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# THE BATTALION



Vol. 101, No. 79 (12 pages)

"Serving Texas A&M since 1893"

Tuesday • January 24, 1995

## Reassigned employees file lawsuit against A&M

Two former food services administrators have sued for \$1 million.

By Lisa Messer  
THE BATTALION

Two former food services employees filed a lawsuit Monday against three A&M administrators, Texas A&M University and the Texas A&M University System Monday for more than \$1 million. Lloyd Smith, former food services director, and George Nedbalek, former food services business manager, filed the lawsuit in Travis County. Smith and Nedbalek named Ron Beard, interim director of food services, Rick Floyd, associate vice president for finance and administration, Robert Smith, executive director of

special operations, the University and the System in the lawsuit. Wayne Rife, Smith and Nedbalek's attorney said the two men are asking for an unspecified amount in actual damages, or provable losses, and \$1 million in punitive damages, punishment for a maliciously wrongful act. "They filed a federal claim based primarily on retaliation against them as a result of expressing their First Amendment right of freedom of speech," Rife said. "They also filed for intentional infliction of emotional distress." Rife said one claim was filed against Beard, solely, for tortious interference with prosperous business relationships. Rife said Smith and Nedbalek filed a whistleblower claim against A&M and the A&M System. A whistleblower claim is for a retaliatory or discriminatory act as a result of

an individual having made a good faith report of a violation of the law. Smith, Nedbalek and Col. Jim Moore, former assistant director of food services, have said Robert Smith, former vice president for finance and administration, re-assigned them because of their opposition to his original plan to privatize food services. Dr. J. Malon Southerland, vice president of student affairs, denied in December the three men's January 1994 request for re-instatement. Rife said the report his clients filed in January 1994 detailed suspected wrongdoings of Robert Smith. "We're alleging that the December '94 decision not to re-instate them was a result of their having filed that report," Rife said. Moore said he has no desire to sue A&M. "I've been an Aggie for almost 50

years," Moore said. "My agenda is not to sue the University. I'd like to give A&M a chance. "I feel like I have not been treated fairly. The University is good but has done some bad things. In light of a new president and new management, I'd like to give them a chance to correct the situation." Col. Jim Moore former assistant director of food services

interim vice president for finance and administration, to discuss the reasons for his reassignment. Genevieve Stubbs, associate general counsel for A&M, said the lawsuit will be sent to the Attorney General's Office, and he will file an answer on behalf of all of the defendants. She said the length of the case will depend on Smith and Nedbalek. "The time frame is under their control," Stubbs said. "It's up to them to move this along."

## UPD still searches for suspects in weekend drive-by shooting

The University Police still have no suspects in the drive-by shooting that happened early Sunday morning in front of Cain Hall. James Driver, an A&M student who witnessed the shooting, said a dark-colored, small car drove past Cain Hall around 2:30 a.m. and the back-seat passenger on the left side fired several shots toward DeWare Fieldhouse. No one in the crowd of about 200 was injured, but police later found two bullet holes on the northeast wall of DeWare. Police also found an unfired third round from a 9 mm pistol near the intersection of Clark and Lamar streets where the shots originated. One of the shots hit a concrete wall at DeWare Field-

house about four feet from the ground, and the other hit a sign about 10 feet from the ground. Driver said people in the crowd were shocked when they heard the shots. "I was shell-shocked," he said. "I dove on the ground. Everyone around either ran away or dove on the ground." Marcus Martinez, who was visiting a friend who is an A&M student, said they were driving through campus when they heard the shots. "I didn't stick around to see what happened," he said. "I just took off and didn't look back." Martinez reported the incident to the UPD. None of the other witnesses were able to get a description of the shooter or the car.

## Southerland addresses cadets at Honor Board symposium

Cadets encouraged to keep the Aggie Code of Honor.

By Gretchen Perrenot  
THE BATTALION

Freshman and sophomore cadets gathered in Rudder Auditorium Monday night to discuss honor, integrity and "good bull" at a Cadet Honor Board symposium. The purpose of the meeting was to re-instate the Aggie Code of Honor: "Aggies do not lie, cheat or steal, nor do they tolerate those who do." Junior and senior Corps of Cadets members attended a similar mandatory meeting in November. Dr. J. Malon Southerland, vice president for student affairs, said the symposium was formed to help members of the corps understand the long-term impacts of honor and integrity. "All of us have a perception of what honor

means to us," Southerland said. "Because you are in the Corps of Cadets, you have a different definition of honor." Southerland said self-respect is gained from following the honor code. "Self-respect is earned and learned over a period of time," he said. "Our integrity ends up relating to our personal level of self-confidence and self-respect." Following the honor code can also limit hazing problems, Southerland said. The subject of hazing is a gray area; what is considered hazing at one time will not be considered hazing at another time, and it takes judgment to decide which is right, he said. Southerland said common sense is the key to many things.

