

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO.

14-2499

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

Evan Dobbelle,

Defendant.



I. INTRODUCTION

1. The Commonwealth of Massachusetts (“the Commonwealth”), by and through its Attorney General, Martha Coakley, brings this enforcement action pursuant to the Massachusetts False Claims Act, G.L. c. 12, §§ 5B-5O (“MFCA”), against Evan S. Dobbelle (“Dobbelle” or “Defendant”), former president of Westfield State University (“the University” or “WSU”) arising from his improper use of WSU credit cards to make personal purchases totaling at least \$59,000 and his improper use of WSU resources and funds to book and pay for personal trips costing more than \$39,000, in violation of his employment contract, applicable WSU policies and procedures, applicable state ethics laws and the MFCA.

2. By submitting and/or causing to be submitted to the University numerous claims for payment for personal expenses in violation of his employment contract, applicable University policies and state law, Dobbelle knowingly presented, or caused to be presented to the University, false or fraudulent claims for payment or approval in

violation of G.L. c. 12, § 5B(1). Further, by submitting and/or causing to be submitted to the University numerous travel requests falsely stating certain trips were for official University business so that the University would cover the associated costs, Dobelle knowingly made, used or caused to be made or used false records or statements material to a false or fraudulent claim in violation of G.L. c. 12, § 5B(2). Documents relevant to the allegations herein are attached to the Affidavit of Paralegal Krista Roche (“Roche Affidavit” or “Roche Aff.”), submitted herewith as Exhibit A.

3. Dobelle’s conduct was “knowing” within the meaning of the MFCA, because he possessed actual knowledge of relevant information, acted with deliberate ignorance of the truth or falsity of the information presented or acted in reckless disregard of the truth or falsity of the information. G.L. c. 12, § 5A.

4. As a consequence of his conduct, Dobelle is liable for damages, costs and penalties, pursuant to G.L. c. 12, § 5B.

## **II. JURISDICTION AND VENUE**

5. The Attorney General is authorized to bring this action pursuant to G.L. c. 12, §§ 5C and 10.

6. This Court has jurisdiction over the persons and subject matter of this action pursuant to G.L. c. 12, §§ 5C & 10 and G.L. c. 223A, § 3.

7. Venue is proper in Suffolk County pursuant to G.L. c. 12, § 5C and G.L. c. 223, § 5.

### III. THE PARTIES

8. The plaintiff is the Commonwealth of Massachusetts, represented by the Attorney General, who brings this action in the public interest pursuant to G.L. c. 12, §§ 5C & 10.

9. The defendant Evan S. Dobbelle (“Dobbelle”) is an individual residing at 1 Crofut Street, Pittsfield, Massachusetts. Dobbelle served as president of Westfield State University from January 13, 2008 until his resignation on November 8, 2013.

### IV. FACTS

10. The Attorney General’s Office (“AGO”) commenced its investigation into the unlawful conduct alleged herein following the public release of a September 19, 2013 letter from the Office of the Inspector General (“OIG”) to the Westfield State University Board of Trustees preliminarily finding “President Dobbelle... used credit cards for personal expenditures, in violation of WSU policy.”

11. On July 31, 2014, the OIG issued its final *Review of Spending Practices by Former Westfield State University President Evan S. Dobbelle* (the “OIG Report”) confirming its preliminary findings and concluding, *inter alia*, that Dobbelle knowingly and willfully violated University and Foundation policies by engaging in the frequent and substantial use of University and Foundation credit cards for personal expenses and repeatedly submitted documents portraying personal spending as having a WSU-related purpose, thereby diverting those costs to the University or the Westfield State Foundation (“the Foundation”).<sup>1</sup>

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<sup>1</sup> Each state university in Massachusetts has established a 501(c)(3) corporation pursuant to M.G.L. c. 15A, § 37, in order to collect donations, award scholarships, and otherwise support the university. The allegations in this complaint pertain to Dobbelle’s alleged misuse of University funds and resources.

A. At All Relevant Times, Dobelle Knew University Policies and State Ethics Laws Prohibited Him From Using University Funds and Resources for His Personal Benefit.

12. WSU<sup>2</sup> is a public entity created pursuant to G.L. c. 15A, §1 *et seq.*, and a political subdivision of the Commonwealth pursuant to G.L. c. 12, § 5A.

13. Dobelle entered into an employment contract with WSU on or about December 21, 2007. Subject to G.L. c. 15A, and other provisions and limitations, the contract, captioned “Contract for College President,” provided for annual compensation of \$200,000.00, an automobile allowance of \$600.00 per month (or use of an automobile provided by the University), a one-time moving allowance to cover relocation costs, and an annual housing allowance of \$18,000.00. The contract became effective on January 13, 2008. See Ex. A-1 at 1-2 (Contract for College President).

14. Dobelle’s employment contract expressly required him to familiarize himself with and abide by University policies, which, as described further below, uniformly dictate that WSU funds be used for WSU’s benefit.

