

A Complaint Results in Personal Exposure



For years, Omega Pond was a hidden jewel, an oasis for dozens of homes along the water's edge in the Rumford section of East Providence.

But that all changed in 2006 when TLA Pond View began an expanded recycling operation that resulted in hundreds of complaints from neighbors just across the pond. Those who live there say the sound and dust carry clear across the water.

"My windows and doors stay closed when they're fully operating," said Jo-Ann Durfee, who has led the charge against Pond View - complaining to anybody who will listen, and some who won't, about noise, dust and the owners operating at all hours of the day.

"There are times, you know, where you could hear (the owner) operating at 4:30 in the morning, sometimes later in the evening. And he has set hours, but he doesn't abide by that," she said.

The company, which was mired in controversy from the start, had zoning and court battles before going into receivership a year ago. A fresh controversy erupted when DEM gave the owners a contract to clean up their own site, with strict hours of operation.

Durfee says she heard equipment on a Sunday morning in early July and alerted her councilman, Jim Briden, who called the police. An officer eventually arrived and spoke with Durfee, but didn't take any

official statement.

Durfee went on vacation the following week. When she returned a week later, she couldn't believe what she saw on the city's website, which posts the supporting documents for any issues coming before the council at the next meeting. The city had posted a witness report of the incident that day, including her name, address, age and *social security number*.

Because she was on vacation, Durfee said it had been posted 13 days before she called the city to take it down.

"Who knows who has my information?" she said. "Who knows who could have sat on their home computer and pulled off a copy of my credit report? Who knows if they sell my information? So the rest of my life, I've got to look over my shoulder."

City Manager Peter Graczykowski told Durfee in a July 25 letter that the posting was an inadvertent error and he was launching an investigation into how it happened, but she heard nothing after that.

So we confronted Graczykowski before a city council meeting last month.

He repeatedly deflected our question, referring us to City Solicitor Timothy Chapman, who told *The Hummel Report* the next day that while he was aware of the incident, Graczykowski did not include him in the review of what happened and had nothing more to offer us.

Hummel: So has anybody been disciplined, suspended, lost a paycheck?

Graczykowski: We have revised our procedures and I would refer all the questions to the city solicitor in this matter.

Hummel: Why can't you just answer the question? What kind of transparency is this? You're the city manager. And somebody's social security number got on a website.

Graczykowski: Well, that person is represented and so is the city and I would refer those questions, as I stated, to the city solicitor.

Hummel: So you're going to lawyer up?

Graczykowski: Thank you.

We emailed Graczykowski the next day with follow-up questions, wanting to know how this could be prevented in the future. We received an automatic email message that he would be out of the office for the next week. He never contacted us directly, but told Chapman, the solicitor, to answer our questions.

In an email, Chapman told *The Hummel Report*, "The employees involved were counseled on the importance of protecting Personal Identifying Information" and that a policy is being drafted to reiterate how to handle the information.

Durfee turned down the city's offer for a year's worth of identity theft protection because she would have had to sign away her right to take legal action. So she bought the protection on her own - for \$250. Durfee says she is consulting with a lawyer and it's likely she'll file suit against the city.

"I do not have confidence somebody's going to be disciplined for this. When you have a city manager who also has a degree in law and he's reviewing this stuff, he should have picked up on it and not just sent it forward if he did his job. If he didn't even read it and sent it forward, then he didn't do his job either."

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