

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 P. 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 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	<u>George Carter</u>	SCHOOL/COLLEGE	<u>Business</u>
TITLE	<u>Professor and Chair</u>	DEPARTMENT	<u>Economics, Finance & IB</u>

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.

George Carter 8/15/06
 Signature Date
F. N. Hammond 8/15/06 George Carter 8/21/06
 Department Chairman Date V.P. Research & Extended Services Date
F. N. Hammond 8/21/06 George Carter 8/21/06
 Dean/Director Date Order V.P. (as appropriate) Date
 Director, ORSP Date President Date

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 Board of Trustees of State Institutions of Higher Learning, I hereby request permission to engage in outside employment or practice of profession.

Name George H. Carter School/College College of Business
 Title Professor and Chair Department Economics, Finance, and International Business

Activity is ☐ inside the University. ☒ outside the University.

Description of Activity: Reports and testimony for attorneys.

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)

Will this activity:

- ☐ Yes ☒ No utilize University facilities and/or equipment? ☐ Yes ☒ No utilize University support personnel?
☐ Yes ☒ No utilize University supplies and commodities? ☐ Yes ☒ No interfere with normal Institutional duties?
If yes to any of the above, explain:

If additional space is required, attach a separate sheet.

Signature of employee George H. Carter Date July 1, 2005
If the employee expects to earn more than 10% of his/her salary, with payment through the University, the employee must obtain advance approval from the employee's respective vice president.

<u>[Signature]</u> Department Chair	<u>7/12/05</u> Date	<u>[Signature]</u> VP Research & Planning	<u>7/13/05</u> Date
<u>[Signature]</u> Dean/Director	<u>7/4/05</u> Date	<u>[Signature]</u> Other VP (as appropriate)	<u>7/13/05</u> Date
<u>[Signature]</u> Director, ORSP (as appropriate)	<u> </u> Date	<u>[Signature]</u> President	<u>8/1/05</u> Date

Approval of this application expires automatically at the end of each fiscal year (June 30). If a renewal is desired, a new application must be filed.

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 H. Carter SCHOOL/COLLEGE Business
TITLE Professor of Economics DEPARTMENT Economics, Finance, and IB

DESCRIPTION OF OUTSIDE ACTIVITY

Preparation of reports and expert testimony in depositions and trials.

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group, Inc.
USM, 118 College Drive, #7278; Hattiesburg, MS 39406

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

eight to sixteen hours per week; 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), nights & weekends
IF YES TO ANY OF ABOVE, EXPLAIN

If additional space is required,
attach a separate sheet.

George H. Carter 7/1/04
Signature Date

Carl D. Brown 11/8/07
V.P. Research & Extended Services Date

F. N. [unclear] 11/5/04
Dean/Director Date

Other V.P. (as appropriate) 11/9/04
Date

Ch. [unclear] 11/13/04
President Date

Director, ORSP Date

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

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 H. Carter SCHOOL/COLLEGE Business & Economic Development
TITLE Professor DEPARTMENT Economics, Finance, & IB

DESCRIPTION OF OUTSIDE ACTIVITY

Reports and testimony for attorneys

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group, Inc., USM Box 7278, Hattiesburg, MS 39406

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

Work is done on nights and weekends, as needed.

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.

George H. Carter 7/1/03
Signature Date

Mark Klumb 7/28/03
Department Chairman Date

Angeline Mc 8/7/03
V.P. Research & Date
Extended Services

D. Nisomand 8/6/03
Dean/Director Date

Cynthia Moore 8/12/03
Other V.P. Date
(as appropriate)

Director, ORSP Date

CEL Dan 8/12/03
President Date

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

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 H. Carter SCHOOL/COLLEGE Business Administration
TITLE Professor DEPARTMENT Economics, Finance, & IB

DESCRIPTION OF OUTSIDE ACTIVITY

Reports and testimony for attorneys

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group, Inc., Box 7278, Hattiesburg, MS 39406-7278

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

About 16 hours per month, work is done 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.

<u>George H. Carter</u> Signature	<u>6/27/02</u> Date
<u>Azha S. H.</u> Department Chairman	<u>6/27/02</u> Date
<u>W. D. Guntles</u> Dean/Director	<u>6/27/02</u> Date
<u>N. A.</u> Director, ORSP	<u>6/27/02</u> Date
<u>[Signature]</u> V.P. Research & Extended Services	<u>7/2/02</u> Date
<u>[Signature]</u> Other V.P. (as appropriate)	<u>7/2/02</u> Date
<u>[Signature]</u> President	<u>7-8-02</u> Date

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

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	<u>George H. Carter</u>	SCHOOL/COLLEGE	<u>Business Administration</u>
TITLE	<u>Professor</u>	DEPARTMENT	<u>Economics, Finance, & IB</u>

DESCRIPTION OF OUTSIDE ACTIVITY

Reports and testimony for attorneys

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group, Box 7278, Hattiesburg, MS 39406-7278

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

About 16 hours per month, work is done 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.

