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## Tips by 2 Port Agency Officers Uncovered a Corruption Scandal

By [RALPH BLUMENTHAL](#)

One tip-off came when a candidate for waterfront detective kept falling asleep while standing up.

A second came when another would-be detective faked a [West Point](#) pedigree.

A third aspiring detective twice failed his entry exam — until he was given the test answers in advance and performed spectacularly.

It was these and other hiring abuses, two former police officials said Wednesday, that turned them into the unlikeliest of rebels — whistle-blowers against their longtime employer, the [Waterfront Commission of New York Harbor](#). The two officials, the former police chief, Brian Smith, 54, and a former acting chief, Kevin McGowan, 56, both since dismissed by the commission — in retaliation, they said — called their decision easy. “Kevin and I had to make a critical choice: Go and report it, or don’t say anything and commit wrongdoing,” said Mr. Smith, now a part-time security consultant. “Was there any choice in the matter?”

On Tuesday, the investigation they sparked more than two years ago culminated in a [scathing report by the New York State inspector general](#) that found the bistate agency was long riddled with petty corruption, patronage hires and management failures that potentially threatened the port’s security. The agency’s two commissioners and executive staff members were swept out and new leadership has since been installed.

The New Jersey commissioner, Michael J. Madonna, whom the New York inspector general, Joseph Fisch, held chiefly responsible for the problems, was dismissed last week by Gov. [Jon S. Corzine](#) of New Jersey.

But Mr. Madonna, who has served several terms since 2001, appeared at the commission’s headquarters in Manhattan on Tuesday to collect documents for a lawsuit filed by the two former police chiefs with the New

## York State Division of Human Rights.

“My understanding is he felt improperly dismissed,” said the commission’s new executive director, Walter M. Arsenault, who is part of the new top leadership along with the New York commissioner, Ronald Goldstock, a longtime organized-crime investigator. No one answered the phone at Mr. Madonna’s Oakland, N.J., home, and his lawyer, Donald R. Belsole of Morristown, N.J., did not return a call.

Mr. Arsenault said that months ago, Mr. Madonna routinely designated the panel’s current police chief, John Hennelly, to vote in his absence, so commission business could continue.

Mr. Arsenault said that it was not clear whether Mr. Madonna intended to challenge his dismissal. “Let’s put it this way: We’re prepared for any eventuality,” he said.

In interviews, Mr. McGowan and Mr. Smith said they felt impelled to come forward after Mr. Madonna pressed in early 2007 for the hiring of a series of unqualified candidates as detectives. The commission has no uniformed officers, only plainclothes investigators.

Mr. Smith said he had identified highly qualified candidates, including women and minority candidates, who were rejected in favor of Mr. Madonna’s choices.

One was a former salesman who had trouble staying awake and, while being trained at the Port Authority Academy, required commission detectives to rouse him at home from bed some mornings. The inspector general later found he was often disoriented, “falling asleep while he was standing up.” He was hired, but resigned before finishing training.

A second candidate proposed by Mr. Madonna listed himself as a West Point graduate but turned out to be in litigation with the Army over unfulfilled graduation requirements. He, too, was hired.

And a third failed the entry test until, the report said, Mr. Madonna himself provided him with the answers. That detective, James Sutera, remains on the force. He did not respond to a telephone message left at his home.

Mr. McGowan said that he and Mr. Smith expressed their objections to the agency's executive director at the time, Thomas De Maria, who, they said, declined to back them up.

Mr. De Maria, now the public safety commissioner in Hempstead, on Long Island, said in an interview Wednesday, "I had a blowout with Madonna" over the hirings. He said he told the two chiefs that they had enough seniority to retire but he could not. "I guess I said something about a mortgage to pay and two kids to put through college," Mr. De Maria said.

In April 2007, Mr. McGowan and Mr. Smith took their information to the New Jersey attorney general, who shared the information with Gov. Eliot Spitzer of New York. He turned it over to the inspector general, with an executive order empowering that office to investigate the bistate harbor agency. After Mr. Spitzer resigned in 2008, the order was renewed.

The inquiry corroborated much of what the police chiefs had said. But other witnesses said that Mr. McGowan, as acting chief, had commission cars and detectives pick him up at airports after private trips, so he was chastised in the report. Mr. McGowan defended the practice, saying he was always on call.

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