15. The employment contract contained provisions relating to Dobelle’s role in promoting and supporting the University, set forth Dobelle’s responsibilities as president and, of particular relevance here, required Dobelle to abide by the University’s policies, as follows:

[T]he President shall, in the discharge of his duties and responsibilities, act in conformity with such policies and directives as the Board of Trustees may adopt from time to time or as may otherwise be of application by operation of law.

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<sup>2</sup> Westfield State College’s name was changed by act of the Legislature to Westfield State University in October 2010. For the purposes of this Complaint, the terms “Westfield State University,” the “University,” “Westfield State College” and the “College” are used interchangeably.

See id. at 3. It further stated, “[t]he personal behavior of the President must be beyond reproach.” See id.

16. In contemplation of the President’s University-related travel, the employment contract stated that, “consistent with applicable law and policies,” the University would reimburse Dobelle “for travel expenses...incurred in the performance of official College business,” see id., and further “bear any costs reasonably incurred by [Dobelle] in connection with activities that pertain to the business of the College and the performance of the President’s duties[.]” The contract restricted Dobelle’s use of University resources, namely “[c]ollege staff, facilities, and services” “for the support of such activities[]” and explained “[a]ctivities undertaken for the purpose of the [sic] promoting support for the College are understood to be activities that pertain to the business of the College.” See id.

17. At or about the time he executed his employment contract, Dobelle also signed an “Acknowledgement of Receipt” which stated, *inter alia*, “I understand that it is my obligation to familiarize myself with the conflict of interest law, (G.L.c.268A and c.268B), the campaign finance law (G.L.c.55), and my agency’s policies. I understand that I must abide by these laws and Westfield State College’s Policies.” See Ex. A-2 (Acknowledgement of Receipt).

#### **Massachusetts Conflict of Interest Law**

18. At all relevant times, Massachusetts conflict of interest law expressly prohibited Dobelle from using his official position at WSU to “receive anything of substantial value... not otherwise authorized by statute or regulation”; or “to secure . . .

unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals[.]” G.L. c. 268A, § 23(b)(2).

19. As described further herein, by using University credit cards to make personal charges and University resources and funds to book and pay for personal travel, Dobbelle violated the MFCA and the state ethics law. Id.

**WSU’s Trust Fund Management Policies and General Administrative Guidelines**

20. The University’s “Trust Fund Management Policies and General Administrative Guidelines” explicitly prohibited use of the University’s trust funds – defined therein as “non-appropriated funds” held by public universities – to pay for “[e]xpenses incurred in connection with personal business.” See Ex. A-3 at 7 (Trust Fund Management Policies and General Administrative Guidelines).

**WSU’s Credit Card Policy**

21. The University’s 2006 policy on Corporate Credit Card Use (“2006 Credit Card Policy”), which was in effect throughout Dobbelle’s tenure as president, clearly and unequivocally prohibited use of University credit cards for personal charges, stating, in pertinent part:

The card shall be used only for College authorized expenses. Authorized expenses shall include hotel bills, meals, car rentals and other College related expenses. Personal charges and cash advances are not permitted on this card.

All such expenditures shall conform to College travel expenses, meal reimbursement and general purchasing policies.

See Ex. A-4 at 1 (2006 policy on Corporate Credit Card Use).

22. With respect to payment, it provided, in pertinent part:



The College pays the credit card company directly. Receipts for all expenses shall be submitted to the Finance Office within ten (10) working days upon receipt of statement from Finance Office.

....

As each statement must be paid in full upon receipt, any late fees will be charged directly to the department budget of the cardholder.

See Ex. A-4 at 2 (2006 Credit Card Policy).

23. Dobelle received a copy of the 2006 Credit Card Policy when he began his employment at WSU, and as required by the 2006 Credit Card Policy, signed a form captioned “Policy for a College Credit Card”, on January 20, 2008. The *Policy for a College Credit Card* form states: “I request a credit card for use in the conduct of college business[,]” and further provides “[c]ollege credit cards are to be used exclusively for expenditures directly related to college business.” See Ex. A-5 (Policy for a College Credit Card form).

24. The *Policy for a College Credit Card* form provides a form certification designed to be affixed to each monthly credit card statement and signed by the cardholder, which reads:

I certify that all charges contained in this billing statement  
have been expended directly in conduct of business for  
Westfield State College.

Dobelle signed this certification as it appeared on the form and dated it January 20, 2008, thereby demonstrating his knowledge of the University’s 2006 Credit Card Policy. See *id.*

25. Upon signing the *Policy for a College Credit Card* form, the University granted Dobelle his first WSU credit card.

## WSU's Travel Policy

26. All versions of the University travel policy in effect during Dobelle's tenure required University-sponsored travel to be for the University's benefit and called for staff members proposing travel to obtain advance authorization through submission of a "Request to Travel Form" ("RTF"). Each RTF was to state the University purpose of the trip and estimate anticipated expenses (hotels, airfare, etc.) and be accompanied by "supporting documentation (i.e. conference/workshop agenda, registration form, program." Ex. A-7 at 1-2 (2006 Travel Policy).

