, a waste water treatment operator for San Bernardino, will be arraigned on Oct. 26 in San Bernardino on felony charges of grand theft and filing false documents, said deputy district attorney Glenn Yabuno.

McPherson and Bibbee could not be reached for comment on Saturday.

The city of Riverside investigated the same allegations against McPherson in 1997, but no disciplinary action was taken, according to a statement released by the city on Saturday. McPherson, a city employee since 1984, will continue to run the city's Regional Water Quality Control Plant while criminal proceedings are pending, according to the statement.

Riverside's statement said the charges against McPherson apparently arise out of a 1995 certification she did concerning the number of volunteer work hours performed by Bibbee as a waste water treatment operator.

City Manager John Holmes declined further comment.

Prosecutors accuse Bibbee of unlawfully collecting about three certified he had completed training required for a state waste water treatment license. The training involves more than 1,000 earn more money, Yabuno said.

It is not clear how much more money Bibbee earned, Yabuno said.

Waste water treatment operators in California must pass a test and complete a training program before they can be certified.

If Bibbee is convicted, prosecutors could ask a court to make him repay the last three year's of his salary. Yabuno said he did not know Bibbee's annual salary. Grand theft charges can carry up to a three-year term in state prison.

The investigation, conducted by the state water board, began about a year ago with an anonymous complaint, Yabuno said. Investigators found that required paperwork lacked documentation. Co workers told investigators that they could not recall Bibbee completing the training, Yabuno said.

The San Bernardino County District Attorney's Office assisted in the probe. The state would have to hold an administrative hearing to revoke Bibbee's license if he were convicted, Yabuno said.

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Record Number: 227376

Sewage plant chief now off city payroll: RIVERSIDE: Hit with falsified-records and bias complaints, she was put on leave in May 2000.

November 17, 2001

By DAN LEE THE PRESS-ENTERPRISE

RIVERSIDE

Riverside's embattled wastewater-treatment plant manager no longer works for the city, officials said.

Gail McPherson pleaded no contest last spring to a misdemeanor charge in a falsified-records case and also has been the subject of discrimination complaints by black workers at the plant.

Interim City Manager Larry Paulsen would not say whether McPherson left voluntarily or was fired and declined further comment.

McPherson could not be reached for comment Friday. Her attorney, Diane Roth, declined to comment.

As manager of the treatment plant, McPherson oversaw more than 100 city employees. The plant treats 35 million gallons of wastewater a day, discharging most of it into the Santa Ana River.

A group of black employees filed a federal lawsuit against the city of Riverside in 1997, claiming they were discriminated against by their supervisors, including McPherson.

One worker, Alfred Thompson, alleged that McPherson tried to get him fired after he had reported racially discriminatory statements made by his supervisors. The lawsuit is awaiting trial in federal court.

Workers at the plant this week had not heard of McPherson's departure.

"I'm sure everyone will be shocked, but I can assure you that (for) people at the plant that signed the vote of no confidence . . . it's kind of a sigh of relief," said Rick Jackson, one of the plant workers and plaintiffs in the lawsuit.

On May 5, 2000, 39 workers signed a petition that was sent to Mayor Ron Loveridge and the City Council saying they had no confidence or trust in McPherson because she did not respect her employees and created a hostile work environment.

They asked for an investigation and for action to be taken. On May 19, 2000, McPherson was placed on administrative leave from her \$85,000-a-year job.

She remained on leave through Nov. 7 of this year, her last day on the city payroll, said city Human Resources Director Judith Griffith.

Employees had been concerned that McPherson might return to work and retaliate against them, Jackson said.

In 1999, a San Bernardino County grand jury indicted McPherson on charges of grand theft and falsifying city records to help her son-in-law obtain a job at a wastewater-treatment plant in San Bernardino.

She pleaded no contest to abetting in a misdemeanor in May of this year. Under the plea agreement, McPherson kept her state license as a wastewater-treatment plant operator by paying \$40,000 to cover the cost of the investigation and agreeing not to violate any laws.

Since she had fulfilled the terms of her plea agreement, the matter was dismissed last month, and there will be no record of her conviction, San Bernardino County Deputy District Attorney Glenn Yabuno said Friday.

