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May 5, 2008

Mayor William M. Manzi, III
Searles Building, Room 306
41 Pleasant Street
Methuen, MA 01844

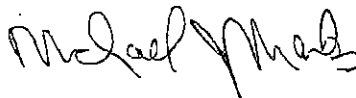
Dear Mayor Manzi:

RE: Solomon Hearing

Enclosed please find Hearing and Recommendation on Joseph Solomon.

If you should have any questions please feel free to contact my office.

Sincerely,



Michael J. Marks

MJM/dkb

Enclosures

xc: Andrew Gambaccini, Esquire
David Grunebaum, Esquire
Peter J. McQuillan, City Solicitor

PROCEDURAL BACKGROUND

On January 31, 2008, Methuen City Solicitor Peter J. McQuillan, sent correspondence to Andrew J. Gambacchini concerning his client Joseph E. Solomon, Chief of Police of Methuen, Massachusetts. The correspondence was a notice of hearing pursuant to Mass General Laws, Chapter 31-41.

The correspondence contained nine charges alleging violations by Chief Solomon. The correspondence also included copies of Mass General Laws Chapter 31, Sections 41-45. Notice was given that a hearing on the charges was to be held at Methuen City Hall on February 19, 2008 commencing at 10:00 a.m.

THE HEARING

Pursuant to the January 31, 2008 Notice, a hearing was commenced on February 19, 2008 at 10:00 a.m. The City was represented by Attorney David Grunebaum and City Solicitor Peter McQuillan. The employee was represented by Andrew J. Gambacchini and John Viglotti.

During the course of seven days of hearing, numerous exhibits were offered and admitted into evidence. The exhibits allowed during the hearing are identified as follows:

CITY EXHIBITS LIST

NOTICE OF HEARING PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 31, SECTION 41

1. M.G.L. c. 268A, Section 19;
M.G.L. c. 268A, Section 23;
M.G.L. c. 268, Section 13 B;
MPD Rules and Regulations (package): Section: 4.9;
MPD Rules and Regulations: Section 6.6;

2. Memo dated September 24, 2007 from Solomon to Mayor Manzi; Employee Exhibit 2, A - F - Signed Police Payroll Cover Sheets from 7/1/2001 - 7/8/2006.
3. Memo (2) September 24, 2007 from Solomon to Mayor Manzi;
4. Email to Peter J. McQuillan from Joseph Solomon dated January 8, 2007; copies to private Attorneys;
5. Location History Report MPD, 38 Baremeadow Street - Mary Ellen Kalll, (30 pages)
M.G.L. c. 268A, Section 19;
M.G.L. c. 268A, Section 23
MPD Rules and Regulations Section 4.02;
MPD Rules and Regulations Section 4.2;
MPD Rules and Regulations, Section 6.3;
M.G.L. c. 30B, Section 4;
6. Disclosure of Financial Interest dated October 16, 2002, Marine Unit, City boat/Merrimack Marine;
7. General Payables Distributions to "General Ledger", Merrimack Marine Supplies, (history of payments to vendor, Merrimack Marine Supplies) years 2000-2006; (5 pages)
8. Warrant for payments dated June 24, 2006, to Accounting Officer (Auditors) signed by Solomon;
9. Check No. 67238, amount \$6,770.00 Dollars;
10. Invoice Merrimack Marine Supplies \$1,700.00 for Traller, dated June 16, 2006;
11. Invoice Merrimack Marine Supplies \$5,070.00 for a 2006 LUNC boat 16' w/accessories, dated June 16, 2006;
12. Purchase Order No. 2006-002770, Merrimack Marine Supplies for the amount of \$6,770.00 dollars, dated April 7, 2006.
M.G.L. c. MGL c. 4 Section 7, (Clause 26);
M.G.L. c. 66, Section 10;

- MGL c. 149, Section 52C;
- MPD Rules and Regulations: Section 4.6;
- MPD Rules and Regulations, Section 6.6, (See Exhibits 1 & 2).
- M.G.L. c. 268A, Section 23;
- MPD Rules and Regulations: Section 4.6;
- MPD Rules and Regulations: Section 4.9;
- MPD Rules and Regulations: Section 4.02;
- MPD Rules and Regulations: Section 4.2;
- MPD Rules and Regulations: Section 4.15;
13. Verified Complaint Solomon v. Zanni et al w/ Attachments,
MPD Rules and Regulations, Chapter 3: (Code of Ethics);
MPD Rules and Regulations: Section 4.01;
MPD Rules and Regulations: Section 4.1;
MPD Rules and Regulations: Section 5.0;
14. Report Officer Matthew J. Bistany. Incident August 24, 2007;
15. Report Officer Eric De Leon;
16. Report Officer Jamie Moore;
17. Report Officer Larry Phillips, August 24, 2007.
18. Abuse of Office;
MPD Rules and Regulations Sections: 4.8;
MPD Rules and Regulations: Section 4.15;
MPD Rules and Regulations: Section 6.6;
MPD Rules and Regulations: Section 7.1.