27. Once signed and submitted by a staff member, the 2006 Travel Policy required the RTF be approved, first by the appropriate department chair or supervisor, and second by one of the WSU vice presidents or the president following consideration of "the extent to which participating in the activity requested will benefit the staff member as well as address college and departmental goals/requirements." See id. See also Ex. A-8 at 1-2, 9 (2012 Travel Policy) ("In determining the use of travel funds, departmental and administrative area supervisors and Vice Presidents shall consider the extent to which participating in the travel or activity requested will primarily benefit the University.")

### **B. Dobelle Violated the MFCA By Using and/or Causing to be Used WSU Funds for Personal Expenses.**

28. Notwithstanding his signed certifications and acknowledgements concerning his obligation to abide by applicable law and University policies, which prohibited him from using WSU funds and resources for his personal benefit, Dobelle began charging and/or causing to be charged personal expenses and travel on WSU credit cards almost immediately upon becoming president. See Ex. A-9 (Dobelle's Personal Credit Card Charges).



29. Dobelle's personal use of his WSU credit card escalated quickly. Within five months of starting at WSU, Dobelle was charging hotel stays, meals and plane tickets on his WSU card, at times totaling thousands of dollars per month. See Ex. A-9.

30. Review of relevant University credit card statements and related records revealed over 165 individual personal charges Dobelle made or caused to be made on University credit cards. See Ex. A-9.

31. While the frequency and amount of Dobelle's personal credit card charges varied from month to month, certain categories of personal expenses were recurring, including airfare for family members and meals at high end restaurants in some of Dobelle's favorite cities including The Slanted Door in San Francisco, The Palm in Washington, D.C., Bistrot du Coin in Washington, D.C., and, closer to home, Rouge Restaurant in Stockbridge, MA. See Ex. A-9.

32. From March 2008 through July 2012, Dobelle spent tens of thousands of dollars on air travel for himself and his family and personal meals. See Ex. A-9. In particular, Dobelle repeatedly used or caused to be used WSU credit cards to pay for airfare for personal trips for himself, his wife Edith ("Kit") Dobelle, and his son Harry Dobelle, utilizing WSU staff to research travel times, find the best fares and actually purchase the tickets. See Ex. A-10 (September 14, 2010 E-mail). While Dobelle reimbursed the expenses he and/or his assistants identified as personal in nature, he often submitted his reimbursements several months after he had made the purchase, and, it follows, several months after the University paid his bill. See Ex. A-4 at 2 ("The College pays the credit card company directly. . . . [E]ach statement must be paid in full upon receipt[.]") Review of the lists of personal charges compiled by Dobelle's assistants, the

pertinent credit card statements, and Dobelle's reimbursement checks reveals that his reimbursement checks were frequently backdated to appear timely.

33. In addition, the accuracy of Dobelle's self-reporting is questionable. To wit, on at least one occasion, after the University received a public records request relating to his credit card spending, Dobelle "reclassified" certain expenses he previously categorized as University-related expenses – \$1,094.30 in hotel charges for a March 2011 trip to Miami with his wife and \$875.68 in hotel charges for a June 2011 trip to London – as personal expenses, reimbursing them in September 2012, over a year after they were originally incurred.

34. Further, review of the documents demonstrates seven purchases totaling \$5,048.04, which appear to be personal in nature, were never reimbursed: a membership to the Harvard Club of New York City (\$323.34); a donation to the William Saroyan Foundation (\$300.00); a membership in the United Airlines Red Carpet Club (\$400.00); a digital camera at Hunt's Photo and Video (\$962.11); a MacBook at the Apple Store (\$2,214.59); an Amazon Kindle Fire (\$359.00) and an Amazon Kindle DX (\$489.00). With the exception of the MacBook, which Dobelle signed out and never returned, none of the above equipment was listed on the University's property inventory.

35. From the very beginning of his tenure as president Dobelle knew his personal use of WSU credit cards was prohibited. He signed forms acknowledging that he was bound by WSU policies and state ethics law, and he also signed the *Policy for a College Credit Card Form*, which specifically stated that the WSU credit card was "to be used exclusively for expenditures directly related to college business." See Ex. A-5.

36. In addition to the clear policies he received, and promises he made to uphold them when he began his presidency, Dobbelle received several reminders from WSU staff that he could not use the WSU credit card for personal purchases. Dobbelle received these reminders at various points during his tenure, apparently as WSU staff attempted to curb his improper personal use of University funds.

