

The Whistleblower

Former County Worker Sues Nassau, Calling Team Suozzi's Nassau "Corrupt and Dysfunctional"

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For Nassau County employees, silence is golden. To speak out about corruption means your head on a chopping block.

When Georgina Morgenstern came to work on the Nassau County Planning Commission in August 2002, she was anything but naïve. The Port Washington resident had more than 20 years' experience at the nexus of urban planning and politics. She had toiled at New York City's Department of Environmental Protection and the city's planning department, working on dozens of multimillion-dollar projects across all five boroughs and New Jersey. She played a role in upgrading New York City's largest wastewater facility, the Newtown Creek Water Pollution Control Plant in Brooklyn, and also worked on New York City's Third Water Tunnel.

Nothing could prepare the veteran planner, however, for the toxic combination of corruption and collusion she says she found in Nassau County under County Executive Thomas Suozzi.

"What I've seen is the worst-run bureaucracy and political climate that I've ever worked under," Morgenstern tells the *Press*.

Morgenstern, who worked in economic development under former Deputy County Executive Peter Sylver, says she witnessed illegal acts on a daily basis: Federal funds earmarked to help the poor were used to

finance campaign appearances; county workers raised campaign funds on the taxpayers' dime. State and federal environmental laws were routinely disregarded to save time. The administration failed to follow proper procedures and get competitive bids for county work.

These illegal activities were committed by a number of county officials at the direct behest of Deputy County Executive Anthony Cancellieri and Suozzi himself, she says. When she spoke up about the problems to her supervisors, she adds, she was harassed and then terminated.

Those explosive allegations are at the heart of a \$35 million federal lawsuit that Morgenstern filed against the county in January 2004. What's more, according to the suit, her union is in bed with the administration—to the detriment of its members. Nassau Local 830 of the Civil Service Employees Association Inc. (CSEA) did not challenge or even investigate Morgenstern's dismissal, the suit maintains, even though she was entitled to the protections of a permanent civil servant.

Adding insult to injury, the administration tainted her in a PR campaign, with county officials telling the media that she was fired in a cleanup of county fraud.

Both County Executive Suozzi and Deputy County Executive Cancellieri declined to comment for this story. The county's position, according to a spokesperson, is that the suit has no merit.

Suits Galore

By now, most Nassau County residents have heard about former Deputy County Executive Peter Sylver, who was at the center of controversy last year over misspending of federal funds. Sylver was convicted in September 2004 of using a county credit card for more than \$5,000 in personal expenses—and sexually harassing a female aide.

Many residents may have also heard of former Nassau employees Thomas Williams and Robin Pellegrini, who also claim they spoke up about illegal use of taxpayer money and were fired for it. The two were star witnesses during the “Sylver Scandal” hearings and are suing the county for \$70 million. Recently, a federal judge recommended that their suit proceed on its most serious allegations: civil rights violations and whistleblower claims.

Almost no one, however, has heard Morgenstern's story. That's partly because she did not trust anyone: not county insiders, beholden to Suozzi; not Democrats, tied to his success by party; not the local daily newspaper, which has generally been supportive of the county executive. Her silence has also been, her attorney explains, because she has not wanted her story to become a political football.

“Georgy's been very scrupulous to avoid getting involved in a public way, in what could be easily characterized as a politically motivated attack,” explains Morgenstern's attorney, Scott Gilly, partner in the Manhattan-based firm of Thompson Wigdor & Gilly LLP. “She's stepping out now to speak out publicly because some of the political hoopla [over Sylver] has died down.”

The hoopla may heat up again once Morgenstern's case goes to court, but that may take some time. Attorneys were midway through taking depositions, with Suozzi's turn a week or two away, when the county filed a motion to dismiss part of the suit.



Former Nassau County employee Georgina Morgenstern, who alleges she was fired for speaking up about illegal activities being committed by the county's top officials.

"It's the same tactics they used with Williams and Pellegrini's suit," says Gilly. "They're doing anything and everything to delay any of this litigation—not just Georgy's."

Her Story

Seated at the *Press* offices on a rainy afternoon, Morgenstern, at 5-foot-3-inches tall, doesn't look very intimidating. But her story—if proven true in court—could take down giants.

The lawsuit paints a very ugly picture of the county administration. Many of the 26 pages detail charges of illegal fundraising. County property, employees and functions, for example, were used to raise money for Suozzi, according to the suit.

