

Sussex Co. College trustees worked for and voted for firm, but probe finds no wrongdoing

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By: Seth Augenstein | The Star-Ledger

NEWTON — Three Sussex County Community College trustees had conflicts of interest with an engineering firm they hired to do work at the school — but the controversial contract that sparked a weeks-long probe was sound, according to an investigative report released today.

Trustees Glen Vetrano, Edward Leppert and Glenn Gavan all did work for, and were paid by, CP Engineers, a Sparta-based firm that has been awarded hundreds of thousands of dollars' worth of work by the college since last year, according to the report compiled by Saiber, a Florham Park-based law firm.

The three, as trustees, had also voted to give CP Engineers work at the county college, the report said.

However, according to the report, the three trustees were unaware of what the school's ethics code — and New Jersey law — required of them.

"After speaking with each of the three trustees who had a relationship with CP, it became apparent that none of them recognized or appreciated what the College's Ethics Code or New Jersey law required of them when votes relating to CP came before their College's Board," wrote William Maderer, the lead Saiber attorney on the report.

All three trustees worked in various capacities for CP, the report states: Vetrano had done lobbying work for \$13,000 annually, one of Leppert's accounting firms did \$2,000 worth of work annually and another had submitted a proposal for additional work as late as June, and Gavan had become CP Engineer's paid lawyer — and later moved his law practice into the same Sparta building for a short time, the report found.

Each of the three also cast at least one vote to approve work by the company. Vetrano voted on a \$143,200 contract last year, which prompted his resignation last month. He said he realized after voting that he had intended to abstain, the investigators said.

Leppert abstained on two votes last year, but has since continually approved work for CP because a college attorney told him he did not have a conflict, the report states. And Gavan, the attorney, became counsel for the engineering firm weeks after initially approving the engineering firm's proposal to do master plan work for the school — and then abstained from all further votes on work for the engineering firm.

However, the investigators found that the contract for the major renovations to the "D" classroom building, estimated initially by CP Engineers to be \$2 million but later bid on by a single company for a significantly higher \$2.88 million, were done appropriately. The investigation found the bid by the single company — Echelon Services LLC — was "reasonable" since the increase of roughly \$850,000 was due to items the engineering firm left out of its specifications — mostly with custom work on large windows.

The investigation found that the contract was properly noticed, and the public contracts laws were followed. The lawyers conducting the investigation also found there was no apparent conflict of interest despite the attorney for Echelon, John Ursin, also serving as the college's general counsel. Ursin was also the attorney who advised Leppert about potential conflicts.

At a Monday evening presentation of their investigation, the Saiber lawyers also recommended adopting a new ethics code for the school — and also said that the CP Engineers work that has already been approved but which was "tainted" by the conflicts can be voted upon again by the board.

Dan Perez, the lone trustee to vote against the latest contract, said he wanted to hire another engineering firm to do the work at the school.

"Do we have confidence in CP to manage this project for us?" Perez asked.

CP Engineers said they were pleased with the report's findings.

"We are pleased that the report to the SCCC Board of Trustees by the Saiber law firm regarding its investigation on the bidding process for Building "D" reaffirmed the propriety of the work of CP Engineers and that the bid approval process employed by SCCC was reasonable and appropriate," the company said in a statement.

Saiber, a firm that has also done high-profile investigations at Princeton and Rutgers universities, was tapped by Paul Mazur, the school's president, in June. While the probe was underway, Vetrano admitted his CP Engineers payment, and resigned from the college board in July.

"Clearly, there are problems. We are addressing them," said Lorraine Parker, a retired judge who acted as the chair of the board, replacing Gavan who recused himself Monday.

The Sussex County Prosecutor's Office expressed interest publicly in the college's finances in the wake of Vetrano's resignation. Since then, however, they have declined comment. The state Attorney General's office continues to neither confirm nor deny an investigation into the school.