37. In a June 2010 memo (the “June 2010 Memo”) Gerald Hayes, Vice President of Administration & Finance (“Hayes”) from June 2009 to April 2012, wrote a memo to Dobbelle summarizing key provisions of the University’s credit card policies, and reminding Dobbelle that the WSU card was to be “[u]se[d] only for travel on direct college business,” and to “[c]harge family travel to personal credit card[.]” See Ex. A-11 (June 2010 Memo). Hayes further exhorted Dobbelle to “[p]rovide detailed receipts (not just the credit card slip) and names of attendees for meals as backup[.]” and warned Dobbelle that his WSU card was “[s]ubject to audit by State Auditor” and “[s]ubject to FOIA.” See *id.*

38. In response to increasing scrutiny on his personal use of his WSU card by WSU staff, on October 25, 2010, Dobbelle sent an e-mail to Hayes with the subject heading “Returned WSU Credit Card to you today...” See Ex. A-12 (Oct. 25, 2010 E-mail). In his e-mail, Dobbelle ascribed his personal use of the WSU credit card to “human errors or automatic computer glitches.” *Id.* He further indicated that going forward, to avoid “aggravation,” he would “have the staff PRE-pay airlines or other modes of transportation and hotels” and charge university-related incidentals to his personal credit card and seek reimbursement. *Id.*

39. At or about the time Dobelle sent this email to Hayes, he was also facing scrutiny for improper personal expenditures on the card issued to him by the Foundation. The Foundation cancelled Dobelle's Foundation-issued credit card in or around November 2010.

40. In an October 2010 memo (the "October 2010 Memo") to Dobelle, Hayes stressed the importance of detailed accounting multiple times:

[Dobelle] to provide hotels with personal credit card on check-in for incidentals. University to reimburse [Dobelle] for internet, phone and other university-related expenses subject to submission of receipts . . . .

List specific university-related purpose of each trip/expense on report form; the more detail the better.

Provide detailed receipts (not just the credit card slip) and names of all attendees for meals and/or entertainment as backup.

See Ex. A-13 (October 2010 Memo).

41. On November 8, 2010, Dobelle sent another e-mail to Hayes disclaiming responsibility for personal charges made on his University card, stating:

Many charges on my card were made without my knowledge and certainly not my signature, and although I understand that nothing was inappropriate in content, I want to be sure there is no misunderstanding about how funds were expended.

See Ex. A-15 (Nov. 8, 2010 E-mail).

42. Even after turning in his University credit card and attempting to disclaim responsibility for his improper use of the card, Dobelle continued to use other staff members' University cards for his personal benefit. In particular, between February 2011 and December 2011, Dobelle used and/or caused to be used WSU credit cards issued to

WSU staff members Nancy Salvidio (Associate Vice President for Advancement and University Relations and Dobelle's Executive Assistant) and Sue Queen (Dobelle's Administrative Assistant) to pay for more than \$12,000 of personal travel for himself or his family members, including for example:

5/24/2011	JetBlue, airfare to London for Harry Dobelle	\$1,200.90
3/26/2011	JetBlue, airfare to London for Dobelle and Kit Dobelle	\$1,998.00
7/1/2011	Hilton Hotel, Vienna	\$1,109.21

See Ex. A-9.

43. As Nancy Salvidio prepared to transition out of her role as executive assistant to the president (and into a new role outside the president's office), WSU staff determined that her credit card should no longer be used for the purposes of the president's office. Consequently, Dobelle was issued a new WSU credit card in December 2011. As with his previous credit card, Dobelle began using his new WSU credit card for personal purchases very quickly, making over \$3,200 personal charges in the first three months of 2012.

44. Over the course of his tenure at WSU, Dobelle offered many explanations for his misuse of the WSU credit card: he stated that any personal purchases were accidental, the inevitable byproduct of carrying three silver credit cards. He claimed that the personal purchases were the fault of "others," and that they were made "without [his] knowledge" and without his signature. See Ex. A-12, Ex. A-15. He finally asserted that the practice of using WSU credit cards for personal purchases was a "long standing past practice," which continued "after [he] arrived." See Ex. A-16 (August 17, 2013 E-mail).

45. Dobelle's years long pattern of improper spending and the repeated, unsuccessful attempts made by University officials to rein in his spending belie his varied excuses of inadvertence, unauthorized use and accepted practice.

**C. Dobelle Violated the MFCA By Submitting or Causing to be Submitted False Records and Claims for Payment for Personal Travel Funded by WSU.**

46. At all relevant times, WSU policies required that University-sponsored travel have some tangible benefit to the University. As set forth above, Dobelle was aware, from the beginning of his tenure as president that using WSU resources and funds to book and pay for personal travel was prohibited. See, e.g., Ex. A-1 at 1 (president to be provided with reimbursement for "travel expenses . . . incurred in the performance of official College business"); Ex. A-3 (prohibiting use of trust funds for "expenses incurred in connection with personal business"); Ex. A-7 at 1 (travel will be approved on consideration of how it will "address college and departmental goals/requirements"); Ex. A-8 at 1 (travel will be approved on consideration of how it will "primarily benefit the University.").