Morgenstern says she became aware of illegal fundraising in the planning department early on. In fact, she says, it was hard to miss: A county events planner who sat directly opposite her made all the arrangements. Day in and day out, says Morgenstern, her officemate worked the phones, setting up political events.

"When you are a public servant, you cannot fundraise on government property," Morgenstern says. "So the simple fact that there was someone there who was fundraising all day long, that in and of itself is a violation."

Morgenstern says it was so blatant and so loud that she resorted to wearing heavy acoustic headsets. Co-workers joked that she looked like an air traffic controller.

What's more, Morgenstern claims, everyone in the office was encouraged to attend these events. If you didn't, she says, it was viewed as an act of dissent, that you weren't being a "team player," as she says one of her direct supervisors told her many times. Morgenstern attended one such event at Belmont Park in 2003. A host of Nassau's A-list political and business movers and shakers were in attendance, such as current Nassau County Tax Assessor Harvey Levinson and Dr. Calvin O. Butts, president of SUNY College at Old Westbury.

"Anybody who's anybody here in Nassau was there," recalls Morgenstern. "There were people writing checks, 'Friends of Tom Suozzi' ... \$5,000, \$10,000 checks."

The above scenario raises a number of red flags for the Nassau County District Attorney's Office.

“Using people who are on county payroll time, allowing them to fundraise when they’re being paid by the municipality, that would be a theft from the government,” explains Colin O’Donnell, an assistant district attorney in the Special Investigations Bureau. “Whoever would be directing this would also not be exempt from potential liability for civil and criminal penalties.”

O’Donnell explains that such fundraising may be legal—if the phone lines are paid for by a political party, for example, and the person making or taking the calls is not a county employee.

The woman in question no longer works for the county. Contacted by the *Press*, she promised to call back, but didn’t! A *Press* reporter who called posing as a citizen eager to donate to Suozzi’s campaign was given a county phone number and told to ask for Ian Siegel, director of the county’s Office of Constituent Affairs.

“That’s odd,” says Michael D’Innocenzo, a professor of history at Hofstra University and commentator on local politics. “If you’re calling a government office they should say, ‘If you want to talk about politics you have to call a campaign,’ whether it’s Democrats, Republicans or a candidate. I would think a government office would say ‘This is not something we deal with’—even the Office of Constituent Services.”

Mum’s The Word



Former county employee Robin Pellegrini during the Sylver hearings.

As Morgenstern tells it, on a number of occasions she voiced concerns to her supervisors, Director of Planning Patricia Bourne and Deputy Director of Planning Michael Levine, as well as to other higher-ups.

Rather than investigate, Morgenstern says, Bourne more than once threatened to stymie Morgenstern’s career if she did not cease raising objections. When contacted by the *Press*, Bourne refused to comment. Levine did not return several calls.

“I was not a ‘team player’ and I didn’t know how to toe the line,” recalls Morgenstern. “Those were the words that were actually used [by Bourne].”

Morgenstern believes she was fired not only for her complaints about corruption, but also for filing a charge of sexual harassment against planning department employee Mark Buttice.

According to Morgenstern, Buttice, who was responsible for generating graphics for the department, began refusing to perform any required work for her. Sometime around Sept. 18, 2003, he sent an e-mail to Morgenstern and other county employees about an upcoming department meeting, with the mocking comment that only “diffuse idiopathic skeletal hyperostosis,” an arthritic joint disorder Morgenstern’s daughter was known to suffer from, would be an acceptable excuse for not attending.

At the meeting, Buttice allegedly went on a screaming tirade, berating Morgenstern in front of a handful of other employees as well as their mutual supervisors Bourne and Levine, saying things like, “Who do you think you are?” Morgenstern says Buttice then started making bizarre disparaging remarks about women,

including Morgenstern and Buttice's own apparently divorce-seeking wife.

The next day, pursuant to Nassau's equal employment opportunity (EEO) policy, Morgenstern submitted a formal complaint regarding Buttice's behavior to the county's human resources department, then led by Director John Donnelly. The county has a 90-day deadline to address such complaints, to protect workers from administration stonewalling. But there was no investigation. Morgenstern was terminated on Dec. 5, 2003, just shy of the 90-day deadline.

Donnelly did not return a call for comment. Buttice, who said he had not read Morgenstern's lawsuit, refused to comment until he read it. He declined our offer to send him a copy, saying he'd get it internally and call back. As of presstime, he hadn't.

