

Danner hangs tough

District Attorney

County grand jury wants to take a look

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SANTA CRUZ — District Attorney Art Danner counterpunched Thursday with critical comments of his own against a report by the county Auditor-Controller that questioned Danner's handling of several personnel actions.

Danner belittled the auditor's 22-page report, both in a five-page press release and at a morning press conference, and said he has no intention of repaying any of the money in question that was paid to various employees.

"He's not a lawyer," Danner said of Auditor-Controller Gary Knutson. "He's an auditor."

At the heart of the issue are Danner's actions in surreptitiously

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— Auditor Gary Knutson



continuing to pay an assistant district attorney put on leave for four months after she had confessed to drug use.

Using words like "hyper-technical reading of county regulations," and "minor or technical violations," Danner minimized Knutson's conclusions that Danner's actions were "substantial" violations of county procedures.

"The auditor places undue reliance on a narrow reading of rigid local personnel regulations which are designed to deal with routine bureaucratic functions," Danner said. "They do not take into account the special circumstances presented where an attorney in the District Attorney's office engaged in serious criminal misconduct."

At the same time, Danner said

he was pleased with the parts of the report that he said laid to rest the "groundless accusations and speculations" about him.

Knutson revealed Thursday at his own press conference that the county grand jury has asked for his files on the allegations against Danner.

The two men's comments underscored major areas of disagreement.

But it will be the Board of Supervisors which decides what, if anything, will be done to resolve the matter. The supervisors are set to discuss the issue at 2 p.m. Tuesday during their regular meeting.

Since his firing of Catherine Gardner became public knowledge, Danner has maintained that he had Gardner's and the county's best interests at heart.

As the county's top prosecutor

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and an independently elected official, Danner argues that state law gives him the authority to do what he did. If there is a conflict between state law and county policies, Danner said, he must follow the higher of the two.

Knutson and the county's attorney disputed Danner's argument and said other elected department heads are keeping a close eye on what the supervisors decide to do next week.

"Is it reasonable to expect that some department heads would be subject to the county's policies and others would not?" Knutson said, referring to himself and the four other elected department heads. "I don't think so, except when it interferes with their constitutional duties. Based on a consultation with my legal adviser, we do not believe that Mr. Danner does not have to follow the policies."

Knutson suggested in his report that Danner repay about \$20,000 of the \$30,000 in wages and benefits he authorized to be paid to Gardner. Knutson said he would give Danner the benefit of the doubt that the other \$9,000 was justified, based on Danner's years of experience.

Danner dismissed those figures.

Knutson used an "arbitrary date" to come up with the numbers, he said, and Gardner was due the money until she was fired. "The auditor's complaint boils down to an assertion that the wrong 'pay code' box was checked on Ms. Gardner's time cards," Danner said. "... Incredibly, the auditor suggests that the District Attorney's Office should have known

the correct coding because (it) had been instructed to use the same code six years previously when the office was evacuated after a flea infestation!"

Knutson also recommended that the Board of Supervisors ask Danner to reimburse the county for \$5,440 paid as a car allowance to his chief inspector, who also had a specially equipped county car to drive.

Danner said Thursday he has no intention of repaying anything.

And if the Board of Supervisors tries to force the issue, he warned, he won't back down.

"I'm certainly not going to abandon our legal position," Danner said. Pursuing the matter legally would cost the board more in attorney fees than the money in question, he said. "I don't think the board wants to (go to court) over \$5,400."

He also repeated his intentions to go to the grand jury to find out how various documents about the case were leaked to the press.

Danner said he had no idea how much time his office was spending on the allegations. "Probably far too much," he said. "You try to keep this away from the everyday work, but there's no question it has a way of permeating itself."

He has consulted other attorneys and accountants, he said, all having volunteered their services.

Danner said he has acted in good faith and hopes "the efforts by a few to magnify and distort these issues for political purposes" won't stand in the way of working to develop better procedures for the future.