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Retired cop sues police, chief, city, city manager

Sean Flynn
Staff Writer

NEWPORT — Retired Sgt. Albert "Jim" Quinn Jr. served on the Police Department for almost 31 years, operates the Hungry Monkey restaurant at the police station, and his wife, Kate, owns the Newport Blues Cafe where Jim Quinn books the acts. Now, the locally well-known Quinn is suing his former colleague Police Chief Gary Silva, City Manager Joseph J. Nicholson Jr. and the city, violating his freedom of speech and denying him due process in a first retirement employment matter. The lawsuit was filed in U.S. District Court last week and has been assigned Judge John J. McConnell Jr. and Magistrate Judge Patricia A. Sullivan. "I didn't want it to come to this

'I didn't want it to come to this point. I was hoping it would be resolved by the city manager.'

ALBERT "JIM" QUINN

retired Newport police sergeant

point," Quinn said Tuesday. "I was hoping it would be resolved by the city manager."

Quinn retired from the police in February 2011, after years of decorated service that followed his joining the force in April 1980.

"It was a great career," Quinn said. "I loved it."

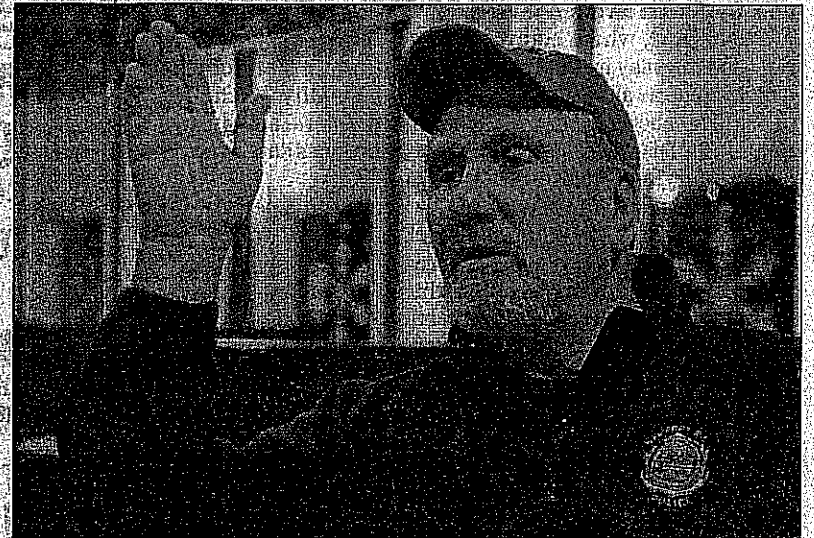
Effective in November 2011, he joined the city's Retired Officer Corps, allowing him to be retained to work

special details. He worked in that capacity from 2011 until 2014 with no disciplinary infractions.

His termination as an ROC member at the end of March 2014 without written notice and without a written explanation — which are required by city ordinance — is the subject of the lawsuit.

The termination came after Quinn spoke as a business victim of a scam at a press conference held by state Attorney General Peter Kilmartin on March 10, 2014, and the U.S. Secret Service offered the Newport Police Department assistance in solving the scam.

"First and foremost, he is a cop," said attorney Thomas Connolly of Newport, who is representing Quinn. "He wants to go back to work as a ROC. He has a lot of love and respect for Newport police."



Dave Hansen | Staff photographer

Retired Newport Police Sgt. Albert 'Jim' Quinn Jr. on Tuesday explains his lawsuit after being barred from working in the Retired Officers Corps, whose officers are hired for special details.

City officials were not offering any explanations or responses to the lawsuit on Tuesday. Nicholson, Human Resources Director Michael Coury and the Police Department referred all questions to City Solicitor Christopher Behan. Chief Silva, who was

out sick on Tuesday, did not return a phone call asking for comment.

"We just received the complaint and are in the process of reviewing it," Behan said. "We won't have a

RETIRED A7

The Newport (R.I.) Daily News

Retired

Continued from A1

comment about it until we are able to fully look at it."

The city has 60 days from Jan. 12 to file and serve an answer and motion to the lawsuit, according to a notice from U.S. District Court that is included in the court docket. The complaint is 19 pages long and the supporting documents are another 126 pages.

Quinn and his wife own and operate the Hungry Monkey with a related couple, William "Bucky" Jones and Lisa Jones. Bucky Jones is the brother of Kate Quinn.