Blowin' In The Wind

In August 2002, Morgenstern began working as a provisional Planner III level employee in Nassau's planning department, under Peter Sylver. After passing a competitive exam and a 24-week probationary period, on Dec. 1, 2003, she became a permanent civil service employee. Four days later, the county terminated her via a hand-delivered letter that offered no reason for the dismissal. Morgenstern, flanked by two large male county employees, says she was given 15 minutes to remove her personal belongings and vacate the building.

"You might as well have shot me right then and there," she says, remembering the humiliation.

A shell-shocked Morgenstern went to the first floor of 400 County Seat Drive, where CSEA Local 830 is located, and met with Tim Corr, a vice president of the union. She says Corr was surprised that she had been fired, as the union is supposed to be notified. He offered to help her leave the building, but said, according to Morgenstern, "There's nothing we can do for you." Both Corr and Jane D'Amico, president of CSEA Local 830, declined to comment.

Employees who expose corruption are often in danger from those they expose, so various levels of government have drafted whistleblower laws. Federal and some state governments have laws protecting such "conscientious objectors" from retaliation by their employer. Laws like the Clean Air Act have whistleblower protections built in.



Former county employee Thomas A. Williams during the Sylver hearings.

In Nassau County, according to the county's EEO policy, Suozzi has final authority to ensure compliance. But is that enough?

In the wake of the Sylver scandal, Eric C. Naughton, director of Nassau's independent Office of Legislative Budget Review, analyzed more than 2,500 pages of legislative testimony and prepared an 80-page report that recommended, among other things, that Nassau get a new whistleblower law.

"The County must promote an environment in which both exempt and non-exempt employees are aware of

their rights as whistle-blowers, and where they will feel comfortable in coming forward with their allegations,” reads the report, which was released in January.

Democrats and Republicans both took a stab at it. On Jan. 20, the Republican minority filed the 2005 Whistleblower Protection Act with the clerk of the Legislature. On the same day, Presiding Officer Judy Jacobs (D-Woodbury) announced she was reviewing the county’s procedures relating to the protection of whistleblowers, and proposed a local law to provide additional protection to county employees.

The main difference between the two versions, according to Republicans, is that the Democrats’ version essentially continued the county’s current policy of having employees report violations up the chain of command to the county executive.

“Those are the people the employee is fearful of!” exclaims Scott McMahon, spokesman for the minority. “If a worker sees the supervisor embezzling money, for instance, why would he or she go to the supervisor who’s embezzling? Why go to the county that put the supervisor there in the first place?”

The GOP’s version let whistleblowers report to legislators or the District Attorney as well as other entities outside the administration. That was partly because throughout the Sylver scandal hearings, minority legislators received dozens of phone calls from people purporting to work for the county but unwilling to give their names, offering information relating to the scandal.

“Almost every time, it yielded something we didn’t know before,” adds McMahon. “No bombshells, but in a 10-step process we’d have eight of the steps, and these calls would fill in the last two steps.”

But the legislation got shelved. At first, Democrats said minority counsel Mike Deegan, a member of the U.S. Army Reserves, had been called to duty and they wanted his input in drafting the final bill. Yet Deegan returned from service in early April.

Even on the Democratic side, one lawmaker, who asked not to be identified, says Team Suozzi was blocking the legislature’s efforts.

“The administration has been holding up our whistleblower law,” says the representative. “We were trying to work with the other side to come up with something and then the administration didn’t want us to put it on.”

On Monday, May 23, the Republican version made it out of committee. “You could have heard a mouse in the room when it went through,” says McMahon. “This is outrageous. All the reports that came out [after the Sylver hearings] said there needed to be something like this in place, and it’s taken five months to do it because the majority decided not to act on it.” It will be voted on at the legislature’s next full meeting, June 6.

With or without the protective legislation, the fear of retaliation by the administration for speaking against—or even giving the impression of not agreeing with—the county executive’s plan, is very much present among county workers.

Seven current county employees, with varying degrees of experience and seniority, tell the *Press*—but only under the cloak of anonymity—that retaliation is a constant fear.

A civil servant with a mid-level leadership job, not in the planning department, and with more than 20 years’ experience working for the county, tells the *Press* he is afraid he’ll get fired if he speaks out about problems he sees in his part of county operations. Three low-level workers in another department express similar feelings.

“I can’t have my name shown,” says an appointee who has led a high-profile county entity for several years. “I don’t want to get involved in the policy stuff. I mean, I’m an appointed person, they could fire me in two seconds if they wanted to.”