McPherson has filed two claims against Riverside, arguing that the city should pay for her legal defense.

In the second claim, filed in August, she listed legal expenses of \$49,000. She also argued that the city was obligated to pay the \$40,000 required of her under the plea agreement.

She asserted that the investigation by prosecutors and state licensing officials found that discrepancies in the work records were the result of negligent record keeping by other employees. "There had been no malice or fraud in keeping the records or reporting to the state," she added.

The city has rejected both claims because it does not believe it has any obligation to pay for her defense or the \$40,000 investigation-cost restitution, interim City Attorney Greg Priamos said.

"The city was simply not going to agree to reimburse her for the criminal restitution that was ordered in the case," he said.

Zone: RIVERSIDE; ALL ZONES

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Riverside accused by black workers A federal lawsuit alleges the city practiced discrimination and allowed harassment.

November 1, 1997

By David Danelski The Press-Enterprise

RIVERSIDE

The City of Riverside has systematically discriminated against black employees and allowed racial harassment to go unchecked in the workplace, according to a federal class-action lawsuit filed on behalf of 120 current and former city employees.

The 23-page complaint filed in U.S. District Court in Los Angeles details alleged incidents ranging from making dartboards out of pictures of Martin Luther King Jr. and Jesse Jackson to attacking a worker who tried to remove "KKK" scrawled on a restroom wall.

The suit claims that the city has engaged in a pattern of targeting black workers for layoffs, passing them by for promotions, transferring them to lower-level jobs and allowing racist acts to persist in the workplace.

It seeks "not less than" \$1 million to be divided by the class of current and former black employees.

City Attorney Stan Yamamoto said the city has not been served with the lawsuit but the allegations appear to be broad. The suit will be taken very seriously, he said.

The suit alleges that Rommel Dunbar, a city maintenance painter and fuel island attendant, was the victim of several racist incidents over the past eight years. He was one of about 200 city employees laid off in June as the city wrestled with budget problems.

Dunbar's experiences, as detailed in the suit, include:

- o Having a co-worker and a supervisor call him "nigger" and "nigger slave";
- o Finding a large ball-and-chain hung in his work area;
- o Finding the letter "N" painted in his work uniform;

- o Finding black dolls crushed in a paint shaker;
- o Having dog feces placed in his work truck;
- o And being attacked by a co-worker while he was trying to remove the letters "KKK" from a wall in an employee restroom.

All the incidents were reported to either Javier Rosales, the city's human relations administrator, or Judith Griffith, the city human resources director, but Griffith's department "took no remedial, corrective or disciplinary action," the suit alleges.

Griffith, who supervises Rosales, declined to comment Friday. Among Rosales' duties is serving as the city's liaison to Study Circles, a program designed to foster improved racial understanding.

Mindy Bish, a Saugus attorney representing the plaintiffs, said the suit will be served shortly. Once it is served, the plaintiffs will have 90 days to file a motion for a judge to certify the class of plaintiffs.

"They are not the people who get a chip on their shoulder and allege discrimination," Bish said. "They are people who want to make the city do what it is supposed to do. They don't want to work in a discriminatory atmosphere."

Beside Dunbar, only one other employee is named as a plaintiff in the suit. He is Alfred Thompson, a field maintenance crew leader at the sewage treatment plant, who is still working for the city.

Thompson, the suit alleges, sought a foreman's position in 1994 after a black foreman retired, but was told by his supervisors they would not promote or hire another black person for the job.

Thompson made complaints about discrimination and, in retaliation, the suit alleges, a higher level supervisor in 1996 tried to fire him. The suit says sewer plant manager **Gail McPherson** blamed him for a sewage spill that was not his fault and claimed that he failed to prepare a spill report.

An investigation later determined that Thompson was not trained to fill out a spill report and did not know the report was necessary.

Bish, Thompson's attorney, said the spill in question was not the spill last year that resulted in state officials fining the city \$5,000.

The suit further alleges that Thompson was placed on light duties against his will and subjected to "constant harassment" by his supervisors.

The lawsuit comes about five months after the Riverside City Council approved about 200 layoffs in what observers said was the largest downsizing in the city's history.

