

D.A. admits to falsifying timecard

District Attorney

Danner says he incorrectly dated record to pay for lawyer's work

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Santa Cruz County District Attorney Art Danner, who authorized an aide to sign timecards paying an employee on administrative leave more than \$21,000, admitted Thursday a timecard for another attorney was knowingly dated incorrectly.

The matter could be taken to the county grand jury.

Danner admitted last month that he had told one of his chief deputies, Jon Hopkins, to sign the timecards of former assistant prosecutor Catherine Gardner so she could receive "regular pay" even though Danner had placed Gardner on administrative leave. Danner ultimately fired Gardner, who was placed on administrative leave after she told him an abusive boyfriend had intimidated her into using illegal drugs.

The county code allows a department head to put workers on administrative leave for only one week — and only then with the agreement of the county personnel director. Personnel chief Mary Lou Alexander said she had neither been told by Danner of his actions regarding Gardner nor had she authorized them.

Paying for earlier work

On Thursday, Danner said a timecard used to pay another attorney, Jonathan Rivers, was knowingly dated incorrectly to pay him about \$1,000 for work already done.

According to the California Penal Code, any public officer who "knowingly keeps any false account, or makes any false entry or erasure in any account . . ." is guilty of a crime "punishable by imprisonment for two, three or four years and is disqualified from holding any office in this state."



District Attorney Art Danner denies his actions were illegal.

Danner on Thursday said it was "ridiculous" to think that he had broken that law and said he had no motive for doing so.

Political motives

However, Gardner and her attorney, during her unsuccessful attempt to be reinstated by the county civil service commission, complained that to avoid controversy Danner had placed Gardner on administrative leave and kept her there until the June primary election had passed. Danner also has denied that accusation.

The veteran prosecutor said Thursday that the accusations were "politically motivated."

Annette Hopkins, the wife of his chief assistant who signed Gardner's timecards, is running for county supervisor.

"It is not beyond the realm of possibilities," Danner said. "Some folks are concerned that she challenged the political machine and may think I have something to do with her running."

Annette Hopkins, whom Danner described as "highly independent" and not running at his behest, faces former Santa Cruz Mayor Mardi Wormhoudt on the November ballot.

Last year, a Superior Court judge blasted Danner's office for incorrectly dating Rivers' timecards.

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In 1993, in the thorny trade secrets case involving Borland International, the Scotts Valley software giant, and a former Borland employee who took a job with Symantec Corp., Judge Bill Kelsay told the deputy district attorney prosecuting the matter:

"I would encourage the office to discourage and eliminate the method whereby an employee or former employee must, for whatever reason, present a false claim" even "for monies actually owed."

While he expressed his disapproval of the way Rivers was paid, however, Kelsay did not find it illegal.

According to a brief filed in the case by defense attorneys last year, Rivers testified in the trial that the timecards were "manufactured" to pay him for work done in the past.

Another brief, filed in the Borland matter as a friend of the court by former Santa Cruz County District Attorney Peter Chang

on behalf of the National Association of Criminal Defense Lawyers, blasts the practice.

In his brief, Chang complained that, "Instead of waiting for sufficient funding, the district attorney incurred expenses for Mr. Rivers' work and falsified records in order to obtain county funds. Government Code sections 6200 and 6201 make it a crime to 'alter or falsify' certain records . . ."

Chang's brief says no criminal intent is necessary, because the purpose of the law is to protect public records.

Santa Cruz County supervisors, who have been discussing the Danner-Gardner matter behind closed doors, may move to recover from the district attorney the \$21,000 paid to Gardner.

And Ed Frey, defeated in his attempt to unseat Danner in the June election, said Thursday he planned to take a laundry list of complaints, including that of Gardner's timecard, to the county grand jury, which could initiate a criminal investigation.