

Classic Luxury

By Jim Kenyon

Valley News Staff Writer

I completely understand why Dartmouth's Board of Trustees opted not to rendezvous at the Hanover Inn, its traditional nesting place, for its two-day special meeting earlier this month.

After all, what if the guy carrying the bags to your room asked why his paycheck was about to shrink while college executives earning \$300,000 a year wouldn't have to give up a dime? Or why take the chance of bumping into the administrative assistant who was about to be laid off after 10 years at the college while two business school professors continue to rake in annual compensation packages of more than a half-million bucks apiece?

It makes perfect sense to me why the college's trustees didn't want to be anywhere near Hanover when they were applying the rubber stamp to the administration's \$72 million "budget reconciliation" plan that cost 60 college employees their jobs and saw dozens of others have their weekly hours reduced.

So instead of coming to Hanover for its Feb. 6 and 7 confab, the 23-member governing board huddled for two days in New York City. But did trustees really have to hole up at the Waldorf-Astoria?

I didn't expect them to stay at a Y in the Bronx. But hanging out in a world-famous hotel that offers "classic luxury and timeless elegance at an exclusive Park Avenue address" seems a bit clueless. Especially when, two days later, President Jim Wright was back in Hanover breaking the news that most of the college's 4,400 workers would have their pay frozen and 150 jobs were being eliminated through layoffs, attrition and retirement.

I thought the main business of this special board meeting (trustees usually meet four times a year in Hanover) was to make sure Dartmouth is a financially leaner machine after the college's endowment took a \$700 million hit last year when the stock market went south.

Executive Vice President of Finance Adam Keller politely told me Friday that I had the wrong impression of what took place at the Waldorf. Apparently, there was no truth to the rumor that trustees dined on lobster Newburg in the Starlight Room while being serenaded by Guy Lombardo and the Royal Canadians. (Since Lombardo has been dead for 30 years, I'll take Keller at his word.)

The decision to meet in New York rather than Hanover was made months ago, when it was determined that an additional board gathering would be needed this winter, Keller said. Meeting in Hanover was ruled out, because of the potential for bad weather raising havoc with trustees' travel plans, he said. After "shopping around" for a hotel with adequate meeting space at a decent price, Dartmouth settled on the Waldorf, he said.

Keller mentioned that he and a half dozen deans and vice presidents drove five hours together to New York in a college-owned van. For some reason, it reminded me of the Big Three automakers who drove from Detroit to Washington after being chastised for previously making the trip to congressional bailout hearings on their private jets.

On its Web site, the Waldorf offers rooms starting at \$259 a night. Keller didn't know how much the two-day meeting had cost the college. Trustees, who work for free, are reimbursed for their travel and lodging, but often times they don't submit bills, he said.

That's not really the point, anyway. A two-day meeting in New York isn't going to break an elite college with a \$3 billion endowment. It's more about being in touch with what's happening at the institution the trustees are governing. I don't sense that Dartmouth trustees have much of a personal connection to what's happening in Hanover. But how could they be expected to?

According to the college's Web site, six of the trustees live in California. Six others hail from New York. The only New Hampshire resident is Wright. As New Hampshire's governor, John Lynch is entitled to a seat on the board. Lynch, like most governors before him, is not active, however, in Dartmouth affairs. He didn't attend the New York meeting.

The board is made up mostly of Wall Street-types and CEOs. General Electric Chairman and CEO Jeffrey Immelt was the only name that I recognized. The Wall Street Journal wrote about Immelt last week for having the good sense to decline a \$12 million bonus in 2008, a year in which the company's stock price fell 56 percent.

That kind of sensitivity (granted, Immelt still pulled down \$3.3 million in salary last year) seemed to be lacking from the trustees' meeting. A nonprofit institution that is about to announce layoffs should at least pretend that its leaders are in the trenches.

It would help if Dartmouth had a couple of trustees who were not absentee landlords. If they lived around here, they might have a better view of what the administration's cost-cutting plan has done to their alma mater. On Thursday, I talked with a man who had worked at the college for 43 years before getting laid off with a year's severance pay.

"Dartmouth College has been my life," he told me. "All I wanted was another two or three years to get my full retirement."

I wonder whether, after 43 years of service, he'll rate a retirement party. Dartmouth could always book the Waldorf.

Same Crime, Same Time?

