

# Questions, answers from news conference on Sheehan

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — While a news conference for members of the media was being held March 12 in the meeting room of Convention Hall, about a dozen members of the public and one City Council member were standing in the building's lobby complaining they were not admitted to the event.

Councilman Shaine Meier said he was not permitted to enter the event being held by Mayor Edward Mahaney, City Manager Bruce MacLeod and City Solicitor Tony Monzo. Participants were required to first pass by a police officer and present media credentials and then proceed to a table manned by a public relations agency.

Meier said he was informed of the event by reading a posting on Facebook. Former Mayor Jerry Gaffney was angered when he was refused entry to the event.

The press conference brought television crews from Philadelphia channels 3, 6 and 10.

Some questions and answers

from the conference:

**Q: For the year of 2013, after Lt. Lear signed his contract in January, prohibiting him from claiming comp time for that entire year while Police Chief Diane Sorantino was in charge, were you aware of timesheets from Lear showing comp time taken in violation of his contract?**

MacLeod said processes in the city of Cape May that have been in place for many years have the employees complete and fill out their own timesheets in handwritten form. On the document, it notes it is their responsibility to accurately record their time and leave they may have taken and to certify their timesheet is accurate. He said the next level of process is to have the department head review the timesheets, sign off and submit the sheets to payroll for processing.

"I don't see every single timesheet for every single pay period throughout the course of the year," he said. "I review the ones for my staff and my department directly, that's in the tax office or manager's office..."

**Q: Were you aware in 2013 that Lt. Lear was continuing to take comp time?**

MacLeod: "Based on my recollection, I'm not aware that Mr. Lear was taking significant amounts of comp time." He said the city has a system of flex time that allows employees that have worked extra hours in a two-week time period to take off an equivalent amount of time in either the same pay period or the next pay period.

**Q: The matter of council passing a resolution to rescind Sheehan's position, if it was an open investigation, could you not have tabled the resolution or perpetuated his current position until the investigation was completed?**

Mahaney replied Sheehan's contract began March 4, 2014, with the one-year probationary period ending March 3, 2015. He said council asked if the resolution could be tabled but was advised it could not.

"If we did not act on March 3, that in fact the appointment would become permanent," said the mayor.

**Q: Might you reconsider your**

**decision?**

Mahaney: "There's always the possibility to reconsider the decision, yes. I think that was even said by one of the council members that evening."

He said council would wait for the conclusion of any investigation being conducted by the county Prosecutor's Office.

**Q: You said you could reconsider Sheehan's demotion after the investigation by the Prosecutor's Office but they are not doing a criminal investigation, just doing an administrative oversight by Sheehan, which he inherited from former Chief Sorantino, be enough to prevent him from being chief?**

Mahaney said that was not under consideration at this point. He said council was trying to get all the facts together so an intelligent decision could be made. When all information is available, council will reconsider the matter.

**Q: Is Lear still on the police force?**

MacLeod said Lear is still an employee in his capacity as a lieutenant.

**Q: Will retired Major Fallon's report be released soon?**

Monzo said once action is taken in the form of disciplinary charges, hearings and rights that Lear may have, the report, in his opinion, would be released to the public.

**Q: Is it safe to say at this point nothing is considered a criminal investigation, everything is now considered administrative investigations and there are separate ones going on?**

Monzo said based upon the information the city has, the answer is "yes." "We have not been informed by the county Prosecutor's Office that there is any pending criminal investigation."

**Q: Should an evaluation of Sheehan's performance been done prior to the March 2 council meeting according to a policy manual or his contract?**

Monzo said Sheehan's contract did not require the city manager to perform an evaluation of the chief.

**Q: To the mayor: What was your personal reasoning for not going ahead and making Sheehan's appointment as**

**chief permanent?**

Mahaney said the March 2 letter from the Prosecutor's Office was disturbing and it appeared it was quite disturbing to other members of council.

"For it to come at the last minute from the Prosecutor's Office was a major problem. That was one of the factors, but the point was having that letter and what it stated. It put the City Council, especially me, in a difficult position. My thought, adhering to my duty, was we could not go ahead until this matter was resolved."

He said the letter mentioned "criminal investigation," which could be interpreted several ways. Mahaney said council had no buffer or lag time to put the decision off of making Sheehan's position permanent.

**Q: To Mahaney: On the morning of March 3 before the letter arrived, had you been planning to renew Sheehan's contract?**

"My position, as I said, there were other issues but this was a very big issue. This one had to be resolved first."

**Q: So you were undecided?**

"Yes," replied Mahaney.

## Monzo requests retraction from Prosecutor's Office

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said the letter voiced concern of the use of comp time by a police lieutenant.

MacLeod said the city's personnel policy and current labor agreements do not allow for the accrual of comp time or the use and taking of comp time. He said the letter was shared with Sheehan as well as Lear.

Following that a meeting was held with PBA to review their concerns, "including matters of retaliation from within the department if it was made known

as to the contents of letter," MacLeod said.

He said he met with Sheehan on July 17, 18, 21, which included Lear on some occasions.

"On July 31, a private citizen appeared before me to make similar complaints regarding the matter of comp time," MacLeod said.

