

County must cite specifics in Danner payroll decision

District Attorney
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SANTA CRUZ — The county needs to cite specific laws in its defense of District Attorney Art Danner's decision to keep an attorney on the payroll for four months without requiring her to work, a judge said yesterday.

Superior Court Judge Sam Stevens made that request yesterday during a hearing on a suit that charges the county made an illegal gift of public funds to Catherine Gardner, who was eventually dismissed over allegations of drug use.

RP 9-27-95
The suit was filed in March by attorney Ed Frey, who lost elections to Danner in 1990 and 1994.

Danner placed Gardner on paid leave in March 1994 after allegations that she had used cocaine surfaced. Gardner was kept on the payroll until July, when she was fired.

Danner said he kept her on the payroll because he was trying to work out a settlement for Gardner, who had been with the county nine years. Frey said it was a way to keep Gardner quiet during the campaign for the June election, in which

See PAYROLL, back of section

PAYROLL

From page 1

Danner won a fifth term.

Gardner, who admitted snorting what she thought was cocaine, said it was under duress from an abusive boyfriend. The Civil Service Commission upheld the firing on a 3-2 vote.

Frey's suit asks that Danner be required to pay the \$35,000 in salary and benefits that Gardner received while not being required to work.

In court yesterday, Stevens said it was his tentative intent to deny the county's motion to reject the suit.

But Stevens said, "I don't understand the county's position. Is it mandatory that the county pay" an employee after action has been taken toward dismissal, until the dismissal is final.

"I believe it is," said County Counsel Dwight Herr.

The case will be back in court Oct. 26, after Herr provides the information sought by Stevens, and Frey has a chance to reply.