47. In addition to the materials he received at the beginning of his presidency, as was the case with his credit cards, Dobelle received periodic reminders about the proper use of WSU-funded travel. In the October 2010 Memo from Hayes, Dobelle was reminded that he was required to "[l]ist specific **university-related purpose** of each trip/expense . . . ." See Ex. A-12 (emphasis added).

48. Further, Dobelle was apprised of the 2012 revisions to the Travel Policy, and was co-signatory on an e-mail distributing the revised policies to the entire WSU faculty and staff e-mail address. See Ex. A-17 (May 16, 2012 E-mail). Dobelle also received reminders of the Travel Policy when his requests for travel were rejected by



Michelle Maggio, Interim Vice President of Administration and Finance from January 2012 to June 2013. See Ex. A-18 (August 28, 2012 E-mail) (“At this time, I am not approving the request to travel to the DNC in September because I am not clear as to the ‘specific benefit to the University.’”),

49. However, review of Dobelle’s RTF forms, credit card statements, e-mail correspondence, travel records, daily calendar and time sheets (submitted for payroll purposes) demonstrates that many trips paid for by and/or charges submitted to the University under the guise of a University-related purpose, were actually primarily personal in nature. See Ex. A-14 (Personal Trips and Related Charges)

50. Review of Dobelle’s e-mail correspondence and daily calendar revealed extensive personal plans during purported University-related trips and, perhaps even more telling, his time sheets reveal during the WSU-funded trips he took days off as vacation and personal days.

51. Dobelle had two primary methods by which he arranged for WSU to pay for his travel that was primarily personal in nature. The first method was to schedule a trip around a conference or other “official” event, extend the length of his stay well beyond the event, yet charge the *entire* hotel cost to WSU. The second method was to schedule a trip with an ill-defined, general purpose, for example “fundraising,” or to schedule a meeting with a charitable foundation. Dobelle typically provided few details regarding these trips and did not prepare grant proposals or other materials for presentation.

52. Review of documentation produced by the University reflects Dobelle took at least 16 University-arranged and -paid trips that fit these descriptions, as follows (in chronological order):

<b>Dates</b>	<b>Destination</b>	<b>Stated Purpose on RTF</b>
May 21-June 1, 2008	San Francisco	“OSHA Foundation – pursuing grant for college”
July 15-25, 2008	San Francisco	“OSHER Foundation, et al. Sarryan Foundation”
March 9-22, 2009	Florida/Washington, D.C.	“Alumni Relations”
May 24-June 1, 2009	San Francisco	None provided
July 13-26, 2009	San Francisco	“AASCU Conference San Diego July 18-22”
March 13-22, 2010	Florida/New York/Washington D.C.	“Fundraising”
May 31-June 7, 2010	San Francisco	“Best Practices in Building Univ/City Relations Conf. Goldman & Gensler Fdns. in SF”
February 20-March 5, 2011	Florida	“Clinton Global Initiative Strategic Planning Retreat”
March 11-March 22, 2011	Florida	“National Press Club, ACE Meeting, WSU Alumni Events and Baseball, Softball receptions; Establish Programs with Tulane, Xavier, UNO, Miami-Dade and FIU.”
May 23-June 4, 2011	Portland, Oregon/San Francisco	“International Institute on Partnerships – Portland[;] NCORE – National Conference on Race & Ethnicity in American H.Ed.[;] Strategies & Technical Solutions for Economically Managing Risk in a Multi-Threat Environment – San”
July 16-August 1, 2011	San Francisco	“Gensler Family Foundation; Goldman Fund; Intel Corp. IDEO Corp. & AASCU Meeting”
February 9-20, 2012	Cuba	“International Higher Education Conference

		“Universidad 2012”
March 9-26, 2012	Chicago/Florida	“Alumni events and attendance with A.D. and coaches at baseball softball games and events.”
May 28-June 3, 2012	San Francisco	“IDEO and Gensler Foundation”
March 5-24, 2013	Cuba	“Cuba – accompanying 60 alumni and students. Students will engage in exhibition baseball games, a service learning and exploration of Cuba’s history with the US.”
May 23-30, 2013	San Francisco	“Appointments with various Foundations – see attached memo; Joining J-term students for 2 days – see attached memo.”

See Ex. A-14 . What follows are detailed descriptions of four of the trips identified above. Review of the documents pertaining to the other 12 trips demonstrates a similar pattern.

**Dobelle’s University-Arranged and Paid Personal Trips to the Bohemian Grove’s “Land of Happiness” Events in California**

53. The Bohemian Club is a private men’s club in California. Dobelle was a member of the Bohemian Club, and in particular was a member of one of its camps, called the “Land of Happiness.” See Ex. A-19 (LOH Camp Roster).