“[Suozzi’s] extremely vindictive,” says another mid-level official in an entirely different department. “He has a reputation for getting back at people who go against him. Big time.”

Morgenstern says that Suozzi’s my-way-or-the-highway approach hampers good government.

“The worst thing is, you’re not allowed to do your writing factually: It’s Suozzi World,” she says. “If Tom says the sky’s purple, the sky must be purple. Otherwise, there’s something wrong with you.

“It’s a very unprofessional environment to work in,” she adds.

Work Ethic



Morgenstern and her attorney, Scott Gilly, discuss her suit.

Morgenstern’s résumé is impressive. She holds a master’s degree in urban planning from Hunter College, a certificate in real estate appraisal from New York University, a bachelor of arts in political science and economics from the University of Oregon, and certification by the American Institute of Certified Planners.

Morgenstern worked on many of Nassau’s top projects. She was project manager of the Nassau County Real Estate Building Consolidation Plan and for the county executive’s Open Space and Equine/Equestrian Initiative. She was a juror for the Nassau County World Trade Center Memorial Competition and a county representative on the Long Island North Shore Heritage Area Management Plan Committee and the Woodland Trails Committee. She wrote successful grant proposals for open space projects, prepared environmental reports for projects such as the Underhill Property acquisition in Woodbury, the Grumman land transfer (whereby 105 acres of federally owned property became county land) and the Liberty Finishing Superfund Site in East Farmingdale.

She was elected to serve on the board of trustees for the North Shore Land Alliance, a nonprofit dedicated to preserving open space on Long Island’s North Shore, in the spring of 2003. According to Executive Director Lisa Ott, the group selects trustees for their professional expertise, trustworthiness, and leadership qualities. “Good guys in different communities, who the people that live in communities would trust,” Ott explains to the *Press*. “The people who’ve done good works.”

Less than a week after filing her suit against the county, however, Morgenstern says she received a call from Ott saying the board voted to demand her resignation. Morgenstern says in the suit that Ott told her the board’s decision was made to avoid controversy with Suozzi.

Ott confirms that the North Shore Land Alliance asked Morgenstern to step down as trustee, adding that the group asked Morgenstern to stay on with the advisory board, but that she declined.

Subsequent to Morgenstern's termination, the Master Plan Committee of the Incorporated Village of Great Neck thanked her in their Jan. 6, 2004, final draft of the town's Comprehensive Master Plan. The kudos stand in stark contrast to her treatment by the county.

High Price

Morgenstern believes there is a deliberate attempt on the part of the administration to keep a lid on her suit, and a concerted public relations campaign to destroy her credibility in order to divert attention away from political scandals and create the appearance that the county has cleaned house.

Morgenstern's suit refers to two newspaper articles: a story in Newsday, titled "3 Fired In Wake of Nassau Investigation," published on Dec. 6, 2003, and an article titled "Suozzi Faces His First Political Scandal," which appeared in The New York Times on Dec. 21, 2003.

The Newsday piece says, "Cancellieri said he was following orders from County Executive Thomas Suozzi to clean up the economic development department and get rid of the 'dead wood,'" when he fired three employees who worked for Sylver. Morgenstern was one of the three terminated. Cancellieri stated that she had "failed to live up to the standards of Nassau County" during her employment, but declined to elaborate.

That's not what some former colleagues are saying. "[Georgy] probably was the sweetest person I've ever met," says a county worker who knows Morgenstern. "She was always there and she was there early. I know she had a sick daughter, but she was always busy working to do a good job.... I don't believe [the smear campaign] at all."

But others, Morgenstern says, have ostracized her as a disgraced ex-employee. To say that the whole experience has wreaked havoc on her personal and professional life is an understatement. The 49-year-old mother of two has suffered tremendously. Her mounting legal bills are evidence of the financial price tag. The family came close to selling their Port Washington home and leaving the county. The Morgensterns have been Nassau County residents since 1985.

Besides the financial blow, there's an emotional and psychological toll. Morgenstern has been prescribed multiple medications, and her physician has diagnosed her with post-traumatic stress disorder. She was unable to work until recently. But she is determined to have her day in court.

"One of the reasons why it was so critical to me to sue and to get justice was because of my daughters," says Morgenstern, wiping a tear with the sleeve of her sweater. "It's always been important to me to be honest with them and to have them stand up for what they believe. And I felt that if I didn't stand up for what I believe—and they saw the amount of work that I did for the county; they know how much I love my work—how could I look at them in the eye and tell them that you have to fight for things and you have to believe?"