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FIRST CLASS MAILING AND CERTIFIED MAILING

Mr. Anthony Schiavi
Town of Ashland
101 Main Street
Ashland, MA 01721

RE: Sgt. Edward Pomponio

Dear Mr. Schiavi,

I have reviewed your letter denying Sgt. Pomponio's 111F benefits and feel that I need to respond though I do not represent him in that matter but do in a civil action that we intend to file not only against the Town of Ashland but also you as an individual. As a result of the letter you sent to Sgt. Pomponio and other actions that you have taken which I will address in this letter, I intend to also seek punitive action against the Town and you for harassment.

When you took over as Town Manager you specifically chose to look forward on all misconduct of all of the Ashland Police Officers except for Sgt. Pomponio. A couple groups, especially Ashland Citizens Awareness Committee, met with you discuss past misconduct. You were adamant that you would not look back on past misconduct and that you intended only to look forward nevertheless chose to continue to look backwards focusing **only** on Sgt. Pomponio. In your denial of Sgt. Pomponio's 111F benefits, you have specifically mentioned an incident in which a tack was allegedly placed on the seat of a co-worker. As you recall, this matter along with many others were fully investigated and specifically mentioned in the McGinn, Doucey, Newman and other investigation reports that you now find incredulous. In those reports several current Ashland Police officers were deemed to have committed gross serious conduct violations and also criminal violations but no officer was reprimanded, disciplined or criminal charges pursued except for Sgt. Pomponio. Officers were deemed to have lied, fabricated allegations against former Police Chief Scott Rohmer yet no officer was reprimanded or disciplined. Not only have these officers

placed their credibility at issue, they have placed every officers' credibility within that department but your only focus is on Sgt. Pomponio in effort to build department moral.

I draw your attention to the McGinn report in which Officer Tomasso was deemed to have fabricated and falsified her allegations against Stephanie Rohmer. Mr. McGinn recommended that she be disciplined for untruthfulness. No disciplinary action was ever taken against her. She is one of the officers that has filed suit against the town and others including Sgt. Pomponio yet you continue to give her credibility and refuse to look back at the countless rule and regulation violations of several officers focusing only on Sgt. Pomponio.

I draw your attention to the Doucey report which you have deemed to lack credibility but fail to publicly announce why that report is not credible. You only state there are many inconsistencies in that report but fail to name those inconsistencies. In that report Sgt. Fawkes and Officer Dionne admit to the Attorney Doucey that they fabricated the facts in the letter forwarded to the Town Manager in an effort to embarrass Chief Rohmer and force him to resign. Again, officers openly lie in an effort to defame the character of one of the officers and this administration turns their heads without taking any action. 11 officers signed the complaint asserting that the facts in that letter were true but when questioned by Attorney Doucey they admit that the facts were fabricated or truth stretched to force Chief Rohmer to resign. Again no officer is reprimanded or disciplined for this action. Again, your focus is only on Sgt. Pomponio.

I draw your attention to the Newman report in which Officer Tomaso claims that she was harassed by Officer Pomponio after reporting to him some indiscretions of other officers. She admits that Sgt. Fawkes talked in the day room about which group had larger penises, Italians or Irish, but she states that she was not offended by this banter. She further talks about him grabbing her hand and pulling her hand towards his penis but she pulls away. This on-duty in the station behavior by a supervisor goes unpunished. She also talks about repeatedly being slapped in the face by Sgt. MacQaurrie with a hotdog as if they were penises. No disciplinary action is taken on Sgt. MacQaurrie. In addition, Sgt. MacQuarrie, while on duty, showed pictures of a penis telling Officer Tomaso that this was his penis. She says that this was done in jest and she was not offended. Occuring while on duty and in uniform representing the Town of Ashland. No one is disciplined, no one is reprimanded while this conduct was clearly conduct unbecoming of any officer. Your only focus is on Sgt. Pomponio for reporting this behavior. Sgt. Pomponio is labeled as the bad guy for reporting what he saw as inappropriate behavior.

