



Cirque du Soleil takes flight

Wollongong High student Kesiiah Frank mimics an image on the side of Cirque du Soleil's promotional hot-air balloon as it prepares to take to the skies over the Illawarra yesterday.

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Picture: KIRK GILMOUR

ICAC: CASE CLOSED

EXCLUSIVE

FORMER council town planner Beth Morgan will not be charged after the Independent Commission Against Corruption closed its file on the scandal that rocked Wollongong in 2008.

ICAC has also confirmed no further action will be taken against developer Frank Vellar.

ICAC said all matters relating to the investigation had been closed after it received advice from the Director of Public Prosecutions that there was insufficient "admissible" evidence to prosecute either one.

In the end, just 21 charges were laid against six people.

Only three individuals - Wollongong developers Vellar and Glen Tabak and former Wollongong councillor Frank Gigliotti - were found guilty on a total of seven charges.

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DPP closes case

TIMELINE

- **December 2006:** ICAC raids Wollongong City Council offices and seven other premises, confiscating documents and computer hard drives.
- **February 2008:** Fourteen people testify at a two-week ICAC public hearing into the corruption allegations.
- **March 2008:** The state government sacks the council and appoints administrators in its place.
- **October 2008:** ICAC hands down its final report, making corrupt conduct findings against 10 individuals and flags a possible 139 charges against 11 people.
- **October 2009:** Former councillors Kiril Jonovski, Zeki Esen and Frank Gigliotti are the first to be charged. Jonovski and Esen are eventually cleared.
- **July 2010:** ICAC claims its first scalp when developer Glen Tabak is fined \$2500 and given a two-year bond after pleading guilty to lying to ICAC. A later appeal is rejected.
- **November 2010:** Gigliotti is the first person involved in the scandal to be sentenced to jail. He receives a four-month term, but is released on parole pending an appeal.
- **November 2010:** Frank Vellar is charged with four counts of lying to ICAC and one of fabricating a document.
- **May 2011:** Gigliotti's appeal is unsuccessful. He begins his four-month jail term.
- **July 2011:** ICAC announces it won't pursue prosecution of at least 24 out of a possible 27 charges against former town planner Beth Morgan.
- **August 2011:** Vellar avoids jail on three charges of lying to ICAC. Instead he will serve a 10-month order in the community and pay a \$3000 fine.
- **September 2011:** *Table of Knowledge*, a play based on ICAC transcripts, hits the stage in Wollongong.
- **February 2012:** ICAC reveals it dropped action against former councillor Val Zanutto 15 months previously – but had not told him.
- **September 2012:** ICAC reveals it will not proceed with remaining charges against Vellar and Morgan after receiving legal advice there is insufficient evidence to prosecute.

No charges laid against Morgan

SHANNON TONKIN

THE NSW corruption watchdog has closed its files on the salacious development scandal that rocked Wollongong City Council four years ago.

The Independent Commission Against Corruption (ICAC) yesterday confirmed all matters relating to its 2008 investigation into the council and decisions on whether to prosecute 11 people named in the inquiry had been finalised.

Information contained on ICAC's website reveals the last four outstanding matters – possible charges flagged against former council town planner Beth Morgan and developer Frank Vellar regarding the duo's alleged conduct in handling the Quattro development application – were reconciled last week.

ICAC confirmed it would not proceed with court action against Ms Morgan or Mr Vellar, as it had received advice from the Director of Public Prosecutions that there was insufficient "admissible" evidence to prosecute either one.

Under laws governing ICAC inquiries, the majority of evidence presented at hearings and used by ICAC to come to its conclusions is deemed "inadmissible" in criminal proceedings, meaning it can not be used to prosecute people in criminal trials.

ICAC's decision brings to an end one of the darkest chapters in Wollongong's history.

Headlined by an explosive two-

week public hearing in February 2008, the ICAC inquiry prompted the sacking of the city's councillors and resulted in the corruption watchdog flagging a possible 139 criminal charges against 11 individuals – including councillors, developers and public servants.

In the end, just 21 charges were laid against six people.

Only three individuals – Wollongong developers Frank Vellar and Glen Tabak and former councillor Frank Gigliotti – were found guilty on a total of seven charges.

Gigliotti was the sole perpetrator to spend time behind bars, serving four months in a minimum security prison in the state's south.

Vellar was sentenced to a 10-month intensive correctional order, allowing him to remain at liberty while serving his sentence by way of community service and close monitoring from Corrective Services.

