Special Report

Night Court?

An Investigative Series on the use of the CoB for Personal Gain

Readers of usmpride.com are now familiar with allegations regarding EFIB Chair George Carter's use of USM facilities in the operation of his private business concern, Mississippi Consulting Group, Inc. A recent installment in this *Special Report* series entitled "Conveniently Located" provided documentation (obtained through the MORA) about this matter. USM counsel Lee Gore used that documentation to argue that Carter's use of USM facilities to operate his consulting concern met and/or surpassed guidelines of "acceptable use." The previous report indicated that there is no language within the IHL guidelines for University counsel to make "acceptable use" judgments.

Gore's documentation substantiating his decision from the so-called "acceptable use" guidelines consisted mainly of a memo from David Williams that reminded USM postal customers to renew their mailbox leases. Gore supplemented this document with a letter wherein he stated Carter's use of a USM-based e-mail address also met "acceptable use" standards.

This report continues our investigation into this matter. Below you will find additional response from Gore on the matter of Carter's MCG, Inc. activities.

VIA FACSIMILE AND U.S. MAIL

(601) 579-8461

December 7, 2006

Rebecca Kathryn Jude, Esquire Jude & Jude, PLLC P. O. Box 17468 Hattiesburg, MS 39404-7468

RE: Dr. DePree's Public Records Request of October 5, 2006

Dear Ms. Jude:

Enclosed please find copies of the Permission to Engage in Outside Employment forms for Dr. George Carter for the fiscal years 1996-1997, 1997-1998, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, and 2006-2007.

Sincerely.

Lee F. Gore University Counsel

LPG/mw

cc:

President Shelby F. Thames (w/o enclosures)
N. Van Gillespie, Esquire (w/o enclosures)

Dr. George Carter (w/ enclosures)

According to Gore's letter above, Carter has filed **Permission to Engage in Outside Employment** forms regarding his MCG, Inc. activities beginning with the 1996-1997 academic year. Though dispatch of these forms by Gore is arguably non-responsive to the allegation that Carter is *using USM facilities in the operation of his private business*, the enclosures provided by Gore are, to a limited extent, useful in further describing Carter's actions regarding this issue.

Below you will find a copy of the 2006-2007 academic year **Permission to Engage in Outside Employment** form filed by Carter in August of 2006:

APPLICATION FOR PERMISSION TO ENGAGE IN OUTSIDE EMPLOYMENT OR PRACTICE OF PROFESSION

The Board of Trustees of Institutions of Higher Learning has established that "Institutional members of the faculty and staff are permitted to engage in outside employment, provided permission is first obtained from the executive officer of the institution concerned, and provided further, that the executive officer of the institution concerned, and provided further, that the executive officer of the institution concerned shall grant permission to engage in outside employment only after having first determined that the said outside employment will interfere in no way with the institutional duties of the individual requesting such permission. In addition, such individuals will not engage in a business or profession that would in any manner compete with a similar business or profession over which he/she would have direct supervision, inspection, or purchasing authority within the university or agency, such being a conflict of interest". In particular, this directive is understood to cover: (1) connection with any business enterprise as consultant, owner, partner, officer, director or agent; or (2) connection with any public office either by election, appointment, or employment.

In accordance with regulations established by the Board of Trustees of Higher Learning, I hereby request permission to engage in outside employment or practice of profession.

NAME George Carter SCHOOL/COLLEGE Business
TITLE Professor and Chair DEPARTMENT Economics, Finance & IB

DESCRIPTION OF OUTSIDE ACTIVITY

Preparation of forensic economics reports on nights and weekends.

Occasional testimony.

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group, 118 College Drive, #7278, Hattiesburg Mississippi, 39406

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

Four to six hours per week on nights and weekends.

