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"Stay in Your Lane": Former Employees Says WAPA Fired Him After Pointing Out Chronic Negligence, Shoddy Conditions

Carl Potter Jr., a former WAPA lab supervisor, files a lawsuit after his termination for highlighting critical safety and operational failures

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Aerial shot of the V.I. Water and Power Authority's Richmond Powerplant. By. ERNICE GILBERT, V.I. CONSORTIUM

A man hired and fired from the Water and Power Authority in less than two months is now suing for wrongful termination, saying that he was fired for bringing attention to the negligent and shoddy way the utility has been running its St. Croix laboratory.

Carl Potter Jr. was recruited as a laboratory supervisor for WAPA, working as a microbiologist in the St. Croix laboratory. Prior to joining the team on December 11, 2023, Mr. Potter had spent 34 years at the Water Reed Army Medical Center in Bethesda, Maryland, working as a laboratory scientist supervisor. His earlier career was also spent managing and supervising laboratory operations at “several large reference labs in the Washington D.C. metro area,” according to the court filing. His attorneys also described Mr. Potter’s several awards and time spent training naval medical residents in laboratory procedures in their quest to establish his credentials.

Before agreeing to take the job, Mr. Potter had reportedly been told that he would receive training on the software, procedures, and other matters necessary to execute his job. He said he was also assured that WAPA made certain its lab operations and employees followed the necessary regulatory and statutory requirements.

Mr. Potter alleges that almost as soon as he began the job, he discovered that neither representation was true.

Randa DeSuza, named as a co-defendant in the lawsuit, is WAPA’s St. Thomas laboratory supervisor. Instead of being on hand to train her St. Croix counterpart during the first critical days at work, it is alleged that she was allowed to take leave instead. Even when she returned, no training occurred, except reportedly showing him how to fill out the required time sheets.

A familiarization trip to St. Thomas scheduled for January 2024 was canceled by Ms. DeSuza, because “she did not have any time to accommodate the plaintiff,” according to the lawsuit. Unable to receive guidance from his counterpart, Mr. Potter said he was left to seek instruction from his subordinates in the laboratory, as well as figure things out on his own.

Mr. Potter quickly discovered that conditions at the laboratory were far below the baseline needed for successful operations, and he immediately began documenting the deficiencies found, according to court documents. On December 20, he emailed WAPA Chief Operating Officer Noel Hodge, also named as a defendant in the suit, about the absence of reagents and test kits with which to conduct proper tests. He sent another email to Mr. Hodge six days later with further assessments.

An email on January 26 circulated to Mr. Hodge, and WAPA Director of Water Distribution Don Gregoire, also named in the suit, about a broken collection sample point at Sion Farm, which had reportedly been in that condition for over two months. “What is the purpose of us documenting these mishaps on the field reports and our assessments and we are not being heard at all,” Mr. Potter reportedly wrote in the email, venting his frustration.

This correspondence elicited a response from Mr. Hodge, who an hour later wrote back asking for some maintenance to be scheduled for the sample sites, and requesting an inventory of all sample stations in order to identify which ones needed to be replaced. Another email sent by Mr. Hodge on the same day reportedly took exception to the way in which Mr. Potter repeatedly pointed out WAPA’s ongoing failure to rectify chronic deficiencies. His criticism, Mr. Hodge allegedly told him, was affecting his probationary status.

Seemingly undeterred, Mr. Potter sent another email on January 30, addressed to Mr. Hodge, Ms. DeSuza and Mr. Gregoire, in which he alerted them that the laboratory lacked components and materials to properly clean its glassware. Additionally, he reportedly highlighted the myriad compliance issues, missing reagents, and equipment with expired certifications, all of which could completely remove WAPA’s ability to conduct testing on St. Croix.

In an email sent by Mr. Potter to the same three the next day, he apparently sought to put pressure on WAPA's management by threatening to report laboratory deficiencies to the Environmental Protection Agency, noting that "expired equipment and kits were brought to everyone's attention when I first took on the job my first two weeks."

In addition to the certifications for the lab equipment, Mr. Potter reportedly discovered that those of the lab technicians had also expired prior to his tenure.

"Plaintiff realized that there was no actual proper water testing laboratory at WAPA St. Croix, and early in his employment, Plaintiff notified Noel Hodge and Don Gregoire of those facts, and the legal implications of the failures to rectify," the lawsuit alleges. "His complaints and warnings were ignored."

Instead, Mr. Potter's colleagues reportedly focused on the tone of his missives and the nuisance created by his repeated focus on the alleged severe deficiencies. In a response to his last email, Ms. DeSuza reportedly informed him that the utility does not need "a keyboard gangster."

Never having been trained on WAPA's apparently glitchy procurement software, Mr. Potter said he was unable to order the required materials the laboratory needed. Additionally, he had been instructed that he needed to have pre-approval to place orders.

