

1 to the same thing, correct? You have access to the
2 server for what the department is, right?

3 A. Correct.

4 Q. Okay. So when you had access to what has
5 been marked as Union Exhibit 1 and you said you
6 pulled up that spreadsheet --

7 A. Right.

8 Q. -- if other people turned on their
9 computers in the department --

10 A. It was under the administration icon, and
11 you had to be -- you had to use your own password to
12 get into that administration icon. If you're not in
13 the administration department, you wouldn't be able
14 to get into it.

15 Q. But anyone who was in the administration
16 department would have access to it?

17 A. That's right.

18 Q. Okay. Thank you.

19 MR. VOTOLATO: I just have a couple more.
20 You explained it better than I did.

21 RECROSS-EXAMINATION

22 BY MR. VOTOLATO:

23 Q. When you log into the administration
24 portal, what do you see?

25 A. It's just an icon that says

1 administration.

2 Q. Okay.

3 A. So if I want to go into administration,
4 now I would -- they would tell me a password. I'd
5 have to give my name and my password. My payroll
6 number and password. And that would allow me to
7 look under the icon, whatever it has in there
8 that -- you know, whatever, like, this would have to
9 be in there, whatever. Whatever's in there.

10 Q. So is there a list of computer files or
11 are there folders for different things that you can
12 click in and look for different things?

13 A. There's just, like, some headlines that
14 you can click on. Like, this one said, "training
15 school." It had the first training school, it had
16 the second training school. It had roster and
17 grades. It had -- if I want --

18 Q. So like a menu?

19 A. Yeah.

20 Q. Okay. That's what I was trying to get at.
21 And just finally, did anyone in either the City or
22 the fire department instruct you or suggest to you
23 that you go look for that --

24 A. No.

25 Q. -- score sheet?

1 A. No.

2 Q. Okay.

3 MR. VOTOLATO: Nothing further.

4 MR. BLISS: I have nothing further.

5 ARBITRATOR RYAN: Okay. Thank you.

6 THE WITNESS: All right. Thank you. Am I
7 free to leave?

8 MR. BLISS: Yes.

9 MR. VOTOLATO: It's 2:31; he's late.

10 MR. BLISS: If we can just take a brief
11 break. The director of administration should be
12 here momentarily.

13 MR. MOREAU: He's here right now.

14 ARBITRATOR RYAN: Like a bad penny.

15 MR. PIRES: I know. It's my own fault.

16 MR. BLISS: You know where to go.

17 ARBITRATOR RYAN: You're still under oath
18 from the first day of this hearing.

19 FURTHER REDIRECT EXAMINATION

20 BY MR. BLISS:

21 Q. Good afternoon, Director Pires. Thanks
22 for coming back again. I called you back to testify
23 because I know during your last testimony you
24 referred to -- you testified to a discussion you had
25 after Sean Gannon's termination with, among other

1 people, Captain Thurber; is that correct?

2 A. Yeah. That's correct, yes.

3 Q. I believe you said you made a misstatement
4 in connection with that testimony, correct?

5 A. I did. And I certainly apologize to
6 Arbitrator --

7 ARBITRATOR RYAN: Ryan.

8 A. -- Ryan. Thank you. But I had -- I guess
9 the question was relative to a meeting that was held
10 in Frank Milos's office. I had testified to the
11 fact that there was an issue with an "F" and a "P"
12 in terms of the practicals.

13 Q. I'll show you, as a matter of fact, the
14 exhibit. This is Union Exhibit 1. And Frank Milos,
15 just for the record, is the city solicitor?

16 A. The city solicitor. In attendance at that
17 meeting also was Chief Sisson and Captain Thurber.
18 And to the question that had been posed to me with
19 regard to had I seen a document with a "P," with a
20 pass mark on it, I testified clearly that I had, and
21 it was at that meeting. Obviously, as time went on
22 after I came out, I had discussion, and upon
23 speaking to some other folks at that particular
24 meeting, they reminded me that we did have the
25 document. Frank Milos had a document that had an

1 "F" on it. And in that meeting Captain Thurber had
2 disclosed the fact that he had changed it from an
3 "F" to a "P." I testified to the fact that I had
4 seen the "P," which turns out not to be true. The
5 captain at that meeting had indicated that he had --
6 he had changed it on his own computer. I may have
7 given testimony to that at that time, but I thought
8 he had saved it, and that we had seen it that day.
9 Apparently, he went back that day and determined
10 that he had not saved it. So as it turns out the
11 only document -- as I understand it today, the only
12 document that has a "P" on it would be a document
13 that would be at the State office that does the
14 certification of firefighters passing the academy.

