

Danner faces more payroll questions

District Attorney
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SANTA CRUZ — Fresh allegations surfaced this week about District Attorney Art Danner's actions in filling out employee time sheets.

Danner already faces questions for continuing to pay a prosecutor he had sent home while drug-use allegations were investigated.

Thursday, he responded to court documents that show he filled out time sheets to pay another prosecutor who had left the county's employ.

"It's a totally different situation," Danner said of the 1993 time sheets, which paid former prosecutor Jonathan Rivers for 109 hours Rivers had worked before he left, but for which he had not been paid.

In that case, Danner said his office thought it was handling the situation the best way it could. He said his office changed procedures so it wouldn't happen again after he was told it was wrong.

In the case of fired prosecutor Catherine Gardner, however, Danner said he acted deliberately in submitting time sheets that showed Gardner was working when she actually was sitting at home by his order.

"What we were attempting to do was protect her professional status by utilizing the confidentiality we had," Danner said. He cited a case where a former employee collected \$250,000 in damages from another county because it allegedly ruined his professional reputation. "... We were attempting to settle the case and save the county a lot of money."

The county's auditor agreed that there are significant differences between the two cases. But he said there is no excuse for knowingly submitting inaccurate time cards.

"It's clear cut. There's no ifs, ands or buts about it," said Gary Knutson. "That's the county's policy. That's why we do time-card reporting. The time cards submitted should reflect the hours reported and the type of hours worked."

Like several other county officers, Knutson is reviewing both matters and expects to report what he

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finds to the Board of Supervisors.

Prosecutor Catherine Gardner was fired in July. She had worked for the District Attorney's Office for nine years when a former boyfriend asked her for money and threatened to tell her bosses that she had used drugs.

Gardner went to her superiors in April for help. She was told to stay home while the matter was being investigated, and continued to receive regular paychecks until she was fired — more than \$20,000 worth.

The matter became public when Gardner appealed Danner's action, asking for an open hearing before the Civil Service Commission.

The commission voted 3-2 to uphold the firing, with the commissioners appointed by supervisors Gary Patton and Fred Keeley dissenting.

Danner has been criticized for waiting so long to let Gardner go. Critics, including Gardner's attorney, argue Danner was trying to keep the matter quiet until after he was re-elected for his fifth term as district attorney June 7.

Danner says he knew by late April or early May that he would have to let Gardner go. He waited, he said, because he was trying to give Gardner a chance to find another job and quietly resign.

Danner called the Rivers time-card issue a "reckless charge" by people who don't like him.

"When you've made as many enemies as I have ..." he began. "This is politically motivated."

Danner downplayed — but did

not dismiss — the notion that it is an attempt to embarrass Third District supervisorial candidate Annette Hopkins. She is married to Chief Deputy District Attorney Jon Hopkins, who signed some of Gardner's time cards.

Annette Hopkins is running for the seat Gary Patton will leave in December. Patton has endorsed her opponent, former Santa Cruz Mayor Mardi Wormhoudt.

"That's not beyond the realm of possibility here," Danner said. "She's challenging the political machine and apparently they may think I have something to do with that."

Regardless of the political fallout, the matter has put Danner's fate into the hands of the Board of Supervisors.

As an independently elected official, Danner cannot be fired or disciplined by the supervisors.

But they have the power to retroactively approve the payments to Gardner — or to try to force Gardner or Danner to repay the money.

They could quietly try to settle any possible lawsuits Gardner files — or let it be fought in open court.

Ultimately, they are also the ones who control his department's \$8 million budget.

Supervisors discussed the matter behind closed doors this week, but have taken no action.

"I think the board, frankly, needs to look into it," said Patton

of the Rivers' case.

Particularly troubling, said Patton, is whether the earlier matter shows that Danner puts himself above the law in making such decisions.

"There could be a number of cases," Patton said. "... It's related to

the basic principle, 'Does the district attorney have to follow the rules?'

"If he does have to follow the rules, you would expect him to. If he doesn't ... you would expect to find a number of cases where he didn't."