Stymied in his quest to rectify the situation through official channels, Mr. Potter reportedly began conducting his own assessments as to how much work needed to be done to bring the St. Croix laboratory up to a functional standard. He reportedly discovered that many of the sampling sites in the field were compromised. Some were overgrown with vegetation or infested with insects, others had broken valves and broken concrete bases, making collection difficult or impossible. They were not clearly marked did not feature penalty signs to deter the public from tampering with them, and did not have signs identifying them as WAPA property. Maintenance records were missing, and Mr. Potter found "other improper conditions that violated regulatory standards."

According to the lawsuit, Mr. Potter became concerned that "the unsecured and unsafe sample points posed a national security threat to St. Croix residents as a result of potential poisoning of the drinking water supply."

The St. Croix laboratory supervisor said that he forwarded his findings of multiple regulatory and OSHA violations to Mr. Hodge, Mr. Gregoire, and the utility's safety officer.

These violations included chronically low levels of chlorination. When Mr. Potter began to flag "frequent failures to maintain chlorine levels," he was allegedly told by Mr. Gregoire that increasing chlorine levels to more than two-thirds of the maximum allowable level could negatively affect one of the island's large rum manufacturers. Mr. Gregoire reportedly chastised Mr. Potter to "stay in his lane," and sought to dissuade him from making recommendations to the senior management team without prior approval. As St. Croix's [brown water crisis](#) continued to unfold around the agency, Mr. Potter also found that orthophosphate concentrations were also often lower than the EPA's recommended levels, leading to less-than-adequate protection against corrosion, lead and copper. "Despite WAPA's representations to the public that any high lead testing was caused by personal or private pipes, the Plaintiff reported that the orthophosphate monthly levels included problems with WAPA's system itself," the lawsuit claims.

Increasing friction between Mr. Potter's insistence on bringing deficiencies and violations to the attention of his colleagues and superiors reportedly began to result in retaliatory action. "The Defendants stopped all of Plaintiff's training," the lawsuit alleges, and responses to his warning

emails reportedly continued to focus on Mr. Potter's delivery rather than the substance of his messages. A meeting was reportedly threatened with Human Resources to determine whether his missives had placed Mr. Potter's job in danger.

An email sent to the Department of Planning and Natural Resources drew a reprimand from Mr. Potter's counterpart on St. Thomas. Ms. DeSuza reportedly chastised him that matters could have been handled in-house, and allegedly further noted that WAPA did not need any additional undue attention because the utility was already dealing with EPA violations. Despite the seeming attempt at silencing Mr. Potter, he reported to DPNR and the EPA that WAPA's equipment, instrument, and technician certifications had all expired. "The expiration of the lab equipment and the expired techs certifications may have compromised the reporting of lab results," the lawsuit says.

Other failures and deficiencies in required monitoring were also reported to external agencies.

Mr. Potter's advocacy seemingly resulted in someone being sent to recertify the lab equipment in late January. The individual reportedly claimed that he had not come prior to that point because he had not been paid. Mr. Potter reportedly refused a request to backdate the certification, saying it would be illegal. The engineering technician reportedly disclosed that "WAPA regularly backdated their certifications to reflect the original expiration dates," according to the lawsuit, a practice that Mr. Potter claims "violated regulatory requirements."

In his lawsuit, Mr. Potter paints a picture of a dilapidated facility with barely functional machines and no reagents with which to conduct proper testing of water samples. "The lab did not have working smoke detectors, fire alarms, or carbon monoxide detectors to protect the integrity of the contents of the lab," the filing claims. One of the lab's autoclave machines had been broken for 10 years, according to the engineering technician, while the other had a broken thermometer reader. Despite being barely operable, it is currently in use, Mr. Potter alleges.

The lab supervisor's insistence on drawing attention to the many alleged deficiencies and violations in WAPA's St. Croix laboratory brought his tenure to a premature end. Mr. Potter was summoned to the utility's Sunny Isle office on February 5 and handed a termination letter by an HR employee, signed by Mr. Hodge.

Even following his dismissal, Mr. Potter reportedly suffered a final indignity. Having returned to his desk to collect his personal belongings, the now-terminated employee was reportedly accosted by Mr. Gregoire, who swept up everything into a box, including Mr. Potter's personal cell phone. Ignoring the former employee's request to return his belongings, Mr. Gregoire reportedly traveled to the Richmond police station, with Mr. Potter following behind in his personal vehicle. At the police station, officers went through the box held by Mr. Gregoire and returned Mr. Potter's mobile phone.

Mr. Potter is alleging that he was disciplined and ultimately fired by WAPA in violation of the Virgin Islands Whistleblower's Protection Act. He also claims breach of contract by WAPA, and that the other defendants interfered with his employment, causing him to suffer damages. WAPA, Mr. Hodge, Mr. Gregoire and Ms. DeSuza all made defamatory statements against him, Mr. Potter additionally claims. For these and other breaches, Mr. Potter is asking the court to order compensatory and punitive damages, as well as any other relief deemed appropriate