15 **Q. Okay.**

16 A. So I apologize for that.

17 **Q. I appreciate your clarification. Thank**
18 **you.**

19 MR. BLISS: That's all I have.

20 FURTHER RE-CROSS-EXAMINATION

21 BY MR. VOTOLATO:

22 **Q. Mr. Pires, I'm going to show you -- it's**
23 **not an exhibit. It's just the transcript from when**
24 **he was here last. We all have a copy of this.**
25 **Would you look at -- let's start with Page 99,**

1 request. And I just wanted to be clear that no
2 such document existed in the City's possession, and
3 that's why we didn't produce it.

4 MR. VOTOLATO: I'm clearly starting on
5 Page 99. I'm not going through his whole testimony
6 again. And you brought him back. You've got to
7 give me a little leeway.

8 ARBITRATOR RYAN: Right. I don't enforce
9 scope rules or so on. He's here, he's on the
10 stand, he can be asked other questions.

11 THE WITNESS: I'm happy to be back and
12 answer any questions that they may have, despite
13 the opposition by the attorney.

14 MR. BLISS: Throwing me under the bus.

15 MR. VOTOLATO: You might be the only
16 person happy to be back, Mr. Pires.

17 **Q. If you can now turn to Page 102, please,**
18 **specifically Line 7. I ask, "And you're saying**
19 **there is another version with a pass?" Can you read**
20 **your response on Line 9.**

21 A. "I've seen another version with a pass."
22 That's what I gave testimony to today, is that that
23 statement was incorrect. I'm not seeing all of it,
24 but I think I may have somewhere within this
25 testimony referred to that taking place at this

1 please. The last paragraph you talk about
2 conversations you had with Captain Thurber; is that
3 right?

4 A. Is that on Line 19, the last paragraph?

5 **Q. Yeah, my copy's -- let me get a better**
6 **copy that's actually numbered. Yes, 19. Thank you.**
7 **So you did have communications directly with Captain**
8 **Thurber; is that right?**

9 A. That's correct.

10 **Q. Okay. And if we then go to -- just to**
11 **clarify, did you or did you not specifically direct**
12 **Captain Thurber to make a change on that grade**
13 **sheet?**

14 A. No, I did not.

15 **Q. Did you suggest to him that a change**
16 **should be made?**

17 A. I did not. I didn't know such a process
18 existed.

19 MR. BLISS: I'm just going to object to
20 the extent that I don't think we need to go through
21 all Director Pires's testimony. The City stands by
22 all of it. We brought him back today just for the
23 sole purpose of saying he didn't see a document
24 there, which is significant because the City was
25 served with an Access to Public Records Act

1 particular meeting. If I didn't articulate that,
2 then I should have.

3 **Q. We'll get to that. My question is: Is**
4 **there anything about that question that you failed**
5 **to understand when it was asked originally?**

6 A. No, not at all because I answered it based
7 on truthfully thinking that I had seen such a
8 document, and I had not.

9 **Q. Okay. I go on to ask you on Line 10,**
10 **"Where did you see that version?" You respond on**
11 **Line 11, "That was shown to me in preparation for**
12 **this testimony by -- I think it was City Solicitor**
13 **Milos." Again, very specific. Are you saying today**
14 **that that is not the truth?**

15 A. What I -- and again, I don't know if it
16 says so in any other section, my response was where
17 I thought that I had seen such a document was in
18 Solicitor Milos's office at this meeting that I
19 referred to. I haven't read all of the testimony,
20 but I think at some point in time I had referred to
21 a meeting that was held in Milos's office with Chief
22 King and Captain Thurber.

23 **Q. Is there anything that would affect your**
24 **memory of these events?**

25 A. Oh, sure, absolutely. Age, my age, the

1 fact that the responsibilities that I have as the
 2 director of administration and public safety
 3 director are such that I can testify to the truth of
 4 certain situations based on what I believe to be the
 5 truth. Sequences or locations where things may have
 6 occurred, frankly, you know, I don't keep -- I don't
 7 keep that type of detailed record; so when you have
 8 to rely on memory, you know, sequence of events or
 9 location or timing, conceivably, you know, I might
 10 not have it down factually. Probably what I should
 11 have done is indicated that I wasn't certain, but I
 12 didn't.