19. Abuse of Authority;
 - MPD Rules and Regulations: Section 5.2;
 - MPD Rules and Regulations: Section 6.6;
20. Methuen Home Rule Charter, Article III, Section 3-2 (13) (i)
21. Letter from Murphy Hesse Toomey & Lehane, LLP to Joseph E. Solomon dated June 13, 2007, Retainer;
22. Murphy Hesse Toomey & Lehane, LLP, Billing Summary bill dated October 29, 2007, amount \$3,996.60;
23. Purchase Order No. 2007-003711, dated June 18, 2007, payment of Retainer, Check No. 76843 (\$3,000.00);
24. Murphy Hesse Toomey & Lehane, LLP, Billing Summary bill date November 27, 2007, amount \$14,937.00 dollars (need other bills);
25. Mismanagement of Public Grant Funds; Negligence;
Employee Exhibit # 25 - Eagle Tribune Article dated November 17, 2007;
 - MPD Rules and Regulations: Section 4.0;
 - MPD Rules and Regulations: Section 5.2;
26. MMC Chapter 3, Art. II, Sec. 3-15D; Misrepresentation; Fraud; Deceit;
27. MPD Community Policing Activity Report from January 1, 1996 to December 31, 1996;
28. Memorandum Decision of Hearing Officer dated April 5, 2007;
29. 2001 Budget package;
30. 2005 Budget package;
31. 2005 Budget package; Award Letter dated September 25, 2001, to Mayor Sharon Pollard, Weed & Seed;
32. Standard Form "Weed & Seed Officers Activity Report";

33. Letter from the Department of Justice Office of the Inspector General dated October 25, 2006 to Custodian of Record MPD, ATTN: Joseph E. Solomon, re: Subpoena Duces Tecum, Weed & Seed (Subpoena package);
34. Letter dated May 18, 2007 to Mayor William M. Manzi, from Jerry Conty, Assistant Deputy Controller, US Department of Justice, Office of Justice Program;
35. Letter dated June 19, 2007 from Mayor Manzi to Jerry Conty, Assistant Deputy Controller, US Department of Justice; w/attached MPD Memorandum dated June 13, 2007 to Mayor William M. Manzi, from Chief Joseph E. Solomon, Overtime Procedures (2pages);
36. Letter dated July 19, 2007 to Mayor William M. Manzi, from Jerry Conty, Assistant Deputy Controller, Office of Justice Program, US Department of Justice;
37. Letter dated July 31, 2007 from the Office of the City Solicitor, Peter J. McQuillan to Jerry Conty, Assistant Deputy Controller, Office of Justice Program, US Department of Justice in response to the above-letter;
38. Letter dated December 13, 2007 to Peter J. McQuillan, City Solicitor from Charles G. Moses, Deputy General Counsel, US Department of Justice, Office of Justice Program, Weed & Seed Unallowable cost in the amount of \$170,699.46, w/attachments lack of verification for costs charged to grant regarding actual hour worked (3 pages);
39. Community Policing grant Application dated September 13, 2004 signed by Joseph E. Solomon, containing Goals & Objectives/Desired Outcome; Budget Detail Summary (14 Pages);
40. Wage & Salary Request, Federal Fiscal Year 2004 to Present;
41. Email dated September 23, 2005 from Joseph E. Solomon to Thomas Kelly, as October 1, 2005 Weed and Seed Grant all stipends need to be paid as overtime, entering Ms. Glarruso as OT instead of stipends;
42. Detail Time History Report by Officer, Payments to Ms. Glarruso for Fiscal Year 2005, 2006 regarding overtime (triple dipping);
43. 28 CFR Section 66.1 et. Esq.;
44. Methuen Municipal Code: Chapter 3, Section 3-5;

- MPD Rules and Regulations: Section 4.15;
- MPD Rules and Regulations: Section 5.2;
- MPD Rules and Regulations: Section 6.6;
- MPD Rules and Regulations: Section 6.8;
- MPD Rules and Regulations: Section 6.9;
- MPD Rules and Section 4.13;
- MPD Rules and Regulations: Section 5.0;
- MPD Rules and Regulations: Section 4.0;
- MPD Rules and Regulations: Section 4.01;
45. City Council Order No. 4697 dated May 23, 2007 (vote of no confidence);
46. A report sent to Peter McQuillan from Melanson Heath and Company dated February 19, 2008;
47. A sample data report on the Pro IV System;
48. The independent auditors report for the FY ending June 30, 2005;
49. A letter from Chief Solomon to Lt. Mike Wnek concerning disciplinary action;
50. A letter to Methuen Police Chief Lavigne from Lt. Michael Wnek on behalf of Sgt. Phillips;
51. The report of investigation from the Office of the Inspector General, United States Department of Justice, dated April 4, 2007;
52. The personal service contract between the City of Methuen and Robert Moglia dated January 31, 2006;
53. A letter dated November 15, 2006 from Joseph Solomon to Special Agent David Glendinning;
54. A Memo from Peter McQuillan to Joseph E. Solomon concerning documents requested by the Federal Government;

