

logo not found or type unknown

WAPA Management Illegally Shipped FEMA-Provided Restoration Materials and Supplies to British Virgin Islands, Whistleblower Lawsuit Says

Top Stories / **Published On March 05, 2020 05:44 AM /**

Ernice Gilbert **March 05, 2020**

Image not found or type unknown



An aerial shot of the WAPA Power Plant on St. Croix. A flatbed with materials of all kinds for recovery was said to be shipped to the BVI. By. ERNICE GILBERT/ VI CONSORTIUM

A lawsuit recently filed in the Superior Court of the Virgin Islands by an employee who has been working at the Virgin Islands Water and Power Authority for over 19 years, brings to the fore alleged corruption and intimidation at the utility's highest management level, and what the suit explains to be a coordinated effort to intimidate and crush any employee who would dare to speak up against questionable practices and transactions at the authority.

The lawsuit, brought against the authority by Rupert Pelle, who is being represented by the law firm of Attorney Lee Rohn — one of the most respected practices in the USVI — alleges that Mr. Pelle's determination to speak up against illegal practices made him a target of WAPA top brass Lawrence Kupfer, the current executive director/CEO of the authority, Gregory Rhymer, who currently serves as special assistant to Mr. Kupfer, Julio Rhymer, a former WAPA executive director/CEO, and Human Resources Director Sabrina King-Leonce.

Mr. Pelle, who started working at WAPA on Dec. 5, 2000, "climbed up the management ladder by keeping quiet and not rocking the boat," according to the suit. Mr. Pelle was promoted to chief administration officer, without request, in 2016.

The targeting led to a two-week suspension of Mr. Pelle without pay. However, after Mr. Pelle appealed his case to the WAPA Governing Board, the board reinstated the pay and ordered an investigation into the matter, though the two-week suspension, which started on February 21, was allowed to stand, according to a WAPA source with intimate knowledge of the situation.

Two major matters lie at the heart of Mr. Pelle's disdain by WAPA's upper echelon according to the suit, the first involving the illegal shipment of materials provided to the U.S. Virgin Islands by FEMA being shipped to the British Virgin Islands.

According to the suit, in December 2018, Mr. Pelle discovered that materials sent to WAPA by FEMA following the 2017 devastating hurricanes, had been shipped to Tortola. These materials were not approved for the British Virgin Islands; they were hurricane recovery supplies paid for by U.S. taxpayers. At the time Julio Rhymer, Gregory Rhymer's cousin, was executive director/CEO of WAPA.

Mr. Pelle requested information as to why the supplies and materials were being shipped to the BVI, and whether they had been paid for. According to the suit, Mr. Pelle did not receive a response. "Upon information, Gregory Rhymer and other management employees were involved in this illegal transfer," the lawsuit reads.

The second matter involves WAPA Director of Human Resources, Sabrina King-Leonce. In August 2019, Mr. Pelle learned that Mrs. King-Leonce was participating in WAPA's attempt to purchase the old Bureau of Internal Revenue building in St. Thomas, despite the fact that her father, Robert King, an attorney in St. Thomas, held the power of attorney for the owners of the building to negotiate the sale, according to the suit. The suit says Mr. Pelle discovered the conflict of interest when Mrs. King-Leonce said the owners would want to sell the building quickly because they both had serious medical conditions, and therefore her father held power of attorney.

On August 26, 2019, Mr. Pelle emailed Mrs. King-Leonce requesting that she recuse herself from any involvement regarding the purchase because she had a conflict of interest, according to the suit. The suit says Mrs. King-Leonce in her response copied WAPA CEO Lawrence Kupfer and Mr. Kupfer's assistant, Gregory Rhymer on the email and said she would not recuse herself. Again, Mr. Pelle — this time on August 29 — requested that Mrs. King-Leonce recuse herself and sent along in the email a copy of WAPA's policy on conflict of interests. Mr. Pelle also copied Leslie Smith, director of WAPA's internal audit division on the email.

By then, Mrs. King-Leonce along with Gregory Rhymer were said to be enraged with Mr. Pelle for his actions. On Sept. 5, 2019, Mr. Pelle was approached by Vernon Alexander, the director of project management at WAPA, who notified Mr. Pelle that two of Mr. Pelle's colleagues had a plan to "get" him, the lawsuit says. At the time, Mr. Alexander did not reveal who those persons were, but on Sept. 9, 2019, he revealed to Mr. Pelle one of the employees to be Gregory Rhymer,

according to the lawsuit.

