



Lynn Dambruch M.Ed., Superintendent

Shaun Galligan, Chair

RECORD OF FINAL ACTION TAKEN

On or about July 15, 2024, a Complaint was filed by Mr. Chuck Lamendola which stated, in part, that Mr. Lamendola had “compelling evidence & documentation that will show that the Warwick Building Committee OPM & the director of school facilities are directly violating Federal & State Laws along with Warwick City requirements.” (the “Complaint”). The Warwick School Committee and the Warwick Superintendent made the determination that the Complaint should be investigated by an independent investigator and therefor retained Attorney Timothy Groves of the law firm Barton Gilman. Atty. Groves interviewed fifteen (15) individuals and reviewed over three-hundred (300) pages of documentation. As a result of his investigation, Atty Groves recommended that:

Review of Procurement Policies and Procedures

Policy DJC itself was not the problem here – had it been followed with fidelity, there would be nothing to investigate. However, based on what transpired, it would be advisable for the School Committee to gather input from Ms. Dambruch, Mr. McCaffrey, Mr. Bohl, Ms. Quirk, the budget managers and any members of their respective teams who play a role in the procurement process. As noted under #2 below, this could be combined with presentations from the district’s legal counsel on Rhode Island’s municipal procurement law, a survey of how school committees and building committee navigate procurement in other districts, and potential amendments to Policy DJC that might warrant consideration. Whether through policy amendments or through the creation of procedures and/or guidance, further clarity and consistency are needed with regard to capital and operational procurements.

Such review should include, but not be limited to the following:

The Building Committee’s Expectations & Procedures

The Building Committee does not appear to have formal bylaws, and whether it opts to adopt bylaws or not, it would be advisable to for Building Committee to review the minutes of the November 1, 2016 meeting and any other documents in its archives that speak to its purpose, form and function. The November 1, 2016 minutes announce that the Building Committee was established “to manage capital projects identified by Warwick Public Schools’ School Committee per and adopted capital projects list dated

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July 7, 2016 totaling \$90.8 million dollars” and set forth certain “Expectations and Procedures” for its work. Obviously the Committee and its capital projects list have evolved over the past eight years, and given the key role it plays in the procurement process for bond-funded expenditures, now would be an opportune time to update its expectations and procedures to ensure that they are consistent with the city’s vision and goals.

The Role of the Purchasing Office

Also, the role of the purchasing office in both capital and operational procurements warrants review. As it stands, by the time certain requisitions reached the purchasing office, they had already been approved by the Building Committee. In order for the purchasing office to be an effective check in the procurement process, all requests for requisitions, whether capital or operational, should first go to the purchasing office. No requisition in excess of the statutory and policy thresholds should move forward in the process unless/until the purchasing office has confirmed with the originating budget manager that it completed a competitive sealed bidding process or one of the permissible exceptions to that process has been appropriately documented.

Professional Development

One thing that clearly emerged from this investigation is that everyone involved in the WPS procurement process – from clerks to budget managers to school committee and building committee members – would benefit from professional development on procurement law and policy, including the use of Rhode Island Division of Purchases’ Master Price Agreement, and on the Rhode Island Code of Ethics.

As noted above, some initial review of R.I. Gen. Laws §45-55-1 et seq and Rhode Island’s Code of Ethics should be combined with the collection of input from all those involved in procurement for WPS in order to clarify legal obligations, identify and address any areas of confusion, and inform a thorough and inclusive review of WPS’s Policy DJC. Following the adoption of any amendments to that policy and/or any new procedures, practices or guidance that emerge from the review process, education and training should be required for these same individuals. The training and guidance should include, among other things, best practices specifically developed for those who use the district’s new accounting software, to ensure that all appropriate steps and checks throughout the procurement process, from requisition requests to purchase orders, are incorporated in a manner that is as transparent and intuitive as possible. It

would also be advisable to develop and maintain a user manual reflecting these best practices that is readily available to all users.

Kevin Oliver

Kevin Oliver's acts and omissions in securing moving services for WPS violated Rhode Island's Code of Ethics and resulted in violations of R.I. Gen. Laws §45-55-1 et seq. and WPS Policy DJC. Kevin Oliver has acknowledged that during his tenure as Director of Facilities and Operations, several moving contracts that exceeded the statutory and policy thresholds for public bidding were awarded to "preferred vendors" with no competition or comparative pricing. Kevin Oliver has also admitted that once he understood Jada Trucking to be the district's "preferred vendor" for moving services, he directly initiated requisitions to facilitate the purchase moving supplies and services

from Jada, which he knew to be owned by his first cousin, David Oliver.

As Director of Facilities and Operations, the terms of Mr. Oliver's contract provide, in relevant part, that he "shall be subject to suspension and/or dismissal by the Committee for cause, including but not limited to reasons such as incompetency, assault, cruelty, insubordination, neglect of duty, incapacity, conduct unbecoming of a school administrator (scandal, arrest, etc.) or failure, in whole or in part, to observe, perform and comply with the provisions of this agreement, the directions of the Superintendent, the policies of the Committee, the laws of the State of Rhode Island or the applicable state regulations and rulings." Accordingly, Kevin Oliver is subject to suspension and/or dismissal for acts and omissions that he has admitted.

Policy DJC has been in place for years, and Directors are responsible for knowing and following its terms. Kevin Oliver should have known better than to disregard clear law and policy based on a vague notion that he could use a "preferred vendor" to provide moving services because it was expedient to do so, and/or because that is how he perceived others had done it. This was a serious lapse in judgment, but in the estimation of this investigator, that was the extent of it. It is worth noting that every witness interviewed for this investigation praised Kevin Oliver's work ethic and his integrity – including Mr. Lamendola's former general manager at Astro, Josh Lavoie, who attested that, in his experience, Kevin Oliver is "definitely the most truthful person to deal with."