While an arrest warrant issued in September 2010 for convicted conman Ray Younan is still outstanding, ICAC has concluded it is unlikely to finalise any proceedings against him, as Mr Younan "had remained overseas and was unlikely to return".

Charges dropped: Former Wollongong town planner Beth Morgan. Picture: AAP



No final justice over corruption scandal

WHEN Independent Commission against Corruption officers raided Wollongong City Council's offices in December 2006, it sparked one of the biggest scandals the city has seen.

So big in fact that it poured shame and scorn on Wollongong and made news around the world.

The raid unravelled a sordid tale of sex, lies, videotapes and corruption that would end with the council being sacked and administrators appointed.

ILLAWARRA MERCURY WE SAY

As one *Mercury* report said at the time, the scandal involving sexual liaisons between Wollongong council planner Beth Morgan and developers Frank Vellar and Glen Tabak, had all the makings of a Hollywood script.

But they were just three players in the cast which included coun-

cillors, developers and public servants including former council general manager Rod Oxley, council officers Joe Scimone and John Gilbert and Wollongong councillors Valerio Zanutto, Kiril Jonovski, Zeki Esen and Frank Gigliotti.

ICAC commissioner Jerrold Cripps made corrupt conduct findings against 10 people.

The saga prompted Mr Oxley to write a tell-all book *Named and Shamed* to clear his name, and led to a blockbuster play about the

saga, *The Table of Knowledge*, which played to sell-out audiences.

The scandal had everything, it seems, except justice for the people of Wollongong – who this morning discovered the Director of Public Prosecutions has closed the case.

It means some of the main players, in particular Beth Morgan, will never have their day in court.

Wollongong has every right to feel cheated.

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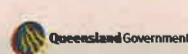
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on ICAC scandal

THE FATE OF THE MAIN PLAYERS AFTER ICAC'S FINDINGS IN OCTOBER 2008

Frank Vellar

Wollongong developer
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. Found guilty of three charges of giving false or misleading evidence to ICAC and one charge of fabricating a document. A further false or misleading evidence charge was dismissed. He served a 10-month sentence via an "intensive correctional order", was fined \$3000 and given a two-year good behaviour bond.

Beth Morgan

Former Wollongong council town planner
ICAC made a corrupt conduct finding against her and recommended the DPP consider laying up to 27 charges over allegations of misconduct in public office, receiving gifts and benefits from developers and misleading ICAC. No charges laid due to insufficient evidence/expired time frame to lay charges.

Glen Tabak

Wollongong developer
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. A court found him guilty in July 2010 of making a false statement to ICAC. He was fined \$2500 and given a two-year good behaviour bond.

Val Zanotto

Former Wollongong councillor
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. No charges laid due to insufficient evidence.

Kiril Jonovski

Former Wollongong councillor
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. He was found not guilty of one count of furnishing false/misleading information and two counts of giving false/misleading evidence to ICAC.

Rod Oxley

Former Wollongong council general manager
ICAC made a corrupt conduct finding against him but did not recommend the DPP investigate possible prosecution.

Joe Scimone

Former Wollongong council manager
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. No charges laid due to insufficient evidence.

Frank Gigliotti

Former Wollongong councillor
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. Faced seven charges. Three were withdrawn, he was acquitted of one and found not guilty of another. He was found guilty of two counts of giving false or misleading evidence to ICAC. He served four months in prison.

John Gilbert

Wollongong Council manager
ICAC made a corrupt conduct finding against him but did not recommend the DPP investigate possible prosecution.

Zeki Esen

Former Wollongong councillor
ICAC made a corrupt conduct finding against him and recommended the DPP investigate possible prosecution. A court found him not guilty of furnishing false/misleading information and two counts of giving false/misleading evidence to ICAC.

ICAC made no corruption findings against Ray Younan, Gerald Carroll and another man, 53, who cannot be named because of outstanding legal matters. However ICAC recommended the DPP consider prosecuting the trio for their alleged involvement in the scandal.

Ray Younan

Convicted conman
ICAC did not make a corrupt conduct finding but recommended the DPP investigate possible prosecution. He was charged with impersonating an ICAC officer. An arrest warrant was issued in September 2010; it is still outstanding.



Gerald Carroll

Convicted conman
ICAC did not make a corrupt conduct finding but recommended the DPP investigate possible prosecution. No charges laid due to insufficient evidence.



Sydney man, 53

Developer
ICAC did not make a corrupt conduct finding but recommended the DPP investigate possible prosecution. No charges laid due to insufficient evidence.

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