On Sept. 11, 2019, Mr. Pelle sent a direct email to Leslie Smith, the director of internal audit at WAPA, providing details in the email about the potential sale of the old B.I.R. building to WAPA, and whether it posed a conflict of interest. Leslie Smith responded the same day to Mr. Pelle's email and said in the email that he had notified Gregory Rhymer that Mrs. King-Leonce's involvement in the potential sale was a clear violation of WAPA's conflict of interest policy. Even so, "no action was taken to enforce WAPA's conflict of interest policy and remove King-Leonce," the lawsuit reads.

Meanwhile, according to the suit, the pressure on Mr. Pelle continued to mount. On Oct. 12, 2019, Marc Biggs, who serves as assistant director of Human Resources, called Mr. Pelle to his office to notify Mr. Pelle of a phone conversation he overheard by Mrs. King-Leonce that was concerning. According to the suit, Mr. Biggs told Mr. Pelle that the conversation about him on the phone was "very derogatory."

From there, the situation escalated quickly, as Mr. Pelle's opposition to Mrs. King-Leonce's involvement in the sale of the property persisted. On Nov. 16, 2019, Mr. Pelle received an email from Mr. Kupfer, the WAPA CEO, asking when the two could have a discussion about the sale of the property. Two days later, Mr. Pelle received an email from Mrs. King-Leonce asking when he would be traveling to St. Thomas, the suit says. Mr. Pelle said he would be in St. Thomas on Nov. 19, 2019, which was Mr. Pelle's meeting date with Mr. Kupfer.

On Nov. 19, when Mr. Pelle arrived at Mr. Kupfer's office for the meeting, Mrs. King-Leonce entered the room and provided Mr. Pelle with a Performance Notice Memo from Mr. Kupfer, "even though most of the items of the memo Kupfer would have no knowledge of," according to the suit.

The suit says the performance memorandum falsely accused Mr. Pelle on a myriad of matters, and Mr. Pelle has been told that if he does not engage in succession planning that he may be terminated.

And Gregory Rhymer, described by the lawsuit as "one of the most corrupt and unethical persons at WAPA, who [Mr. Pelle] has worked diligently to prevent Rhymer's corruption, has now been made [Mr. Pelle's] mentor," according to the suit.

The latest court action is among three that lays bare the alleged corruption and waste at the authority, but they are not the first. Last year, the Consortium reported [on a whistleblower suit](#) that alleged WAPA lies to the PSC, made bad decisions that have led to higher utility rates for ratepayers, and has taken retaliatory action against whistleblowers.

Documents

[\[Lawsuits of Pelle, Rupert v. VI WAPA, Cruz, Juan v. VI WAPA, Remak, Orlando v. VI WAPA and Nicholson and Fung v. VI WAPA\]](#)

[\[Rupert Pelle Letter to WAPA CEO Lawrence Kupfer and Mr. Kupfer's Response\]](#)

[\[Larry Kupfer's Letter to Rupert Pelle on Notice of Disciplinary Action and Mr. Pelle's Response\]](#)

[\[Rupert Pelle's Letter to WAPA Governing Board Challenging Lawrence Kupfer's Notice of Disciplinary Action\]](#)

The suit also alleges that Mr. Kupfer and Mrs. King-Leonce conspired to further retaliate against Mr. Pelle based on an updated action plan that Mr. Pelle was tasked to complete. The task had no deadline, even so, according to the suit, Mr. Pelle on Feb. 21, 2020 completed the updated plan and intended to present it to both Mrs. King-Leonce and Mr. Kupfer during a planned meeting with them that day. When Mr. Pelle arrived at the meeting to present the plan to Mr. Kupfer and Mrs. King-Leonce, he was immediately presented with a suspension letter for not turning in the plan, even as Mr. Pelle held the updated action plan in his hands, the suit says.

"As a result, plaintiff has been defamed by WAPA management, denied pay raises, bonuses, received false evaluation that are poor, suffered physical and emotional injuries, mental anguish, pain and suffering, and loss of enjoyment of life," reads the suit.

Mr. Pelle is seeking declaratory judgment and injunction, and calling on WAPA "to remove and prevent corruption, take appropriate activities to prevent waste and excessive costs, and prevent false representations to the government and the public."

Attorney Lee Rohn, arguably the best-known name in law in the Virgin Islands, said for years she has watched as WAPA management punish hardworking staff for trying to do the right thing. "I have been practicing in the Virgin Islands for almost 40 years, and I have consistently watched as WAPA, through its various executive directors and management employees, and in-house attorney, fire hard-working, loyal, upper level employees because they dared to point out corruption and waste at WAPA that keeps all ratepayers paying for this corruption and waste," she said.