



Ex-Office Depot worker says company asked him to falsify records on Berkeley overcharges

By Doug Oakley
Contra Costa Times

Posted: 07/28/2009 03:20:22 PM PDT

Updated: 07/30/2009 10:22:50 AM PDT

A Fremont man, claiming he lost his job at Office Depot because he refused to falsify data that showed the company overcharged the city of Berkeley hundreds of thousands of dollars, is suing the office-supply giant in federal court.

Earl Ante, a former Office Depot salesman, seeks unspecified damages for lost wages, benefits, mental distress and punitive damages. He filed the suit in federal court in San Francisco about the same time the owner of a rival office-supply store in Hercules used purchasing records she obtained through a public records request to show Berkeley officials that Office Depot overcharged the city \$289,000 from early 2007 to early 2009.

Berkeley officials conducted their own investigation of the city's contract with Office Depot and came to the same conclusion. Office Depot paid back the city in April.

In a letter to Berkeley Councilman Kriss Worthington, who helped uncover the Office Depot overcharges, Ante's attorney said he will subpoena city records relating to the contract and depose "the most knowledgeable person in connection with these allegations."

If Ante's allegations prove true, he deserves a pat on the back for refusing to alter the data,

Worthington said.

"It's wonderful to learn that some employee would have the ethics to not just do what he was ordered to do," Worthington said. "Based on what he is claiming, it seems like if he had gone along and changed the records, the city might not have this info, so we're lucky he didn't do it if that's what he was asked. They should be grateful to an employee who is honest."

Office Depot's legal woes since have escalated, and the company says it is cooperating with attorneys general in California, Florida, Texas, Missouri, Colorado and Ohio regarding contract discrepancies. It is also under investigation by the U.S. Department of Defense, Department of Education and the General Services Administration.

According to the suit filed by Ante in January, he was laid off Nov. 21. The suit claims that Ante had no knowledge Berkeley was being overcharged. When Office Depot learned that Berkeley was about to audit its contract, the suit says Ante's manager "directed him to alter data on his company computer with respect to the record of transactions between the City of Berkeley and the defendant."

Ante's lawyer, John McMorro, was out of town and unavailable for comment.

Office Depot declined to comment on the lawsuit. On Tuesday, the company reported a net loss of \$82 million in the second quarter on a 22 percent decline in sales.

Advertisement



End-to-End Training as It Should Be: 100% ONLINE!

Earn Your Master Certificate in Internet Marketing

- SEO & Paid Search
- Online Branding
- Web Analytics
- Internet Law
- Media Buying
- Social Media

→ 1-800-268-9943
USanFranOnline.com/FD

Print Powered By 