

Disillusioned, And Now a Defendant

LAW AND ORDER



Robin Topping

When Susan Greene was hired as a fund-raising consultant for the Long Island Association for AIDS Care in 1991, she felt she'd found a home.

"I always knew I wanted to do AIDS work," said Greene, 53, of Huntington. Initially, she did volunteer fund-raising and then was hired part time. "I felt it was what I was meant to do," she said.

But almost four years after Greene went to work for one of the largest nonprofit AIDS groups in the state, she became disillusioned. She left the organization in August 1995 and, a year later, LIAAC sued her for \$50 million, charging libel, slander and breach of contract.

Greene has spent more than \$200,000 defending herself. LIAAC officials won't say how much they've spent to pursue it. But they allege that Greene maligned the agency by criticizing it in a 1996 *Newsday* story and telling sponsors that LIAAC officials were "corrupt" because they misled sponsors about how private donations were spent.

LIAAC attorney Jason Ablove of Garden City said the agency has sued to protect its reputation and recoup the losses that resulted when sponsors cut donations, because of Greene's statements. He won't say how much the agency lost.

LIAAC officials portray Greene as someone with emotional problems who abused "mood-altering drugs" and alcohol and unfairly maligned the organization at fund-raisers and elsewhere, while she worked at LIAAC and after.

Greene acknowledged in an interview last week that she had been taking anti-depressants while working there but said she never abused them or acted inappropriately. She says she left LIAAC because she didn't feel supported by the agency. And after she left, she said, she discovered that programs for which she was soliciting money actually had their own dedicated funding sources.

"I was not happy because I went to a lot of friends and I said 'This is where the money is going' and I thought that was the truth. I felt very compromised. I felt I had misled people . . .," she said.

Both sides say they are targets of personal vendettas. Greene charges that LIACC's president and chief executive officer Gail Barouh has unfairly brought down the full force of her agency against an individual who is no match for LIAAC's resources. Barouh says Greene's statements have been "a consistent form of harassment," which forced the agency to defend itself against damage done to its reputation. "Litigation was a last resort," Barouh said.

Now, after six years of depositions and motions, the case is coming to trial in State Supreme Court in Riverhead next month. Because LIAAC officials are considered public figures, the law says the agency must prove Greene committed libel in her comments because she acted "with actual malice," or reckless disregard for the truth. To do this, Ablove will have to prove either that Greene was lying and knew it or that she should have known.

Greene's attorney, Clifford Perlman of Manhattan, will seek to prove that Greene's statements about LIAAC's financial management were correct. Greene has also countersued LIAAC, saying it violated her \$30,000 annual consulting contract.

In the 1996 *Newsday* story at the heart of the suit, Greene and other former employees expressed concerns about how much of LIAAC's privately raised donations went to client services. The story used information from former LIAAC financial officer Joseph Gerraputa and former controller Edgar Henry and quoted Greene as saying she felt "violated" after finding out how much of the money she raised went to client programs. "If I knew I was asking people to pay Gail's salary . . . her fax machine, her car phone, her travel allowance, her disability policy, I never would have done it," Greene was quoted as saying.

LIAAC officials said at the time that private donations were not used for those items.

After Greene left the organization in August 1995, she met with others who had left LIAAC and had the same concerns about its fund-raising. Other employees who left LIAAC also became embroiled in litigation, in-



Newsday Photo / Karen Wilos Stable

Susan Greene, left, formerly a consultant with the Long Island Association for AIDS Care, has been sued by that nonprofit organization. Gail Barouh, below, is the executive director of that nonprofit. After six years of depositions, motions and personal acrimony, the suit is going to trial in Riverhead next month.



Newsday File Photo / Jim Popper

cluding Henry, who sued the agency claiming racial discrimination, and Gerraputa, who sued citing a hostile work environment. A lawsuit by a third employee, Patti Castagne, a former computer systems coordinator, claimed sexual harassment by Barouh, who is gay. LIAAC counter-sued for libel and other causes. The three settled their cases but won't comment on the terms because of a confidentiality agreement, said their attorney, Cary Scott Goldinger of Garden City.

Since the suit against Greene was filed, LIAAC has continued to thrive as one of the largest nonprofit AIDS organizations in the state. Its financial statement for 2001 indicates the agency's annual budget is about \$5 million.

Asked why LIAAC had pursued the case, spokesman Jeffrey Reynolds told a reporter, "The fact that you're calling me to regurgitate issues from 1996 highlights the importance of our case."

Ablove said Greene "has had chances . . . to walk away quietly and she wants to involve the newspaper. That's why we feel we have to prosecute her." Greene's lawyer, Perlman, calls LIAAC suit "frivolous litigation that unfortunately is going to trial."

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