Zone: ALL ZONES

Official in false-records case pleads no contest: TRAINING: The manager of Riverside's wastewater plant helped her son-in-law get a San Bernardino job.

May 17, 2001

By TIM GREENDA THE PRESS-ENTERPRISE

SAN BERNARDINO

The manager of Riverside's wastewater treatment plant pleaded no contest Wednesday to charges that she incorrectly credited her son-in-law with volunteer hours he needed to get a job in San Bernardino similar to hers.

Gail McPherson, in a plea agreement reached with San Bernardino County prosecutors and the state Water Resources Control Board, will spend two years on probation with the state water agency.

Her son-in-law, Vincent Bibbee, will have his state certificate revoked but will be allowed to retake the tests required to regain the license and stay in his current job as manager of San Bernardino's wastewater treatment facility, officials said.

McPherson also will be allowed to keep her \$85,000-a-year job in Riverside.

Bibbee and McPherson must pay a total of \$40,000 to reimburse the state board for the cost of its investigation into the allegations.

If the fine is paid by Nov. 16 and neither McPherson nor Bibbee has violated any laws, the criminal case against them in San Bernardino will be dropped, said Deputy District Attorney Glenn Yabuno.

At issue in the criminal case were hundreds of on-the-job volunteer hours Bibbee was credited with completing in Riverside for the job in San Bernardino for which he later was hired, Yabuno said.

"We believed it was intentional, but we've come to believe it was because of poor record keeping," he said.

McPherson pleaded no contest to one count of aiding in a misdemeanor. Bibbee also pleaded no contest to that charge plus a charge of grand theft for receiving about \$25,000 in salary for work in San Bernardino without properly obtaining the required license and training experience, Yabuno said.

Zone: SAN BERNARDINO COUNTY; DESERT & PASS; TEMECULA-MURRIETA; EAST VALLEY; RIVERSIDE

Edition:
Section: LOCAL
Page#: B03

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT PROGRESS REPORT 1999-2001

Prepared by

Office of the Secretary
Deputy Secretary for Law Enforcement and Counsel

Contributors

Air Resources Board
State Water Resources Control Board
California Integrated Waste Management Board
Office of Environmental Health Hazard Assessment
Department of Pesticide Regulations
Department of Toxic Substances Control

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT PROGRESS REPORT EXECUTIVE SUMMARY CAL/EPA'S ENFORCEMENT ACCOMPLISHMENTS

SIGNIFICANT SWRCB ENFORCEMENT ACTIVITIES

The SWRCB is directly responsible for enforcement for several important statewide programs.

Division Of Water Rights

The SWRCB Division of Water Rights conducts a proactive compliance and enforcement program inspecting permitted and licensed water right projects for compliance with terms and conditions and investigating potential unauthorized diversions within targeted high-resource value watersheds throughout the State. Since 1999, the Division inspected over 330 permits and licenses with over 90 percent of the inspections finding some violation that required voluntary corrective action by the owner. During this period,

the Division initiated formal enforcement by revoking nineteen licenses and by imposing administrative civil liability (ACL) penalties against fifteen unauthorized diverters.

Office of Operator Certification

The SWRCB Office of Operator Certification investigates complaints related to the activities and qualifications of Waste Water Treatment Plant operators. Since January 1999, the office has opened 51 new cases of which 22 cases have been resolved. Two significant cases are described below:

Ms. **Gail McPherson**, former Wastewater Systems Manager at the City of Riverside, and Mr. Vincent Bibbee, both certified wastewater treatment plant operators, provided false and misleading experience on applications Mr. Bibbee submitted for certification. McPherson pled no contest to a misdemeanor charge of aiding the commission of a misdemeanor and agreed to make restitution of \$40,000 to the State Water Resources Control Board (SWRCB) for investigative costs. Her Grade V Operator Certificate was placed on probation for two years. Bibbee pled no contest to misdemeanor grand theft and aiding the commission of a misdemeanor. He was also liable with McPherson for \$40,000 restitution to the SWRCB. His Grade II Operator Certificate was revoked, and a Grade I Certificate was issued. The criminal charges against both were dropped, in accordance with the plea agreement, because restitution was fulfilled within six months of the plea.