54. The Bohemian Club holds member gatherings throughout the year, but the two main gatherings are called the Spring Jinks and the Encampment. Both of these events take place at the Bohemian Club’s property in Monte Rio, California, known as the Bohemian Grove (for ease of reference in the following paragraphs the Bohemian Club and its property shall be referred to together as “the Bohemian Grove”). The Spring

Jinks typically takes place over a weekend near the end of May/beginning of June, and the Encampment typically takes place in mid-July.

55. Dobelle frequently used WSU-arranged and -sponsored travel to go to California to attend events at the Bohemian Grove. For example, Dobelle flew to San Francisco to attend the 2008 Spring Jinks as part of a purported WSU trip, from May 24 through June 1, 2008. Dobelle's email and calendar entries reflect he spent at least four days of that trip (Thursday, May 29 through Sunday, June 1, 2008) at the Bohemian Grove's Spring Jinks. Dobelle charged his travel-related expenses for the entire trip – his flight, hotel stay, limousine service, rental car and parking for his own car at the Albany airport – to WSU. In total, WSU paid \$4,409.85 for Dobelle's trip to the Bohemian Grove's 2008 Spring Jinks. See Ex. A-14.

56. According to the RTF he submitted for this trip (which was submitted after the trip, in violation of the WSU policy requiring travel to be approved in advance (see Ex. A-7 at 1)), the purpose for his 9-day trip was to visit the “OSHA Foundation – pursuing grant for college.”<sup>3</sup> See Ex. A-20 (RTF for Travel Number E0002837). The meal receipts Dobelle submitted from the trip reflect he improperly charged to WSU multiple meals with his personal friends and campmates, including Bernard Osher and Art Guibara. See Ex. A-19 (LOH Camp Roster). See Ex. A-14.

57. Later in 2008, from July 15-25, Dobelle flew to San Francisco to attend a portion of the Bohemian Grove's Encampment as part of a purported WSU trip. See Ex. A-14. According to the RTF he submitted, the purpose for his 10-day trip was to visit the “OSHER Foundation, et. al. Sarryan Foundation.” See Ex. A-21 (RTF for Travel

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<sup>3</sup> Despite Dobelle's repeated use of the Osher Foundation on his RTFs, the Osher Foundation never made a donation to WSU.

Number E0002943). Curiously, Dobelle submitted no receipts for meal reimbursements during this purported fundraising trip. Further there were no records of any meetings in his calendar. Instead, four of the days of his ten-day trip were marked as vacation days. WSU paid for Dobelle's flights, hotel stay in San Francisco and rental car, totaling \$2,467.76. See Ex. A-14.

58. In addition to using WSU-sponsored travel to attend Bohemian Grove events, Dobelle charged the costs of "business" meals with fellow Land of Happiness camp-mates to WSU. Some of the names found most frequently in Dobelle's RTF and meal reimbursement forms are also found in the roster of Land of Happiness members, including: Capobianco, Osher, Gensler, Guibara, Johanson (professor at the Institute of Human Origins at Arizona State University) and Kelley (who works at IDEO, another frequent object of Dobelle's purported fundraising attempts and specious RTFs). See Ex. A-19 (LOH Camp Roster).

59. Review of the records of the WSU Foundation and Dobelle's e-mails revealed no donations or contributions to the University by any of these acquaintances apart from Gensler (who donated approximately \$40,000 to WSU during Dobelle's six-year presidency).

60. Dobelle had no proper business justification for either his repeated visits to the Bohemian Grove (at least twice per year for six years) or the many meals he bought for his Land of Happiness campmates, as these purported "investments" year after year produced no yield for the University.

#### **Dobelle's University-Arranged and Paid Family Vacations to Cuba**



61. In February 2012, Dobelle and his staff organized a trip to Cuba, the ostensible purpose of which was to attend a higher education conference entitled “Esquema General del Congreso Universidad 2012,” organized by the Cuban Ministry of Education. The conference took place from February 13 to 17, however Dobelle and his wife arrived in Cuba on February 11 and stayed until February 20 and were accompanied at various points by their personal friends, Charles and Aline Lemaitre (from February 12 to 18) and their son Harry and his friend Ryan Dring (from February 17 to 20).

62. Dobelle had a leg injury at the time of the Cuba trip, which prevented him from attending many of the conference events. Indeed, he apologized to his staff for “sitting on the sidelines” during the trip. Ex. A-22, (February 20, 2012 E-mail). According to an e-mail exchange between Kit Dobelle and a WSU staff member, Dobelle did not even attend the meeting required to set up the 2013 baseball trip to Cuba; instead this meeting was attended by Richard Lenfest and Junior Delgado. Ex. A-23, (February 16, 2012 E-mail).<sup>4</sup> Dobelle appeared to have attended the closing conference “gala,” which started at 6:00 p.m. on February 17. Ex. A-23 (February 16, 2012 E-mail).