WILL THIS ACTIVITY:

UTILIZE UNIVERSITY FACILITIES AND/OR EQUIPMENT? YES () NO (X)
UTILIZE UNIVERSITY SUPPORT PERSONNEL? YES () NO (X)
UTILIZE UNIVERSITY SUPPLIES AND COMMODITIES? YES () NO (X)
INTERFERE WITH NORMAL INSTITUTIONAL DUTIES? YES () NO (X)

IF YES TO ANY OF ABOVE, EXPLAIN

If additional space is required, attach a separate sheet.

Signature

Date

Philosophic description of the d

APPROVAL OF THIS APPLICATION EXPIRES AUTOMATICALLY AT THE END OF THE FISCAL YEAR, (JUNE 30). IF A RENEWAL IS DESIRED, A NEW APPLICATION MUST BE FILED.

A-15-2

Note in the insert above that Carter indicates working for MCG, Inc. only 4 to 6 hours per week, and only on nights and weekends. He also indicates that no university facilities/equipment are used in his MCG, Inc. enterprise, nor does he indicate use of USM personnel or supplies. Carter concludes by pointing out that his MCG, Inc.-related work does not interfere with his professional duties at USM.

Excerpts from prior years' forms, beginning with 2006-2006 and working back to 1996-1997, are presented below:

In accordance with regulations established by the Bepermission to engage in outside employment or practi		ite Institutions of Higher L	earning, I hereby request
Name George H. Carter	School/College	College of Business	
Title Professor and Chair	Department	Economics, Finance, and In	nternational Business
Activity is \Box inside the University. X outside	the University.		
Description of Activity: Reports and testimony for a	ttorneys.		

Name and address of organization for which work will be done (be specific):
Mississippi Consulting Group, Inc.; USM, 118 College Drive, #7278; Hattiesburg, MS 39406-7278

Amount of time to be devoted to activity (explain):
Approximately eight hours per week (nights and weekends)

☐ Yes X No utilize University facilities and/or equipment?	☐ Yes X No utilize University support personnel?
☐ Yes X No utilize University supplies and commodities? If yes to any of the above, explain:	☐ Yes X No interfere with normal Institutional duties?
If additional space is required, attach a separate sheet.	
Design to Contin	
Signature of employee	Date July 1, 2005 yment through the University, the employee must obtain advance approval
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Signature Date

Department Chairman Date

President V.P. Basearch Date

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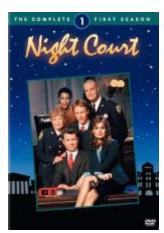
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Note the common themes in the forms above: preparations of forensic economics reports, occasional testimony, reports and testimony for attorneys, expert testimony in depositions and trials, economic valuation for attorneys, and economics and statistics expert witness for legal cases. Of course, all of this is easily done on "nights and weekends," at least according to Carter.

Many readers of usmpride.com are familiar with the old television sitcom *Night Court* (see below).







The setting for the comedy was a night-shift court in New York City. It is not likely that Carter has ever been able to provide MCG, Inc. services in a similar setting in Hattiesburg.

Additionally, sources we've contacted have indicated observing the following situations in Joseph Greene Hall over the past several years:

- 1. MCG, Inc.-related faxes received by the EFIB departmental fax, and placed in Carter's departmental mailbox by another EFIB faculty or the EFIB secretary.
- 2. EFIB secretary telling faculty member (or other individual(s)) that Carter is "in court" or "on court business" or something else to that effect.
- 3. Carter speaking on phone (in his office) with individuals about MCG, Inc.-related business. [We are told that EFIB faculty heard Carter conducting MCG, Inc.-related work during fall semester of 2006 (Carter was telling person on other end to gather up all of their paycheck stubs for his analysis/examination regarding case)].

The list above represents a partial list of what our reporters are told represents Carter's at-USM involvement in MCG, Inc.-related matters. None of the items in the list above supports Carter's view, at least in terms of what Carter indicated on the USM **PEOE** forms, of his (Carter's) MCG, Inc.-related activities.