

# STATE HOUSE NEWS SERVICE

## REP HIRES DETECTIVE TO LOOK INTO McGEE CASE

By Matt Murphy  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, MAY 9, 2012.... Fanning the flames of a simmering controversy over the hiring of C. Stanley McGee as the new interim director of the Gaming Commission, Rep. Daniel Winslow is taking it upon himself to try to get to the bottom of a four-year-old claim that McGee sexually abused a child in Florida.

Winslow, a Norfolk Republican, was joined by six other state representatives as he announced Wednesday afternoon that he has hired his own investigator to review the circumstances surrounding a civil claim filed by the boy's family and to prepare a report for the Gaming Commission and Gov. Deval Patrick to review.

Calling the failure of the Gaming Commission to investigate the charges before selecting McGee as the interim executive director "unacceptable and inexcusable," Winslow hired former Massachusetts State Police Detective Lieutenant Inspector Bob Long to investigate the case.

"Without basic due diligence of its employees, the Commission will expose its operations and staff to criminal interests who will attempt to exploit information to their advantage and corrupt the system at the outset," Winslow said a press conference, joined by Republican Reps. Peter Durant, Steven Levy, Steven Howitt, Keiko Orrall, Marc Lombardo, and James Lyons.

Winslow said that prior to the Gaming Commission tapping McGee for the position he was unaware that McGee had returned to work for the state after the allegations surfaced in 2008. He said the principal issue he had with McGee's hiring was the possibility of having a child sex abuser on the public payroll.

McGee was accused in January 2008 of performing sex acts on a teenage boy while in Florida the month prior. After being placed on leave from his job with the administration, Florida prosecutors declined to press charges in March 2008 citing a lack of "sufficient evidence to prove the case beyond a reasonable doubt." McGee subsequently settled a civil claim filed by the boy's family outside of court for an undisclosed amount of money.

Long, over a 22-year career with the Massachusetts State Police, participated in investigations of the Hells Angels and other organized crime, including the first court-ordered surveillance of mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. From 1983 to 1990, he was the chief investigator for the Middlesex District Attorney's office. Long is president of his own private

investigations firm, Bon Long Investigations Group, LLC.

Winslow said he plans to pay for Long's services with political campaign funds and will also ask for public support to defray the cost. According to the Office of Campaign and Political Finance, Winslow had \$35,158 in his campaign account at the end of 2011, including a \$20,000 loan from the candidate to his campaign made in December.

Winslow said the investigation will begin this week, and will likely cost more than \$5,000. He said an excess money raised to pay Long will be donated to the Massachusetts Society for the Prevention of Cruelty to Children.

"After the report is prepared, I will again ask the Gaming Commission and the Governor to review the findings and to take whatever action is appropriate in the circumstances," Winslow said, according to his prepared remarks.

Earlier in the week in a letter to commission chair Stephen Crosby, Winslow asked the panel to delay McGee's hiring "pending a further expedited review of the allegations against him in Florida." Winslow further recommended that the commission require McGee to take a polygraph exam "to the extent allowed by law."

Crosby responded to Winslow with his own letter saying the commission was "not prepared to embark on that course in Mr. McGee's case or in any other."

Winslow has also filed an amendment to a spending bill scheduled for debate in the House Wednesday that would authorize the commission to administer lie detector tests. He says he believes the commission has authority to administer polygraph tests on employees because it operates as a law enforcement agency due to its "broad investigatory powers." His amendment, he says, would clarify that authority.

"In Massachusetts there is a statute that precludes employers from administering lie detector tests. The prohibition does not apply to lie detector tests administered by law enforcement agencies," Winslow told the News Service Wednesday morning.

House Republican leadership also plans to file an amendment to the bill that would require background checks and other hiring practices for the Gaming Commission.

Crosby responded to Winslow initial request for a polygraph by indicating that the Gaming Commission is not a law enforcement agency, therefore making it illegal to require a lie detector test as a condition of employment, even if the subject agrees.

Crosby, in his response to Winslow, also said to ignore the presumption of innocence built into the legal system would be to "endanger us all."

Winslow, a former district court judge, argued on Wednesday, however, that the Gaming Commission was not bound by any such presumption. He noted further

that an administrative agency like the commission should only be bound by a "preponderance of the evidence," not the standard of beyond a reasonable doubt required in criminal court.

"The commission owes no one any presumption of innocence. Instead, the Commission should follow the example of Reagan with the Russians and trust but verify," Winslow said in a statement.

At the press conference, Winslow said, "As we saw in the O.J. Simpson case, lack of proof beyond a reasonable doubt in a criminal case does not mean that a person did not commit the acts alleged in a civil or administrative context."

The issue of the charges against McGee came up during the May 1 meeting of the commission when Crosby presented the panel with his recommendation to hire McGee. Crosby said he was not aware of the charges before McGee brought them to his attention because McGee was aware that it could be a politically sensitive issue.

In describing the allegation to his fellow commissioners, Crosby said McGee went through "this horrendous experience of being accused of a sexual harassment charge several years ago in Florida." He said the complaint had been investigated "six ways from Sunday" by Florida prosecutors who opted against bringing formal charges.

"For my money, there is nothing to this. To hold it against him in any way would not be appropriate," Crosby said, according to minutes of the May 1 meeting.

Crosby also noted that Daniel O'Connell, the secretary of economic development at the time, also looked into the allegations and determined there was no reason not to reinstate McGee as an assistant secretary in the administration.

"Dan O'Connell came to the conclusion that it was nothing. That this was a warrantless, meritless allegation. And that Stan's record was pristine," Crosby was recorded as saying in the minutes.

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