63. Prior to the trip, when WSU staff questioned the need for Dobelle to stay past the end of the conference through February 20, his office staff reported that he would use those additional days to “meet with the Athletics Team from Universidad de Havana, AAU, Olympics team and Jewish Community.” Ex. A-26, (February 2012 E-mail Exchange). After his return, Dobelle further embellished this justification by reporting

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<sup>4</sup> Despite the fact that he did not attend the meeting, Dobelle prematurely and incorrectly declared WSU was “All set for Cuba next March” in a February 20, 2012 e-mail to Kevin Queenin, a member of WSU’s Board of Trustees. Ex. A-24 (February 20, 2012 E-mail). In reality, as Dobelle acknowledged in a subsequent e-mail to WSU staff, the approval process to return to Cuba in 2013 took several months. Ex. A-25 (March 8, 2012 E-mail).



that on his extra days in Cuba he met with “NPR (National Public Radio), University of Havana, Jesus Christ of Miramar Church, National Revolution Museum” Ex. A-26, (February 2012 E-mail Exchange) and later added that he met with the “National Ballet, Brandeis in Havana.” Id. (February 2012 E-mail Exchange). Despite his reports of meeting with 10 different organizations in Havana on February 18-20, Dobelle’s calendar for those days reveals no such appointments. In fact, Dobelle discussed with a WSU staff member possible tour bookings for Saturday, February 18. Ex. A-27 (January 18, 2012 E-mail). WSU paid for Dobelle’s airfare, hotels and meals for his entire ten-day stay, amounting to \$3,641.65. See Ex. A-14.

64. Dobelle and his staff organized another trip to Cuba in February 2013. This time, he invited more friends, including Albert Guibara and his wife Patricia Lurie, and Charles and Aline Lemaitre. Kit, Harry and Harry’s friend Ryan Dring were also invited on the trip. The RTF for this trip indicated Dobelle would “accompany 60 alumni and students” in “exhibition baseball games, a service learning and exploration of Cuba’s history with the US.” See Ex. A-14.

65. Pursuant to the 2012 travel policy, Dobelle submitted a memo to the chair of the Board of Trustees prior to the Cuba trip, which stated a slightly different purpose for the Cuba trip:

To lead and accompany delegation of adjunct and full time faculty, alumni and staff on educational delegation that will lead to WSU joining University of Michigan as the only two institutions to have “standing” in Cuba as we await normalized relations. Important to our Environmental Science, Criminal Justice, Business and Athletic Departments.

See Ex. A-28 (Flynn Memo).

66. In reality, the trip was nothing but a vacation for Dobelle. Dobelle flew to Florida on March 4, where he was joined by Guibara and Lurie, and on to Cuba on March 6. Review of his e-mails and calendar revealed no events or meetings for March 7 and 8, but an e-mail from the WSU staff member who organized the trip to Dobelle and the rest of the WSU “academic delegation” set forth the group’s itinerary:

I was able to secure 2 events for the group to do together on the second day (Day 2-March 7th.)

- 1) Tour of Old Havana
- 2) TROPICANA Show . . .

....

March 8-12 you do not have any activities and will have the opportunity to book at your Hotel with independent tour guides (beaches, tours with CUC/cash). . . .

Everyone is welcome to join any of our baseball exhibitions Saturday March 9th[] or Sunday March 10th. Not required but open to you.

See Ex. A-29 (February 22, 2013 E-mail). In addition, an e-mail from Kit to Dobelle suggested they take a tour together to the Vinales Valley, “a popular day trip from Havana.” Ex. A-30 (March 3, 2013 E-mail).

67. The WSU baseball team arrived in Cuba on March 8 and engaged in exhibition play on March 9 and 10, leaving Cuba on March 11. Harry Dobelle and his friend Ryan Dring traveled with the baseball team and stayed at the Hotel Nacional with Dobelle and Kit.

68. WSU paid for Dobelle's airfare and meals, amounting to \$1,726.46 for his 2013 trip to Cuba.<sup>5</sup>

69. Dobelle was at all times aware of the prohibitions against use of WSU funds for personal travel. He was aware of the laws and policies against it, and was aware of his own role, as figurehead of the University, in enforcing those policies. Despite this knowledge, Dobelle engaged in personal travel funded by WSU for nearly the entire six years of his presidency, until the practice began to receive some attention from WSU staff and the media.

70. In fact, Dobelle admitted that he used WSU funds to pay for personal travel in an e-mail to his wife Kit dated March 28, 2013. See Ex. A-31 (March 28, 2013 E-mail). In this e-mail, Dobelle explained to Kit that he would refrain from traveling on behalf of WSU at all going forward, as a result of the scrutiny his frequent travel faced:

..and I have NO intention of traveling any where [sic] until that time and if its [sic] in the future they may ask me to travel when necessary because they must know more then [sic] I do and make my hotel and plane reservations and pay for it in advance and give me a cash per diem advance so there will be no credit cards or reimbursements. ..Don't need to go to Guibara wedding and we'll go out on points for planes and hotels in summer with Harry either to the Spring Jinks or the Grove

See Ex. A-31. Not long after this e-mail was sent, Dobelle stopped traveling on behalf of the University, though not before taking one final personal trip to San Francisco in May 2013 that cost the University \$3,340.30. See Ex. A-14.

