



District Attorney Art Danner

12/11/04 District Attorney  
**Audit criticizes Danner**  
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SANTA CRUZ — A final report by the county auditor-controller criticizes District Attorney Art Danner's personnel policies and says he should agree to follow the rules in the future.

The final report also suggests that unless the county Board of Supervisors accepts Danner's reasons for his actions, the board should try to recover at least some of the \$40,000 he authorized to be paid to various employees.

The report stops short of recommending taking the matter to the state Attorney General's Office. In earlier versions, Auditor-Controller

Gary Knutson had urged the Board of Supervisors to "strongly consider" requesting a state investigation.

Knutson was asked by the supervisors in August to look into allegations that Danner had violated county codes by continuing to pay an employee he had placed on leave and later fired. Other issues were brought to Knutson's attention, and were reviewed as well.

The report criticizes some of the county's internal controls and suggests ways to improve them.

But it makes it clear that the Board of Supervisors must get some assurance that Danner

will follow its rules.

"We believe it is very important to obtain the District Attorney's commitment to adhere to those policies in the future," said Knutson in a cover letter accompanying the Nov. 29 report. Furthermore, Danner must "seek out appropriate consultation when there is a perceived conflict between county policy and his statutory authority."

The final report was issued to the five supervisors under unusual security measures. Trying to avoid leaks, Knutson arranged to have

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copies of the report simultaneously delivered to supervisors' homes late Wednesday. He has set a press conference for today to make the report public.

Knutson will present the report formally to the Board of Supervisors at 2 p.m. Tuesday, in the fifth floor Supervisors' Chamber, County Governmental Center, 701 Ocean St. Danner is expected to respond, and the board will publicly discuss the matter.

Board Chairman Gary Patton told supervisors to clear their calendars that day, warning them the discussion could last well into the evening.

Danner says his actions were within his authority as an independently elected official, and has called the investigation a "witch-hunt" by political enemies.

Earlier versions of the report recommended that the county should "strongly consider request-

ing an investigation ... by the Attorney General of the state of California" to determine whether Danner had the authority "to act outside of the codes, policies, and procedures established for county operations and to bring other actions deemed appropriate, if any."

Catherine Gardner was relieved of her duties as an assistant district attorney in March for alleged drug use. Danner continued to submit time cards for Gardner as if she were still a regular employee for the next four months. By the time he fired her in July, she had received nearly \$30,000, including benefits.

Gardner and others charge Danner with trying to hush the matter up during a rough re-election campaign before the June 7 election.

Danner says he was trying to keep things confidential to protect Gardner's professional reputation, and thereby avoid a potentially expensive lawsuit on her part against the county.

After she was fired, Gardner appealed to the Civil Service Commission, which voted 3-2 to uphold Danner's action. Gardner's attorney said this week he expects to file a lawsuit on her behalf by Friday.

Other issues investigated by the auditor's office include the manipulation of time sheets to pay an attorney in a pirated-software secrets case. The report also questions Danner's actions in giving his chief inspector both a specially equipped car to drive and some \$5,000 as the salary equivalent of a car allowance.