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County's tuition assistance scandal growing

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Montgomery County Council members are concerned ethics laws may have been broken in a county-wide scandal involving more than 1,000 county employees accused of misusing \$400,000 in taxpayer money for a tuition assistance program.

Councilwoman Duchy Trachtenberg put General Investigator Thomas Dagley's feet to the fire, Thursday, questioning him three times whether ethics laws had been crossed.

"What I want to know is if the ethics law was broken," Trachtenberg asked of Dagley. "And I want you to be very careful with the wording of your answer."

"We agree that the ethics law for the county, as written, was not violated," Dagley said, referring to his investigating committee.

Council members sat down with Dagley in a public hearing to discuss the findings of an ongoing investigation meant to determine how 216 county police officers received more than \$400,000 in taxpayer money to attend classes through a so-called tuition-assistance program while still on the clock.

Though Dagley maintains no ethics laws were broken, the session resulted in several rounds of the blame game, with fingers pointed at Human Resources Director Joseph Adler, county employees, the Ethics Commission, unions and Marc Zifcak, president of the Fraternal Order of Police Lodge No. 35.

"Everyone here has the same interests: We want a tuition-assistance program that works," Trachtenberg said, whose committee on Management and Fiscal Policy headed up the investigation.

Dagley's recent report found 1,465 county employees were part of the process that signed off on the applications for tuition assistance and time sheets that reported police officers being in two places at once.

"These applications went directly to HR and did not go through the police chief or anyone else, and there is a problem with that," Adler said to FOP President Zifcak.

"Why would it go through the police chief and sit there two weeks? If HR has a problem with the application, they should make a phone call," Zifcak said. "Adler or Human Resources make the final decision."

Dagley's findings revealed employees were improperly reimbursed for taking courses in fitness, crafts and the Bible.

"Somebody should have looked at these requests and said, 'No,'" Councilman Marc Elrich (D-At large) said. "If somebody wants to take a class in lily-sniffing and how it improves my self-esteem, then there was no phone call to even make. I mean, this is a problem."

According to Zifcak, police officers have been using some form of tuition assistance for more than 40 years. Officers traditionally have been eligible only for accredited academic classes and not job-training courses, according to Zifcak. The investigation began when an officer stepped forward and questioned how the eligibility had changed. From there, Dagley's investigation revealed several problems with the tuition-assistance program.

"Once people saw they could get tuition assistance for these things, more of them applied," Zifcak said. From fiscal year 2007 through Sept. 4, 2009, the county spent about \$2.4 million on 3,467 training courses for about 1,465 employees, according to Dagley's report.

"This is an employee benefit, not a requirement," Adler said. County Executive Isiah "Ike" Leggett's 2011 budget proposal does not fund the program.

"Tuition assistance is a fundamentally good idea, but it is not affordable for next year. Besides, we obviously need to reform this program and make it better," Councilman Phil Andrews (D-Dist. 3) said.

Leggett suspended the reimbursement program when the investigation began and has now reinstated it, with some changes, only for members of the United Food and Commercial Workers Local 1994, Municipal and County Government Employees Organization.

The county has already filed a suit against one of its own officers, Aaron Kenneth Bailey, of Bethesda, who allegedly used more than \$400,000 of taxpayers' money to subsidize selling deeply discounted guns to the officers who completed courses. Bailey worked both for the county and with the training company which created the courses Applied Sciences for Safety. And now a federal investigation is pending, too. County attorneys hope the lawsuit will help recoup some of the losses.

“The police department did a very thorough audit, but we still found mistakes and discrepancies,” Dagley said, of the initial internal audit completed in early March. The county has also hired a private investigator to accompany Dagley's research.

“Why can't we just say, 'mea culpa,' and fix this?” Elrich said.