55. A letter dated January 4, 2007 from Joseph Solomon to David Glendinning providing additional grant documentation;
56. A press release dated February 18, 2008 from Steve Tatarunis;
57. An article from the Eagle-Tribune concerning Federal-Corruption Probes;
58. A general ledger document from the City of Methuen;

EMPLOYEE EXHIBITS

The exhibits offered into evidence by the employee are identified as follows:

1. A Memorandum from Larry Phillips to Joseph Alaimo dated July 6, 2007;
2. A-F signed police payroll cover sheets from July 1, 2001 to July 8, 2006;
3. A Memo from Thomas Kelly to Joseph Solomon concerning the Weed and Seed Audit dated June 29, 2006;
4. A Memo from Joseph Solomon to Thomas Kelly dated February 5, 2007 concerning the Office of the Inspector General;
4. (A) - A memo from Carmen Ortega to Joseph Solomon dated February 1, 2007 concerning OIG Subpoena;
5. A memo from Thomas Kelly to Joseph Solomon dated February 7, 2007 concerning OIG information;
6. The City of Methuen Police Services FY 2008 Budget Summary along with summaries of several prior years;
7. The Purchasing Procedure for the Methuen Police Department;
8. A memo from Thomas Kelly to Joseph Solomon dated December 8, 2004 concerning the State Bids Process;
9. A letter dated October 2, 2007 to Andrew Gambaccini from Peter McQuillan concerning paid administrative leave in the matter of Joseph Solomon;
10. A memo dated January 2, 2008 to all sworn police officers asking that any information relative to Joseph Solomon be forwarded to Peter McQuillan;

11. A memo from Joseph Solomon to Peter McQuillan dated January 8, 2007 concerning the Office of the Inspector General;
12. A memo from Peter McQuillan to Joseph Solomon dated March 23, 2007 concerning a meeting involving David Glendinning of the Office of the Inspector General;
13. The City of Methuen Code of Ethics;
14. A memo from Matthew Kraunells to Joseph Solomon dated August 27th concerning a draft Press Release;
15. A letter to Steven Zanni, the Chairman of the Methuen City Council from Michael Pappalardo, Vice President of the New England Police Benevolent Association dated May 31, 2007;
16. A May 8, 2007 Memo written by Joseph Solomon concerning his meeting with Sgt. Phillips;
17. A memo from Joseph Solomon to Peter McQuillan dated November 6th concerning motor vehicle citations;
18. A memo from Joseph Solomon to Mayor William Manzi, Peter McQuillan and Tom Kelly concerning a Press Release sent to the Eagle-Tribune;
19. A date and time Chief Solomon spoke a member of the Ethics Commission;
20. A January 17, 2007 letter to Chief Solomon from the Methuen Police Patrolmen's Association withdrawing its complaints concerning an Internal Affairs Investigation;
21. A video of the budget proceedings concerning the Methuen Police Budget;
22. A & B - A criminal docket from Lawrence District Court concerning Defendant Nicholas Marcoux;
23. An article from the Eagle-Tribune dated August 29, 2007;
24. An article from the Eagle-Tribune dated October 24, 2007.
25. An article from the Eagle-Tribune dated November 17, 2007;

Attorney David Grunebaum made an opening statement on behalf of the City of Methuen. His opening provided an overview of nine charges being brought by the City against Joseph Solomon. The remarks provided by Attorney Grunebaum were summaries of the charges contained in the 11 page Notice of Hearing sent to Joseph Solomon by William M. Manzi.

Attorney Gambaccini also made an opening statement prior to the first witness being sworn. Attorney Gambaccini also summarized the nine charges brought by the city in addition to providing a personal background of Joseph Solomon's employment with the City of Methuen. In addition, Attorney Gambaccini sought to provide context for what he described as "the animating reason why we are here."

The first witness to testify on behalf of the city was Larry J. Phillips. Sgt. Phillips testified that he has been employed by the Methuen Police Department for approximately 24 years. More than 17 years of his service was as a Sergeant in the Methuen Police Department.

