

Southern Burlington County NAACP

Unit 2106

**Southern
Burlington
County NAACP**
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January 10, 2012

Mr. Robert Johnson, Jr.
Assistant Counsel to the Governor
P.O. Box 001
Trenton, NJ 08625

Re: Support for Dr. Leslie Hayling, Jr.

Dear Mr. Johnson:

We have been asked to formalize our unwavering support for Dr. Hayling, Jr.'s pursuit of justice and racial equality in the New Jersey State contracting process by supporting the proposed amendment to the False Claims Act.

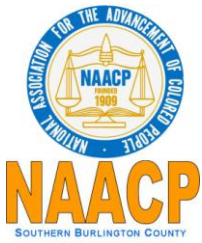
New Jersey has a horrible record of inclusion and utilization of minority businesses. To add insult to injury, Correctional Dental Associates (CDA) an extremely qualified, possible sole source provider and professional service corporation with an impeccable record was inappropriately removed from a bundled professional services contract by a general corporation in 2005. CDA made up approximately 32% of the minority business dollars reported by the State in 2004. CDA was then replaced by a fraudulent, unqualified, inexperienced, understaffed shell corporation, which the parent company, Correctional Medical Services (CMS) inappropriately controlled. This shell subcontracting corporation should have never been approved by the Division of Purchase and Property in the first place.

CMS directly defrauded the State in its description and application for this sham dental subcontractor. It took the State in the face of immediate, substantiated complaints and extremely poor performance 3 ½ years to terminate the CMS contract. How long do you think it would have taken the State to terminate a poorly performing, unlicensed, unqualified minority provider that in some freak happenstance had displaced a licensed and qualified majority owned provider? This impropriety, based on the previous nine years of successful contracting, cost CDA over 17 million dollars in revenue and resulted in the loss of over 63 jobs, by deserving, dedicated, long term correctional professionals, who refused to work for an unqualified, unlicensed and fraudulent CMS dental delivery.

The fraud, collusion with a NJDOC official, mismanagement, double billing and poor performance were all substantiated by the Inspector General and the contract was eventually terminated. However, except for the delayed assessment of liquidated damages no other corrective action was taken by the State. Dr. Hayling, Jr.'s False Claims Complaint against CMS is the only action in the system with the ability to recover the tens of millions of taxpayer dollars defrauded from the State. The pursuit of justice, which is ultimately what the legal system is designed to do, should not be compromised by an unfounded generic fear of frivolous lawsuits and a generic opposition to the False Claims Act itself. The False Claims Act is already

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law. All False Claims Complaints have to be supported and allowed by the Attorney General, who we believe is qualified to establish merit.

It is bewildering to us why anyone except criminals and their supporters would oppose and resist any legislation that would allow cases of clear cut fraud against the State, fraud which damages and destroys local minority businesses, to be pursued to the full extent and intent of the Law. The False Claims Act, retroactive or not, requires the controlling oversight and approval to pursue any action by the Attorney General.

We understand that the political and legislative systems are complex. However, this is a clear case of principle based patience and persistence within the accepted guidelines of the system representing what we all know to be right and just. Those of us who have followed this contracting fiasco believe it is a real world example of a local David, representing everyone's best interest, fighting an out of state Goliath, who has defrauded the State, at extreme personal risk. Seven (7) years is a long time for anyone to be fighting for justice, necessary changes in the State contracting system and the financial accountability of fraudulent vendors. We should all give Dr. Hayling, Jr. and those like him more help. This amendment to the False Claims Act helps all of us law abiding citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken J. Gordon, Jr.", written over a faint, larger version of the same signature.

Rev. Dr. Ken J. Gordon, Jr.

President

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