He said he reported the meeting with the citizen to Sheehan and Lear. MacLeod said it was decided that Sheehan would forward the matter to the county Prosecutor's Office.

He said on Aug. 5, Johnson

sent a letter to the city stating he had reviewed the facts concerning Lear and was advising no criminal prosecution would be warranted but authorized the city to review the matter for administrative charges.

MacLeod said he met with Sheehan and retired Police Chief Diane Sorantino on Aug. 20. He said on Aug. 21 and Sept. 5, the citizen he met with July 31 returned to his office expressing concerns nothing was happening because he was not contacted for an interview. MacLeod said he and Monzo met with Johnson on Sept. 8 and county Prosecutor's Office Chief of Detectives Ken Super to make sure their opinion of the matter remained the same.

"Also at that meeting it was discussed if the city would engage an independent investigator for the administrative process," MacLeod said. "The county Prosecutor's Office offered the name of retired State Police Maj. James Fallon."

On Sept. 30, Johnson sent a letter to Monzo concluding the accumulation of comp time still did not warrant criminal prosecution and deemed to be an administrative matter for review and investigation, MacLeod said.

The city hired Fallon on Oct. 10 to initiate an administrative investigation, he said. MacLeod said Fallon was met with objections from Sheehan as to his participation in the process. The matter was again discussed with the Prosecutor's Office, with Johnson responding by

letter Nov. 19 asking the city to refrain from any investigation regarding Sheehan, according to MacLeod, but to continue with the comp time administrative investigation.

MacLeod said on Dec. 23, he and Monzo met with Johnson, Super and Sheehan with his attorney at the Prosecutor's Office.

"At that meeting we were told that Chief Sheehan would now be in charge of the administrative investigation, which was the first time that was presented and told to the city of Cape May," MacLeod said.

Sheehan sent an email on Dec. 28 to Fallon requesting all his files and to have no further contact with the city manager or city solicitor, MacLeod said.

He said limited discussions took place in January 2015 and it was concluded Fallon should finalize his work and provide a report to the city. On Feb. 18, he and Monzo met with Sheehan with Fallon participating by a phone conference call.

"Mr. Fallon's report absent any interviews from the lieutenant or the chief was presented and turned over to Chief Sheehan," MacLeod said. "The following day, a copy of the report was forwarded to First Assistant Prosecutor Rob Johnson."

On March 2, a faxed letter from Johnson to Monzo arrived late in the afternoon.

"The letter at the very end of it reflected upon the fact that this matter was not to have any further discussion," MacLeod said.

He said the letter was critical to the city's current situation.

"It stated the Prosecutor's Office was now taking over the investigation and that it would include a review of Chief Sheehan's actions and other information to determine whether any witness or party willfully provided false information during the investigation," MacLeod said.

Monzo said council had intended to have discussion in open session March 3 at the request of Sheehan of his performance during the one-year probationary period. Part of the discussion included Sheehan's handling of the Lear investigation, Monzo said.

"When I received Mr. Johnson's letter the night before the meeting, I suggested and advised council that the discussion should take place in closed session based upon the language in the last sentence of Mr. Johnson's letter cautioning the city about the release of any information pertaining to the investigation," Monzo said. "After the closed session and a vote of City Council and after there were comments made during the public portion that I had misrepresented this as a criminal investigation, I read the third sentence of Mr. Johnson's letter."

Monzo said after the meeting, Taylor accused him of misrepresenting the contents of the letter "by cherry picking one sentence, out of context" and that the several sentences before that explained that Sheehan was not a target of a

criminal investigation.

"This gave the impression that decisions made by City Council were based on false information that I provided, and that's simply not true," he said. "If Mr. Taylor had taken the time to watch the video of the council meeting, which remains available for everyone to view on the city's website, he would have known that I never said that Rob Sheehan was the target of a criminal investigation."

Monzo said in response to a question from resident Jerry Gaffney, he stated Sheehan was not being implicated in a criminal investigation. Monzo read Johnson's March 2 letter, which stated he reviewed the report from Fallon as well as a Feb. 26 letter from Sheehan. In the letter, Johnson states the Prosecutor's Office was "assuming responsibility for the investigation." It also stated the investigation would include a review of Sheehan's actions as well as a review of initial information provided to his office "in order to evaluate whether any witness or party willfully provided false information during a criminal investigation."

Johnson's letter closes with a direction that any party that has knowledge of the internal affairs investigation "be cautioned about the release of any information that would be contrary to the Attorney General Guidelines."

"Based on these false accusations by Mr. Taylor, which have been extremely damaging, I am asking that he issue an immediate retraction so that the record is straight pertaining to what I said at the council meeting based on the letter that his office provided," Monzo said. "If that letter leaves anyone with the impression that Rob Sheehan is the target of a criminal investigation, it came from the Prosecutor's Office, it did not come from me."

Monzo said Sheehan would not participate in the administrative investigation and twice through letters from his attorney, asked for immunity from criminal prosecution in the form of a Garrity Waiver which can only be issued by the Prosecutor's Office. He said that did not take place and the Prosecutor's Office turned the investigation over to Sheehan.

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