Sgt. Pomponio is the only officer that admitted and accepted a reprimanded for not being forthcoming when Sgt. MacQaurrie confronted Sgt. Pomponio about a statement he made to another officer. The only officer reprimanded after accepting responsibility for his actions. The only officer to admit wrong doing and truthful when questioned even though 11 officers who signed the complaint against Chief Rohmer knowing the complaint contained false, fabricated, factually incorrect allegations are not disciplined. The information of Sgt. Pomponio's discipline was leaked to the press by one of the officers in the department but no investigation as to who leaked that information was initiated and Sgt. Pomponio's character was defamed. No one has ever been disciplined for speaking to the press. No officer has been reprimanded for

untruthfulness. You have chosen to give credit to Sgt. MacQaurrie though he is an officer that failed a polygraph at Fort Lauderdale Police during a hiring interview. This was a fact that came out in his background when being interviewed. It's obvious that several officers in this department have difficulty differentiating between truth and a lie.

You have met with various residents in town who have repeatedly expressed their disappointment in the police department and some of the officers that are currently working there. You have repeatedly told these residents that you intend to rehabilitate these officers and to improve the police policies, but again you continue to target only Sgt. Pomponio.

You and some of the Ashland Police Officers have reached out to the District Attorney's Office in an effort to push for criminal charges against Sgt. Pomponio for destruction of evidence. Sgt. Pomponio was the officer that reported the destruction. He was the officer that first reported it to the District Attorney's Office. He even testified at the grand jury in June of 2013 after you and Chief Doherty pushed for the grand jury. This was not an act that was done on purpose or with a malicious intent. Again, the only investigation target was Sgt. Pomponio though there were many other criminal acts by officers in that department. No other criminal activity of any other officer was reported, only this incident on Sgt. Pomponio. You have stated in your letter that this criminal investigation was one of your reasons for denying his benefits. Are you aware that officers testified in April and May regarding this allegation that you and several union officers have pushed for and in June Sgt. Pomponio voluntarily subjected himself to cross examination at that grand jury yet no true bill has been rendered?

On December 26, 2012, Richard O'Dell was brutally attacked by several off-duty police officers at the VFW in Ashland. That matter was being investigated Lt. Beaudoin until Officer Michael Dionne pushed for his cousin to file a complaint of an alleged incident against Lt. Beaudoin. This occurred 2 days after Lt. Beaudoin ordered the officers involved in that brutal attack to write reports. The investigation was turned over to Lt. Briggs who did nothing for 6 months. It was deemed to be inconclusive as to who attacked Mr. Odell. No officer was ever reprimanded for being present, being untruth or for their unbecoming conduct. No investigation was ever turned over to any outside agency. The only concern of Lt. Briggs was whether Mr. Odell had a marijuana pipe. The only investigation turned over to the District Attorney's Office for investigation and presented to the grand jury was Sgt. Pomponio for his alleged destruction of 3 white pills that were not properly marked or properly entered into evidence. In Mr. Odell's case a serious felony was committed nevertheless no action by you. Your only focus is on Sgt. Pomponio.

Information regarding Sgt. Pomponio's indiscretions while working at the Milford Police department have been produced to the Metrowest Daily News reporter Laura Krantz by a member of the Ashland Police Department however no investigation was ever conducted to determine who this officer might be. Sgt. Pomponio's gun permit was suspended by Milford Police Chief O'Laughlin but was reissued by Chief Rohmer. This has become a big issue with the News and Attorney Tim Burke and your office but no one ever seems to mention Officer Alberini's gun permit being suspended for criminal activity prior to his hiring or the intentional discharging of a firearm at an apartment in Wayland or Sudbury. The only target by you and members of the union

is Sgt. Pomponio, the only officer in that department to have exhibited a modicum of truthfulness, integrity, and pride in that department.