"Most people who have common sense have honor and integrity," he said. "Common sense can be learned and improved on." Blaine Joseph, vice chair of education on the Cadet Honor Board, said he supported Southerland's statements. "The main criteria for being a leader are honor, courage, integrity and honesty," Joseph said. "By wearing the uniform, you are accepting the challenge of being honorable and a keeper of the A&M tradition." "Accepting the challenge includes saying 'from this point forward, I'm going to be completely honorable.'"

## Correction:

In a page one story yesterday, The Battalion mistakenly said gunshots near Cain Hall interrupted a Southwestern Black Student Leadership Conference party. The party ended at 2 a.m. but the shots did not occur until 2:30 a.m. after the party was over. SBSLC and A&M University Police officials said the party ended without incident.

## RHA proposes recycling bill

A&M students and officials are striving to expand campus recycling.

By Wes Swift  
THE BATTALION

Recycling on the A&M campus may be expanded if a bill passed by the Residence Hall Association is implemented. Cassandra DeLarios, chairwoman of the RHA Recycling Ad-Hoc Committee, said residence hall recycling offers students a way to help their school financially. "We have a lot of opportunities to save a lot of money for our school," DeLarios said. In 1990, Texas A&M began a pilot recycling program in response to Texas Senate Bill 1340, which required that all state governmental entities establish a recycling program, DeLarios said. Originally consisting of six buildings, the current program now encompasses 158 buildings on campus. Dr. Jerry Gaston, interim vice president for finance and administration, said the University recycling program recently began a joint-venture with the City of College Station, expanding the number of materials the campus can recycle. "Over the last six months, the recycling program has joined with College Station," Gaston said. "We used to only recycle white paper. Now we can recycle cardboard and newsprint." DeLarios said A&M disposes over 16 million pounds of garbage every year at a cost of almost \$300,000 annually and vital landfill space. "It costs \$26 a ton to dispose of solid waste," DeLarios said. "That's a cost of approximately \$280,000, and the landfill will only last five years." The current recycling program averages 41 tons of paper a month and 750 pounds of aluminum. During the 1993-94 fiscal year, the program recycled 431 tons of paper, saving \$9,266.50 in landfill disposal cost. DeLarios said the expansion involves several factors. "You need markets for the materials," DeLarios said. "We also need to keep an eye on the budget." DeLarios said there are two pilot recycling programs in the development stages. In Kiest hall, bins have been placed in the first floor mail room for residents to recycle mixed paper, white paper and newsprint, she said.

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Roger Hsieh/THE BATTALION

Road construction on FM 60 between the Texas A&M campus and 2818. The construction has caused major traffic delays for travelers in the area.

## FM 60 construction back on track after unexpected six-month delay

Traveling on FM 60 will soon be easier.

By Tracy Smith  
THE BATTALION

With construction on FM 60 resuming after a six-month delay, Texas A&M students and faculty can expect an improved highway situation soon, Texas Department of Transportation (TxDOT) officials said. The construction, running from FM 2818 to Brazos Bridge, halted when Palasota Contractors abandoned the project in September 1994. Since that time, TxDOT officials have been searching for a contractor to continue working on the road. Young Contractors, based in Waco, was selected for the job and began working in January. Denise Fischer, public information officer for TxDOT, said the job to widen the road to four lanes was around 60 percent completed before it was abandoned. "The six month delay was not what we wanted," Fischer said. "However, now that we are back on track we hope the road will be finished as soon as possible." She said the road should be completed by the fall of 1996 and will provide a shortcut for people traveling toward Highway 21. "You will be able to turn across from the airport and have a straight-shot to Highway 21," Fischer said. "The road will cut through a number of fields to provide this." Fischer said there have been few complaints about the con-

struction, and people are just ready for the road to be finished. Stacey Fehlis, a junior journalism major, said she hopes the road will shorten her drive to her hometown, Victoria. "The drive is long so any shortcut they can provide will be a plus," she said. Money to improve the road originated from an extra \$50 million approved for maintenance of the state's farm-to-market road system Dec. 22. The money provided \$11 million in additional funds to the Bryan, Texas Department of Transportation to be spent on farm-to-market roads in the ten counties in the Bryan District. David Bernsen, commissioner of transportation, said the rural road system is essential to the economic viability and quality of life for many Texans. "We are working very hard at reducing the costs so we can use the money to make a difference for the public," Bernsen said. The additional money was made available through cost savings by TxDOT, which reduced costs through re-examination of high-cost items, district efficiency, optimum staffing and financial planning. State Rep. Jerry Johnson, chairman of the Rural Legislative Coalition, said the majority of farm roads in Texas were constructed 30 or 40 years ago. "The redistribution will prevent further deterioration of many farm roads which have begun to need serious rehabilitation," Johnson said. "It will ensure good and safe travel for rural Texas residents and visitors."