13 **Q. Okay. You can see my frustration, though.**
 14 **You were pretty specific in your answers based on**
 15 **the passages that were just read?**

16 A. My answers were specific, based on what my
 17 recollections were to the questions that you had
 18 asked of me. I was trying to be truthful and
 19 straightforward and giving you responses that in my
 20 mind were truthful and valid.

21 **Q. But you're here today telling us those**
 22 **answers were not truthful or valid?**

23 MR. BLISS: Objection.

24 A. As with respect to --

25 ARBITRATOR RYAN: Hold on. Hold on.

1 There's an objection.

2 MR. BLISS: He's not here telling him his
 3 answers weren't truthful. There's one very
 4 specific fact --

5 ARBITRATOR RYAN: This is
 6 cross-examination, though. He's allowed to posit a
 7 question.

8 MR. BLISS: Okay. Well, his question
 9 misstates the testimony then.

10 ARBITRATOR RYAN: Well --

11 MR. VOTOLATO: I asked a question.

12 ARBITRATOR RYAN: He didn't quote -- he
 13 wasn't quoting his testimony. He was
 14 characterizing it. And I'll allow him to do that.
 15 The witness is perfectly competent.

16 **Q. I'll ask again --**

17 A. Please.

18 **Q. -- the testimony you gave when you were**
 19 **last here on the stand, was that truthful?**

20 A. To which statement are you referring?

21 **Q. I'm talking about on Page 102, your answer**
 22 **on Line 6 where I ask -- I'm sorry, no. Your answer**
 23 **on Line 9, Page 102, Line 9, where I ask, "Is there**
 24 **another version with a pass," and you responded,**
 25 **"I've seen another version with a pass, yes."**

1 A. That's not a truthful statement. As it
 2 turns out, it's not truthful, but at the time I
 3 answered it, I believed that to be the truth.

4 **Q. So what, if anything, were you shown at**
 5 **this meeting with City Solicitor Milos, Captain**
 6 **Thurber, and Chief Sisson?**

7 A. The document with the "F" on it.

8 **Q. So please look at Page 103. I ask on**
 9 **Line 10, "So essentially what you're saying is the**
 10 **City is in possession of two versions of this**
 11 **document, one with a pass, one with a fail; is that**
 12 **correct?"**

13 A. Is that statement correct? At the time
 14 that I made it, I thought it was correct.

15 **Q. You have to let me ask a question.**

16 A. Oh, I'm sorry.

17 **Q. Based on that question, your response was,**
 18 **"That's correct." At the time you made it -- or**
 19 **strike that.**

20 **As we sit here today, was that answer**
 21 **truthful?**

22 A. Ask the question again, please.

23 **Q. Is the answer you gave to my question, "Is**
 24 **the City in possession of two different versions of**
 25 **this document," you said, "Yes, that's correct,**

1 **there are two different versions," was that the**
 2 **truth?**

3 A. And at the time that was intended to be a
 4 truthful answer, and I subsequently learned that
 5 that is not correct.

6 **Q. Up above on Page 103, on Line 7, I ask,**
 7 **"When you saw the version with the pass there, were**
 8 **you in city hall?" Can you read your answer on**
 9 **Line 9.**

10 A. "I believe so, yes."

11 **Q. After answering all those questions, it's**
 12 **your testimony today that you never saw a second**
 13 **version of that document?**

14 A. And the response to -- and the response to
 15 this last question is consistent with the answers
 16 that I gave to the prior questions, that in truth I
 17 believed that I had seen a document that day which
 18 had a "P" on it, and I've given you testimony that I
 19 did not.