The supplemental report dated September 25, 2012 prepared by Edward C. Doocey regarding the Chief of Police Investigation of Chief Rohmer reached the conclusion stating copious facts that Sgt. Fawkes knowingly made numerous false accusations against Chief Rohmer. Sgt. Fawkes even acknowledged that he embellished certain allegations in some instances and actually fabricated facts to support his thesis that Rohmer should be fired. A quick overview of the report states many clear examples of Fawkes lies yet you insist in reinstating this officer. In fact, I am well aware that a letter was drafted by former town counsel D. Mosca and forwarded to Sgt. Fawkes advising him that if the arbitrator did in fact reinstate him that he would be terminated for "LYING". This letter was shown to Lt. Beaudoin, Chief Rohmer and approved by Town Manager Purcell. This letter in fact does exist but you continue to materially misrepresent that fact to the public.

Attorney Doocey, a well-respected member of the Massachusetts Bar, indicated arguably the most egregious false allegation by Sgt. Fawkes involved his assertion that Chief Rohmer assaulted and battered a civilian and used his position to avoid arrest and cited John Driscoll and Afrula Karpouzis to be witnesses. Driscoll denied being the source of Fawkes' lie. Doocey stated (page 7) more troubling than the exaggerations and misstatements of fact are those instances in which Sgt. Fawkes seemingly invented situations that had no basis in fact referring to his claim that Chief Rohmer lent the owners of Marathon Deli, James Johnston and Douglas Fifield, an unmarked police vehicle in 2009. Investigated and proven to be a lie. Sgt. Fawkes goes on to state that Sgt. Pomponio bribed Rohmer with cash to get his job. When the investigator asked Sgt. Fawkes to substantiate such a serious charge Fawkes stated it was only a "gut" feeling. You now insist on investigating this further through the investigation by Attorney Pomeroy. As you know, Sgt. Pomponio has repeatedly requested to be interviewed by Mr. Pomeroy but has been denied that opportunity. Again, only Sgt. Pomponio is the target of your witch hunt through an investigation that you control the outcome.

Attorney Newman investigated facts of Officer Dionne attempting to blackmail Officer Tomaso. No discipline was issued for those findings. In fact, Officer Dionne referred to dispatcher Jamie Patriarca as a "cunt" and lied stating that he was referring to a female from TJ's lounge and then admitted he lied stating that he was in fact referring to Ms. Patriarca. Again, no discipline is ever issued for this clear cut case of conduct unbecoming.

To further state the harassment that Sgt. Pomponio has been forced endure, Sgt. Pomponio reported that Sgt. Greg Wildman Placed a GPS device on a civilian's vehicle without a search warrant. Sgt. Wildman bragged of this action to ADA Steven Hctor out of the Woburn Superior Court. This was a clear violation of the civilian's fourth amendment rights. When questioned about it, Sgt. Wildman referred to the District Attorney's Office as a training moment. This training was not authorized by Chief Rohmer. No internal police discipline was sought or pursued though this was clearly a violation of a resident's civil rights. Again, Sgt. Pomponio exhibiting a high degree of integrity and pride reported this civil rights violation and again the Town Managers in this town of quashed this wrongdoing as if nothing occurred. Again, your focus, at the direction of the union, is only on Sgt. Pomponio.

On Sgt. Pomponio's first day of uniform there was an accidental discharge of a firearm in the station. This was clearly a mistake which Sgt. Pomponio accepted full responsibility for. Again, truthful. However, over the next several years he was forced to endure ridicule by certain officers, in particular Sgt. Fawkes, Officer Dionne, Officer Alberini and Sgt. MacQaurrie, for that incident. Notes were left on his locker and mailbox, cartoons were hung around the station, and a department shooting trophy was repeatedly turned around to face the wall with his name being taped on that trophy. This was not the only issue with a firearm. Former Chief Roy Melnick's firearm was missing for a long period of time. No criminal investigation was pursued. Why? Because the firearm was last documented to be in Town Manager John Petrin's possession. Your only focus is on Sgt. Pomponio.

