

CF  
Sult Filed  
Against County  
District  
Att.  
MCP  
MAR 21-  
APR 3/98

**A** taxpayer's suit was filed against District Attorney Art Danner and the county for reimbursement of nearly \$40,000 in salary and benefits he authorized for deputy district attorney Catherine Gardner.

The complaint, filed in Santa Cruz County Superior Court by attorney Ed Frey on March 7, accuses the District Attorney of making an illegal gift of public funds.

Frey contends that Danner made the gift in order to keep a potentially embarrassing situation quiet until after the June 1994 election. Danner went on to beat Frey in that election to begin his fifth consecutive term as county D.A.

Under questioning by county authorities, Gardner admitted to inhaling a "white substance" on one occasion while she was employed at the District Attorney's office. She said an abusive boyfriend made her inhale the powder against her will. She later informed Danner of the incident, and Gardner said her boss sent her home and instructed her not to speak with

anyone about what had happened.

The taxpayer's suit alleges that Danner started falsifying payroll and personnel records to make it possible for Gardner to receive her full salary and benefits for more than four months. Such an arrangement is in direct violation of county law, which sets a five-day limit on the use of funds for such purposes.

In December, when the Board of Supervisors reviewed the circumstances of Gardner's termination, they voted not to reprimand the District Attorney, although the county grand jury is reportedly still looking into the matter.

The taxpayer's suit names the county as an involuntary defendant, and alleges that Danner's actions were not only felonious, but that they were done with fraud and malice. As such, the complaint demands punitive damages as well.

Gardner may still take independent measures and is considering filing a writ against the county, an action that was initially prepared in December.

"We're asking for about five or six actions for the court to take, ultimately leading to reinstatement," Gardner said.

She has until April 8 to file. ☐