20 MR. VOTOLATO: I have nothing further.

21 ~~This makes no sense.~~

22 ARBITRATOR RYAN: Anything further?

23 MR. BLISS: No. Thank you.

24 ARBITRATOR RYAN: Okay. Thank you.

25 THE WITNESS: Thank you.

Page 166

1 ARBITRATOR RYAN: Let's go off the record.
 2 (Off-the-record discussion.)
 3 ARBITRATOR RYAN: On the record. We're
 4 adjourned until -- the next day scheduled is July
 5 8th. Thank you all.
 6 JOHN GANNON: We've got some other things
 7 here.
 8 ARBITRATOR RYAN: I'm sorry, I misspoke.
 9 MR. VOTOLATO: Yes, we have two issues.
 10 One is the subpoenas. So now you have -- I'm just
 11 trying to think of dates. I put them on for the
 12 next date, if you'll entertain them.
 13 ARBITRATOR RYAN: I won't entertain a
 14 subpoena for bringing Mr. Pires back again.
 15 MR. VOTOLATO: Oh, four or five times
 16 before I'm done with him. No, I'm just kidding. I
 17 have subpoenas for five firefighters: Brendan
 18 McCarthy, who is a member of Sean Gannon's recruit
 19 class; Firefighter Ryan Ferreira, who is a member
 20 of the recruit class; Alexander Marshall, who is a
 21 member of the class and Sean's -- I don't want to
 22 say partner, but he was assigned to fire alarm with
 23 Sean; Milton Giard; and then actually Lieutenant
 24 Michael Thurber.
 25 ARBITRATOR RYAN: Okay.

Page 167

1 MR. VOTOLATO: If you will entertain
 2 these. I don't know if the City has any objection
 3 to any of those. I thought bringing them would be
 4 easier than e-mailing them to you.
 5 MR. BLISS: No, I don't have any
 6 objection. Do you have copies of the subpoenas for
 7 me, just so I have them?
 8 MR. VOTOLATO: Once he signs them, I'll
 9 e-mail them to you.
 10 MR. BLISS: Okay.
 11 MR. VOTOLATO: I put them for the next
 12 date.
 13 ARBITRATOR RYAN: I'll put today's date on
 14 here that I'm signing it. You've got July 8th down
 15 here; so I'm signing it on May 8th.
 16 MR. VOTOLATO: Oh, that's for them to
 17 appear on July 8th.
 18 ARBITRATOR RYAN: Yes.
 19 MR. VOTOLATO: I'll scan those, Tim, and
 20 send you a copy, and then I'll have them served.
 21 ARBITRATOR RYAN: Quite honestly, I'm not
 22 sure that it can be called from the people of the
 23 State of Rhode Island. I'm not sure an
 24 arbitrator's subpoena qualifies.
 25 MR. VOTOLATO: I copied Mr. Bliss's.

Page 168

1 MR. BLISS: Did you use the correct form?
 2 MR. VOTOLATO: I copied yours.
 3 MR. BLISS: Joanne sent me the form.
 4 MR. VOTOLATO: Either that form or
 5 Superior Court. Hey, the people want to know these
 6 things.
 7 MR. BLISS: Yeah. I was surprised when I
 8 got it from Joanne, but --
 9 CHIEF SISSON: The people of Maine.
 10 MR. VOTOLATO: Maine wants to know these
 11 things.
 12 MR. BLISS: Are we still on the record?
 13 MR. VOTOLATO: Yes. Do you want to go
 14 off?
 15 MR. BLISS: Yes.
 16 MR. VOTOLATO: We'll go off the record.
 17 (Arbitration adjourned at 2:55 p.m.)
 18
 19
 20
 21
 22
 23
 24
 25

Page 169

1 CERTIFICATE
 2
 3 I, CINDY M. TANGNEY, do hereby certify that
 4 the foregoing is a true, accurate and complete
 5 record taken of my stenographic notes in the above
 6 hearing.
 7
 8 IN WITNESS WHEREOF, I have hereunto set my
 9 hand this 19th day of May, 2015.
 10
 11
 12 _____
 13 CINDY M. TANGNEY, RMR/COMMISSIONER
 14 My Commission expires 01/31/2020
 15
 16 IN RE: Pawtucket Firefighters IAFF Local 1261
 17
 18 DATE: May 8, 2015
 19
 20
 21
 22
 23
 24
 25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, CINDY M. TANGNEY, do hereby certify that the foregoing is a true, accurate and complete record taken of my stenographic notes in the above hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of May, 2015.

Cindy M. Tangney
CINDY M. TANGNEY, RMR/COMMISSIONER
My Commission expires 01/31/2020

IN RE: Pawtucket Firefighters IAFF Local 1261

DATE: May 8, 2015