There have been many more instances of conduct unbecoming behavior throughout this department that have gone undisciplined. Officer Alberini, while on duty, took an Ashland High School cheerleading uniform that was being held for safe keeping and proceeded to walk around the station wearing this uniform. Out of uniform, wearing a women's outfit, while on duty, taking pictures that ended up on the internet, pictures on the internet taken in the men's locker room. This indiscretion and improper conduct was reported by Sgt. Pomponio. Again he acted properly as a supervisor. Reporting an on duty officer being out of uniform but the again the town manager refused to act and again Sgt. Pomponio was harassed for his reporting of this incident.

You have chosen to investigate, through former police Chief Pomeroy, the giving of bedroom furniture by Sgt. Pomponio's wife to Chief Rohmer. This was investigated by past town managers, the Massachusetts Ethics Commission, and other investigators and all have cleared any wrong doing. However, you continue to find those investigations incredulous and have chosen to spend tax payers money in an effort to find wrong doing of Sgt. Pomponio. We have reached out to Mr. Pomeroy to speak with him regarding this investigation, to give input as to what actually occurred but have been denied. This investigation is clearly a one sided investigation since Sgt. Pomponio efforts to be interviewed have gone denied by you and Chief Pomeroy. You are insistent on finding fault in this incident though it was previously cleared by several investigators. However, this is not the only gift giving to have occurred within the police department. Officer Dionne received a puppy from Officer Alberini's grandfather. The value of that dog far exceeded the value of the furniture alleged to have been given to Chief Rohmer. Immediately following this gift, the union, under the direction of Officer Dionne paid for a canine unit with a value of over \$5,000 and Officer Alberini is the officer that the union pushed to be appointed to that position.

There have been other instances of alleged criminal activity that have gone uninvestigated and undisciplined. In approximately 2007, Lt. Briggs allegedly broke into his ex-wife's business in Framingham while on duty. No one is ever disciplined. Again, the Ashland Town Managers turn their backs on this behavior as if nothing occurred.

In February of 2012 a party was held at the VFW in Ashland to benefit the Ashland Police K9 Unit. Off duty officers remained at the VFW long after the party had ended and after the hours of the liquor license. Dispatcher Finitny was involved in car crash after leaving this party long after the party ended. She was injured and transported to the hospital where her blood alcohol level was .30. Almost 4 times the legal limit. Sgt. Pomponio was called in to investigate. He endured harassment and ridicule from the officers in the department after he refused to turn his back on this

incident. Pressured to whitewash this incident but Sgt. Pomponio refused, conducting his job properly. Again, the focus is on Sgt. Pomponio and not the officers that were pressuring to fix a criminal case.

What I find troubling in recent developments is your hiring of Brian Simoneau to assist the Police in civil service issues. You have materially misrepresented to the town as to the extent of his involvement with the Ashland Police Department. You have stated in public that you researched attorneys that are knowledgeable on civil service laws and Attorney Brian Simoneau was highly recommended. Attorney Simoneau is without a doubt very qualified but there are many more attorneys available but you chose Attorney Simoneau. As you know, Brian Simoneau is of-counsel for the Law Office of Timothy Burke, the law firm that has pursued legal action against the town, Chief Rohmer and Sgt. Pomponio. The same law firm that has relentlessly contacted the media to try their case. You have repeatedly told residents and more importantly you stated on cable tv that Brian Simoneau had no involvement with anything having to do with Sgt. Pomponio. **This statement is a lie.** As you recall, I did a public records request for all records involving Brian Simoneau including his invoices. The detailed invoices outlining his actual involvement with the Ashland Police Department were never produced but evidence shows that he did have involvement with Sgt. Pomponio and Scott Rohmer issues.

In a letter dated June 22, 2013, Brian Simoneau to Civil Service he states that he was retained to investigate and audit certain personnel actions which occurred in the town of Ashland. However, further investigation into these documents revealed that Attorney Simoneau was retained to address the Sergeants position. In an emailed dated 5/21/13 Attorney Simoneau to Chief Doherty they discuss the Sergeants positions and exam. Sgt. Pomponio is only a provisional sergeant even though he was the only officer to pass the last two exams. The email on 5/21/13 addresses the discussions of the meeting that took place on 5/20/13. This email clearly demonstrates that Sgt. Pomponio's position as a provisional sergeant and how to rid him of those stripes was a discussion topic at this meeting.