He was asked a series of questions concerning an investigation he conducted in the Spring of 2006 related to allegations of receiving stolen property. He testified that during the course of the investigation, he was ordered by Lt. Wnek to charge a particular individual with the crime of receiving stolen property, and to not charge another individual. The individual not charged was related to Solomon. Phillips was so concerned at this directive that he reported the matter to the FBI. Many months later, Phillips testified that Joseph Solomon advised him to refer all questions concerning the investigation to the Deputy Chief. Phillips was directed by the Deputy to refer the matter to the District Attorney's Office. Phillips further testified that in August of 2007 the FBI advised him that Solomon's brother-in-law had been summoned to a Federal Grand Jury concerning this matter.

Phillips was asked questions concerning an incident which occurred at the Methuen Police Department in the evening hours of August 24, 2007. Phillips testified that on that evening, several officers were in the Squad Room having dinner and writing reports. A television in the room was tuned to a New England Patriot's pre-season football game. According to Phillips, Solomon entered the Police Station and walked by the office occupied by Lt. Wnek and himself. The Chief did not acknowledge the Sgt. or Lt., but instead proceeded to the squad room. According to Phillips, the Chief yelled for the Lt. and Sgt. to come to the

Squad Room. Phillips testified that upon his arrival he found Solomon yelling obscenities, red faced and irrational. He described the Chief as being out of control. Solomon ordered the officers present in the Squad Room to write reports and "you better not lie." Thereafter, Solomon left the Station.

According to Phillips, on August 25, 2007, one day after the incident in the Squad Room, he was informed he was being placed on administrative leave. He was ordered to surrender his badge and gun, but was not told why these actions were being taken. Several days later, Phillips was ordered to take a fitness for duty evaluation. This evaluation included a lengthy written examination as well as interviews conducted by a clinical social worker. According to Sgt. Phillips, he was still unaware as to the rationale for being placed on administrative leave. Phillips was subsequently contacted by Solomon and returned to duty. According to Phillips, he was never given a copy of the evaluation report.

Phillips also responded to a series of questions regarding property located at 38 Baremeadow Street. He testified that Chief Solomon's sister occupied the residence located at this address. Phillips stated a standing order was directed to all shifts directing property checks be made at the home belonging to Solomon's sister. He further testified that such a standing order was "most unusual". The City did not produce a copy of the standing order but did produce in the form of exhibit 5, a location history report detailing hundreds of property checks at the 38 Baremeadow Street location.

Phillips also testified to what he described was a unique situation regarding the Methuen Police Department and the owners of the residence at 38 Baremeadow Street. Phillips testified that in 2004, Methuen Police Department Detectives were instructed to install surveillance equipment in Solomon's sister's home. The camera was mounted on a telephone pole in the driveway and a wireless receiver and monitor was placed in her home. According to Phillips, he was unaware of police personnel ever being ordered to install surveillance equipment on any other locations in the City of Methuen.

Sgt. Phillips concluded his direct examination by asserting that in his years on the Methuen Police Department he had never been disciplined.

Sgt. Phillips was asked a series of questions on cross-examination by Attorney Andrew Gambacinni. Phillips testified that Solomon did not personally direct the investigation away from his brother-in-law but it was an assumption made by Phillips that Solomon was responsible for the directive. Phillips also testified that when he met with Solomon to inform him of the FBI investigation, he was told by Solomon to confer with the Deputy Chief. A series of e-mails in employee exhibit # 1, culminated with a July 6, 2007 Memo from Phillips to Deputy Chief Alaimo, indicating that the District Attorney did not feel sufficient evidence existed at the time to proceed with charges against Solomon's brother-in-law.

Phillips admitted on cross-examination to making an obscene gesture to two employees on the evening of the Patriot's incident and asking a female employee if her over-time schedule was because of her friendship with Solomon.

The Sgt. testified he believed a written standing order was in existence concerning property checks at 38 Baremeadow Street, but was unable to produce such a writing. Phillips testified that the camera placed on the telephone pole at 38 Baremeadow Street faced towards the public way and not towards the residence. Finally, the Sgt. testified that he was unaware of any other surveillance camera being used in the same manner as at 38 Baremeadow Street.

On re-direct examination, Phillips testified once again to Solomon's behavior on the evening of the Patriot's game. He stated he had never seen Solomon out of control before nor had he seen any Superior Officer act in the manner Solomon did on the evening in question. That concluded Phillips' testimony.

The next witness to testify was Roderick C. Moore, Jr. Mr. Moore's testimony had not been anticipated at the commencement of this hearing. Mr. Moore testified he is in the carpet cleaning business. Mr. Moore testified that he placed a call to a local restaurant owner in order to schedule a carpet cleaning appointment. During the conversation with the restaurant owner, the phone was placed into the hands of an individual identified as Robert Moglia. Moore testified that Moglia advised him that Moore's brother James would lose his job as a Police Officer if he testified in the Solomon hearing. Further testimony revealed that Moglia and Solomon were personal friends. That concluded Mr. Moore's testimony.