Significantly, this investigation found no credible evidence that Kevin Oliver had any intention of defrauding the school district or the taxpayers to financially benefit himself or his cousin, David Oliver. When Mr. Oliver believed that Astro was the district's

preferred vendor for moving services, he directed work to Astro without posting it for public bidding, and when he believed that Jada had replaced Astro as the preferred vendor, he directed work to Jada without posting it for public bidding. His rationale in both instances was flawed, but it was consistent. There is no evidence that Kevin Oliver tried to hide the fact that moving projects were not going out to bid. As misguided as his concept of a "preferred vendor" exception was, none of the checks in the procurement process questioned Mr. Oliver's practice. Neither the purchasing office, the superintendent, the superintendent, the School Committee nor the Building Committee rejected or even flagged any of the requisitions or proposals for moving services that Mr. Oliver submitted. All were approved in open meetings, on the public record.

Disciplinary consequences are at the discretion of the School Committee, but regardless of the outcome, Mr. Oliver's admitted violations of the Rhode Island Code of Ethics should be reported to the Rhode Island Ethics Commission.

Re: Steven Gothberg

Steven Gothberg's acts and omissions in recommending proposals for moving services to the Warwick Building Committee resulted in violations of R.I. Gen. Laws §45-55-1 et seq. and WPS Policy DJC. Mr. Gothberg has acknowledged that during his tenure as Director of Construction and Capital Projects, several moving contracts that exceeded the statutory and policy thresholds for public bidding were awarded to certain vendors without public bidding or documentation of a permissible exception.

As Director of Director of Construction and Capital Projects, the terms of Mr. Gothberg's contract provide, in relevant part, that he "shall be subject to suspension and/or dismissal by the Committee for cause, including but not limited to reasons such as incompetency, assault, cruelty, insubordination, neglect of duty, incapacity, conduct unbecoming of a school administrator (scandal, arrest, etc.) or failure, in whole or in part, to observe, perform and comply with the provisions of this agreement, the directions of the Superintendent, the policies of the Committee, the laws of the State of Rhode Island or the applicable state regulations and rulings." Accordingly, Mr. Gothberg is subject to suspension and/or dismissal for acts and omissions that he has admitted.

As noted above, Policy DJC has been in place for years, and Directors are responsible for knowing and following its terms. Mr. Gothberg has acknowledged that at all times relevant to this investigation he knew and fully understood that, barring some permissible exception, any recommendations for construction-related moving procurements that he brought to the Building Committee that were over \$10,000 should have gone out to bid. Yet he admitted that he had recommended proposals for such

procurements that he knew had not gone out to bid. As he said to the investigator, "I think it's pretty clear that I should have forced bidding because this was all coming through the bond, and in hindsight I should have forced the issue, but I didn't."

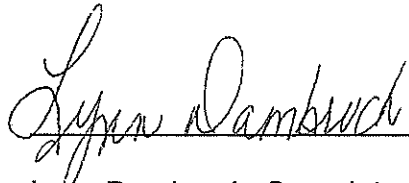
Mr. Gothberg has also acknowledged that he failed to properly vet the qualifications of Jada Trucking. As a result, the Building Committee awarded a contract for moving services to a vendor that lacked the requisite authorizations to provide intrastate commercial moving services in Rhode Island, and all of the work awarded to that vendor had to be suspended and posted for bidding.

These were significant lapses in judgment, but this investigation found no credible evidence that Mr. Gothberg had any intention of defrauding the school district or the taxpayers to financially benefit himself or for any other improper purpose. Mr. Gothberg's violations were the result of a failure to follow through on his responsibilities in the procurement process. In his initial meeting with Superintendent Dambruch after Mr. Lamendola's complaint went public, Mr. Gothberg acknowledged that on several occasions he and Mr. Oliver had skipped the bidding process for contracts for moving services. In his interview for this investigation, Mr. Oliver admitted that he had not been aware that a PUC authorization was required for

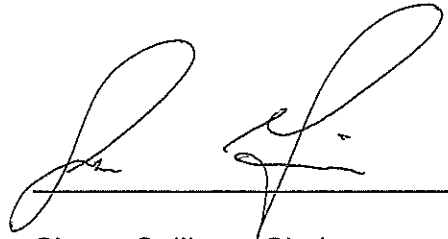
commercial intrastate movers, and he had not checked on that until after Mr. Lamendola had raised it during a meeting on June 26, 2023, well after Jada, which lacked PUC authorization, had been awarded two six-figure contracts by the Building Committee on his recommendation.

As with Mr. Oliver, the witnesses interviewed for this investigation universally praised Mr. Gothberg's honesty and integrity. Mr. Gothberg has taken responsibility for his mistakes throughout this process. He has apologized and expressed his remorse and his willingness to accept the consequences. Disciplinary consequences are at the discretion of the School Committee

After considering the above recommendations, the Superintendent and School Committee accepts them in their entirety and the employees involved have been disciplined accordingly.

A handwritten signature in cursive script, reading "Lynn Dambruch", positioned above a horizontal line.

Lynn Dambruch, Superintendent
of the Warwick Public Schools

A handwritten signature in cursive script, reading "Shaun Galligan", positioned above a horizontal line.

Shaun Galligan, Chairperson of
Warwick School Committee