In an email from Attorney Simoneau to you and Chief Doherty Attorney Simoneau talks about weeding out the losers and the money it will save. Though this is not an email that he personally drafted, he chose to forward that email to you. Again, Sgt. Pomponio is the only officer that is being targeted by you and your office. Is he this loser that Attorney Simoneau speaks about weeding out?

In an Email dated June 23, 2013 12:16pm Attorney Simoneau speaks about the drug evidence, the subject of the criminal investigation that you have relentlessly pushed forward. Why is he having any involvement in that issue? What is more troubling to that is the fact that on June 13, 2013 Attorney Simoneau forwarded you letters to Scott Rohmer, Stephanie Rohmer and Sgt. Pomponio. These were letters that he personally drafted for you to place on your letterhead and forward to Scott Rohmer, Stephanie Rohmer and Sgt. Pomponio. The letters to Scott Rohmer and Stephanie Rohmer addressed complaints that they had filed against certain Ashland Police

Officers. However, one letter which was partially blacked out was the actual letter that Sgt. Pomponio received from you addressing his 111F benefits.

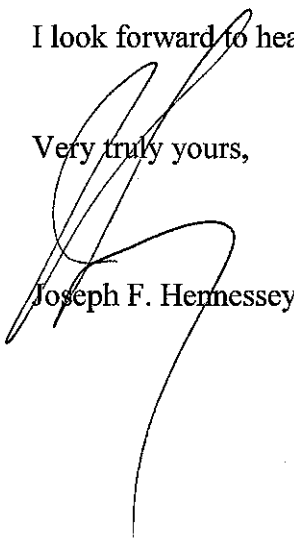
In the letter to Chief Rohmer you state that you doubt the accuracy of the Doucey report and further state you are personally not satisfied with the accuracy of the reports. This was a letter drafted on your behalf by an attorney that is employed by the same law firm suing the town, Scott Rohmer and Sgt. Pomponio. This is an attorney working for the firm representing those officers that were discredited in those reports and you do not find this as being a conflict. Furthermore, the letter to Stephanie Rohmer addresses the complaint that she filed against Sgt. Fawkes prior to his reinstatement. The conduct by Sgt. Fawkes was clearly disturbing yet you personally chose to rehire him and not take any action on this complaint stating that his misconduct occurred while he was not an employee of the department. This misconduct occurring at a time when you were in the process of reinstating him.

To further rub salt into the wound, in an email dated June 10, 2013 at 10:38am, Attorney Simoneau references the IOD claims of Driscoll and Tomaso. Why is he even having any involvement with those two officers who just happen to be named plaintiffs in lawsuits against the town, Chief Rohmer and Sgt. Pomponio while being represented by a firm that Attorney Simoneau is part of?

What I find most disturbing of your letter denying Sgt. Pomponio's grievance to receive 111F benefits is the fact that you have mentioned all of the lawsuits, have mentioned a tack incident which was proven unfounded, have mentioned the alleged criminal activities of Sgt. Pomponio, have not permitted him to be interviewed by YOUR investigator Mr. Pomeroy though the town has repeatedly denied that Chief Rohmer, Lt. Beaudoin, and Sgt. Pomponio have done anything wrong. The town, through appointed counsel, are zealously representing these officers in these lawsuits. Only you and certain members of the union have relentlessly pushed for Sgt. Pomponio's ouster but you cannot understand that his stress and anxiety is related to his employment with the Ashland Police Department. You have openly ignored gross misconduct of other officers, ignored criminal conduct, and have only focused your attention on continuing the harassment of Sgt. Pomponio in effort to satisfy the union.

I look forward to hearing your response.

Very truly yours,



Joseph F. Hennessey