<u>George H. Carter</u>	<u>8/16/01</u>	<u>George H. Carter</u>	<u>8/16/01</u>
Signature	Date	Signature	Date
<u>A. L. S. Am...</u>	<u>8/16/01</u>	<u>W. P. R. ...</u>	<u>8/27/01</u>
Department Chairman	Date	V.P. Research & Extended Services	Date
<u>W. D. Hunter</u>	<u>8/17/01</u>	<u>W. P. R. ...</u>	<u>8/24/01</u>
Dean/Director	Date	Other V.P.	Date
		(as appropriate)	
<u>N/A</u>		<u>W. P. R. ...</u>	<u>8-30-01</u>
Director, ORSP	Date	President	Date

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

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 H. Carter SCHOOL/COLLEGE Business Administration
TITLE Professor DEPARTMENT Economics, Finance, & IB
DESCRIPTION OF OUTSIDE ACTIVITY
Reports and testimony for attorneys
NAME AND ADDRESS OF OUTSIDE ORGANIZATION
Mississippi Consulting Group, Box 7278, Hattiesburg, MS 39406
AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)
About 16 hours per month, work is done 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.

George H. Carter 8/21/00
Signature Date
8-21-2000
Date
Richard B. Bailey 8-21-2000
Date
Department Chairman
Dean/Director
N/A
Date
Director, ORSP
Myron Henry 8-29-00
Date
P. Research & Extended Services
Other V.P. (as appropriate)
President
8/29/00
Date

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

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 H. Carter SCHOOL/COLLEGE Business Administration
TITLE Professor DEPARTMENT Econ. Fin & IB

DESCRIPTION OF OUTSIDE ACTIVITY

Economic Valuation for Attorneys

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group, Inc.
Box 7278, Hattiesburg, MS 39406-7278

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

8-10 hours per month, 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

George H. Carter 8/25/99
Signature Date

<u><i>A. R. Bain</i></u> Department Chairman	<u>8-27-99</u> Date	<u><i>Carl Dyer</i></u> V.P. Research & Extended Services	<u>9/2/99</u> Date
<u><i>Richard B. Beg</i></u> Dean/Director	<u>8-30-99</u> Date	<u><i>Myron Henry</i></u> Other V.P. (as appropriate)	<u>9-16-99</u> Date
<u><i>N/A</i></u> Director, ORSP	<u> </u> Date	<u><i>Anthony H.</i></u> President	<u>9/20/99</u> Date

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 H. Carter SCHOOL/COLLEGE Business Administration
TITLE Professor DEPARTMENT Economics & Int'l Bus'n

Economics and Statistics Expert Witness for Legal Cases

NAME AND ADDRESS OF OUTSIDE ORGANIZATION
Mississippi Consulting Group
107 Kensington Drive

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN).

8-10 hours per month, 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.

George H. Carter July 1, 1997
Signature Date

George H. Carter 7/1/97 George H. Carter 7/22/97
Department Chairman Date V.P. Research &
Extended Services Date
Robert B. Bay 7-15-97 Naomi Guffey 7-28-97
Dean/Director Date Other Date
(as appropriate)
Libby 7/18/97 George H. Carter 7/22/97
Director, ORSP Date President Date

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

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 H. Carter SCHOOL/COLLEGE Business Administration
TITLE Professor and Chair DEPARTMENT Economics and International Business

DESCRIPTION OF OUTSIDE ACTIVITY

Economics and Statistics Expert Witness for Legal Cases

NAME AND ADDRESS OF OUTSIDE ORGANIZATION

Mississippi Consulting Group
107 Kensington Drive
Hattiesburg, MS 39402

AMOUNT OF TIME TO BE DEVOTED TO ACTIVITY (EXPLAIN)

8-10 hours per month, 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.

<u>George H. Carter</u> Department Chairman	<u>7/1/96</u> Date	<u>George H. Carter</u> Signature	<u>July 1, 1996</u> Date
<u>Rodrick B. Perry</u> Dean/Director	<u>7-29-96</u> Date	<u>[Signature]</u> N.P. Research & Extended Services	<u>8/6/96</u> Date
<u>Carl D. [Signature]</u> Director, ORSP	<u>7/31/96</u> Date	<u>[Signature]</u> Other W.P. (as appropriate)	<u>8/7/96</u> Date
		<u>[Signature]</u> President	<u>8/8/96</u> Date

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 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.