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<sup>5</sup> The hotel costs for Dobelle, the other WSU faculty and staff members and the baseball team were charged to the Westfield State Foundation.

## V. CAUSES OF ACTION

### Count I

#### **(False Claims for Personal Credit Card Charges Dobbelle Submitted and/or Caused to be Submitted to WSU in Violation of G.L. c. 12, §§ 5B(1), (2))**

71. The Commonwealth re-alleges the above allegations and incorporates them herein by reference.

72. On more than 165 occasions, as set forth in the chart at Ex. A-9, which is incorporated herein by reference, Dobbelle violated the MFCA by knowingly presenting or causing to be presented false claims for payment, in violation of G.L. c. 12, § 5B(1) by, without limitation, using and/or causing to be used WSU credit cards for personal charges in direct contravention of his employment contract, Massachusetts ethics law, and applicable University policies and procedures, knowing those charges would be paid by the University.

73. On at least 7 occasions, as set forth in Ex. A-6, which is incorporated herein by reference, Dobbelle violated the MFCA by knowingly making, using or causing to be made or used a false record or statement material to a false or fraudulent claim, in violation of G.L. c. 12, § 5B(2) by, without limitation, submitting and/or causing to be submitted journal entry forms falsely claiming certain charges were University-related when, in fact, they were personal.

74. Over the course of his tenure, Dobbelle made and/or caused to be made personal charges of at least \$59,000 on University-issued credit cards.

75. Each time Dobbelle used and/or caused to be used a WSU credit card for a personal purchase constitutes a false claim.

76. Each time Dobelle submitted and/or caused to be submitted a journal entry form claiming certain charges were University-related, when in fact, they were personal, constitutes a false claim.

77. Dobelle's conduct was knowing within the meaning of G.L. c. 12, § 5A, because he possessed actual knowledge, acted with deliberate ignorance and/or with reckless disregard of the fact that his credit card charges were personal, yet would be paid by WSU. G.L. c. 12, § 5A.

78. Further, Dobelle's conduct was knowing within the meaning of G.L. c. 12, § 5A because he possessed actual knowledge, acted with deliberate ignorance and/or with reckless disregard of the fact that the charges included on the journal entry forms were personal, yet submitted them, or caused them to be submitted, claiming they were in fact University-related.

79. Dobelle's MFCA violations damaged WSU.

### Count II

#### **(False Claims for Personal Travel Paid for by WSU in Violation of G.L. c. 12, §§5B(1),(2))**

80. The Commonwealth re-alleges the above allegations and incorporates them herein by reference.

81. From 2008 through 2013, on the dates set forth in the attached Ex. A-14, which is incorporated herein by reference, Dobelle violated the MFCA by knowingly making or using a false record or statement material to a false claim, in violation of G.L. c. 12, § 5B(2), by, without limitation, creating or causing to be created RTFs which falsely stated the trips listed in Exhibit A-14 were for WSU's benefit.

82. Each of the at least 120 payments made by WSU for the costs incurred by Dobelle on these trips, for example, airfare, hotels, ground transportation, meals, etc., constitutes a false claim in violation of G.L. c. 12, § 5B(1) because these payments were only made as a result of Dobelle's representations that the trip, and its attendant costs, were incurred in the performance of official WSU business and/or were for WSU's benefit. In fact, the trips were for Dobelle's personal benefit. In total, these personal trips cost the University more than \$39,000, exclusive of the extensive University resources required to book them.

83. Dobelle's conduct was knowing within the meaning of G.L. c. 12, § 5A, because he possessed actual knowledge, acted with deliberate ignorance and/or with reckless disregard of the fact that the true purpose of the trip was personal, yet the costs would be borne by WSU. G.L. c. 12, § 5A.

84. Dobelle's MFCA violations damaged WSU.



**PRAYERS FOR RELIEF**

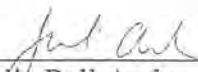
WHEREFORE, the Commonwealth requests that this Court enter judgment in favor of the Commonwealth as to Counts I and II as follows:

- a. order Dobelle to pay three times the amount of damages the University sustained because of Dobelle's violations of G.L. c. 12, § 5B;
- b. order Dobelle to pay appropriate civil penalties pursuant to G.L. c. 12, § 5B;
- c. order Dobelle to pay the Commonwealth's costs of investigating and litigating this matter, including reasonable attorneys' fees and reasonable expert fees, and the costs of the Inspector General's investigation; and
- d. order such other relief as the Court deems appropriate.

Respectfully Submitted,

COMMONWEALTH OF MASSACHUSETTS

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