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Two Orange County traffic stops for excessive speed last December could hardly have been more alike. At 1:30 in the morning on Dec. 29, Kendra Albano, 17, of Agawam, Mass., was headed to Lyndon with her 22-year-old sister in their father's 2001 Subaru Legacy. Vermont State Police Trooper Karl Gardner, parked in a U-turn, clocked Albano on his cruiser's radar at 101 mph -- 36 mph above the posted speed limit.

At Gardner's request, Albano drove to the state police barracks in Bradford, where she was fingerprinted, photographed and given a citation to appear in Vermont District Court in late January. The charge -- careless and negligent operation of a motor vehicle -- is a misdemeanor, punishable by up to a year in jail and a \$1,000 fine.

At around 10 p.m. on Dec. 30, Gardner was again "running radar," as cops call it, while parked in the same I-89 U-turn. On that night, Gardner clocked a 2009 Chevrolet Impala at 106 mph -- 41 mph above the posted speed limit. The driver, a 44-year-old New Yorker, said he and a passenger were running late for a dinner engagement with a friend in Barton, Vt. Just as Albano had done less than 48 hours earlier, the driver followed Gardner to the state police barracks, where he was fingerprinted, photographed and given a citation to appear Vermont District Court in late January. The charge: careless and negligent operation of a motor vehicle.

So there you have it. Two drivers nabbed for speeding on the same stretch of desolated interstate highway by the same state trooper in the same week. And since court records showed that neither driver had a history of driving offenses, it would only stand to reason that, if convicted, they would receive similar punishments.

Not quite.

Once the two cases were handed over to the Orange County State's Attorney's Office for prosecution, the similarities quickly came to an end.

I'll start with the New Yorker's case, because there's a good chance you have already heard about it. It's not every night that a Hollywood star of Matt Dillon's magnitude is arrested in the Upper Valley and winds up in People magazine as a result.

Burlington lawyer Mark Kaplan, a former state legislator, was hired to represent Dillon, who pleaded not guilty. The case never made it to trial, though. On March 24, Orange County State's Attorney Will Porter filed paperwork at the courthouse, signaling that a plea deal had been reached. Porter was dismissing the misdemeanor charge in exchange for Dillon pleading guilty to what is known in Vermont as a civil violation.

The plea agreement spared Dillon a trip to the county courthouse in Chelsea, but more important, it allowed him to avoid a potential criminal record. All he had to do was pay a speeding ticket of \$828, which I can't imagine was tough for a former Oscar nominee.

Porter told the media that dismissing a careless and negligent operation charge in exchange for pleading guilty to a traffic violation is a common outcome. I have no problem with Porter's decision. I don't see the sense of saddling anyone -- even a Hollywood star -- with a criminal conviction for speeding. Because of the way Vermont's laws are written, Dillon ended up paying about \$450 more in fines and fees for his traffic ticket than he would have if convicted of a misdemeanor. In this economy, that's a good deal for the cash-strapped state.

So what happened to Albano? Since I wasn't sure that teenagers still read People, I called Albano to tell her about Dillon's charge being reduced to a traffic violation. "I begged for something like that, but they didn't offer it," she said.

Last week, I caught up with Porter and his deputy, Bob DiBartolo, who handled Albano's case, at the Orange County courthouse. How is that Dillon's criminal charge was dismissed and Albano's was not? "Not all cases are resolved the same," Porter said. "There can be evidence issues; there can be (pre-trial) negotiation issues."

I guess that's where having a good lawyer comes in. Albano told me that she couldn't afford a lawyer, which isn't surprising. She's a high school senior who works after school as a restaurant hostess.

"Even if she had had an attorney, I don't think it would have turned out differently," DiBartolo said. "She was an inexperienced driver, driving that high of a speed, at that time of night. I thought the behavior was pretty egregious."

In February, Albano and her father, a retired firefighter, drove to Chelsea, where she pleaded guilty to the negligent operation charge. Her driver's license was automatically suspended for 30 days and she was ordered to pay a fine of \$381, which she paid from her hostess earnings.

Although her fine was much less than Dillon's, Albano could end up paying a much steeper price than the Flamingo Kid. She now has a criminal record, which she might be asked to explain on college and job applications for the rest of her life. The good news is that under Vermont law, if she stays out of trouble, she can ask for the conviction to be erased in a year. Ken Albano told me that he hopes his daughter has learned her lesson.

I just hope it's the one about obeying the speed limit, rather than the one about the scales of justice being tilted in favor of those who can afford a good lawyer.