Lisa Jones received a phone call on Feb. 4, 2014, from a man claiming to be a representative of National Grid. He told her that if the Hungry Monkey did not pay an overdue electricity bill of \$1,421.95 immediately, the power to the restaurant would be shut off later that day. As directed by the caller, she went to CVS and purchased "3 Vanilla Prepaid Cash Cards — two for \$500 and one for \$421.95," according to the police report she filed that day.

"The call came at a bad time," Quinn said. "It was winter, business was slow and we were in arrears."

Lisa Jones had sent in a check to National Grid and called the company to see if it had been received before she purchased the cash cards.

When told the payment was not recorded, she assumed it was lost in the mail or on someone's desk, Quinn said. When she called the number left by the caller, a voice message said it was National Grid.

The caller would not accept a checking account payment or credit card payment, Quinn said.

"Because any interruption in electrical service would result in a massive amount of food spoilage and loss to the Hungry Monkey," she paid the caller with the cash cards, the lawsuit says.

She checked with National Grid later that day to make sure the cash card payments had been received, but there was no record of a payment.

The Newport Police Department assigned then-Detective Frank Rosa (now a lieutenant) to look into the scam, for which there were multiple reports in the state, according to the lawsuit.

Quinn had worked with Steve Ricciardi for seven years, on the Newport Police Department before Ricciardi left the force to become a Secret Service agent, now retired. They remain close friends and Ricciardi told Quinn the Secret Service is interested in large-scale scams of this nature. He said the Secret Service might be able to provide assistance. With Ricciardi's consent, Quinn gave the Newport detective Ricciardi's telephone number.

"On information and belief, Det. Rosa never contacted Mr. Ricciardi," the lawsuit says.

However, Quinn received a letter from the attorney general's office asking him to participate in the press conference in which Kilmartin announced a multi-jurisdictional effort to investigate the National Grid scams. Quinn gave details of

how his business was scammed to an assistant attorney general.

"Shortly after the press conference took place and in the presence of Newport Police

Capt. Russell Carlone (now retired), Chief Silva stated he was 'very upset' that Sgt. Quinn had spoken at the press conference," the lawsuit says.

Silva later asked Quinn to come to the police station and told Quinn he had interfered in a police investigation. Quinn asked how he had done that.

"Chief Silva told Sgt. Quinn that two Secret Service agents had come to the Newport Police Department to offer their assistance with the National Grid scam," the lawsuit says. "Chief Silva further stated that he received phone calls from both the Secret Service and the office of the Rhode Island Attorney General."

Silva ordered Quinn to turn in his police station access key and clean out his locker.

"After approximately 34 years of unblemished service, Sgt. Quinn was escorted by Capt. (Fred) Gonsalves from the police station holding a trash bag of his belongings," the lawsuit says.

"It was devastating for me," Quinn said.

On the police force, Quinn had been a supervisor of the Hostage Crisis Negotiations Unit, juvenile detective, a range instructor, and a public affairs and media relations officer. During his career he received approximately 40 letters of commendation and about 125 "letters of a job well done" from the community, the lawsuit says. Included in the court exhibits are the annual "sterling Performance Evaluations" of Quinn completed by the Police Department in the years 2006 through

2011, his last five years on the force — most of those filled out by Silva.

Quinn has deep roots in the community. His mother, Mary F. Quinn, and his father, the late Albert James Quinn, operated the former Quinn's Market at the corner of Thames Street and Waites Wharf for many years. Jim Quinn and his brother Tom, a retired school teacher, worked there for years as youngsters.

In the months after his termination from ROC, Quinn appealed the matter to the city manager, Nicholson.

"He listened to me for over an hour," Quinn said. "I did not hear from him for a while."

Quinn eventually was told by Nicholson's office in January 2015 that he was "all set to return to work," the lawsuit says. The Department of Human Resources confirmed he could return to work, Quinn said.

Capt. Carlone asked Silva if he could expedite the recertification process, according to the lawsuit.

"On information and belief," according to the lawsuit, Silva told Carlone: "That's not happening. He's not coming back. If I'm ordered to bring him back, he'll never make it here. He won't last one week."

"I was flabbergasted," Quinn said. "What does that mean? It is an implied threat."

Quinn said he went back to Nicholson and said, "I thought I was all set."

Nicholson responded, according to the lawsuit: "I thought you were too. I have to work on some additional details."

That was the last he heard from city government, Quinn said.

Flynn@NewportRI.com