

State Patrol recommends criminal charges for court clerk

By Brionna Friedrich

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After a 10-week investigation, the Washington State Patrol has recommended a felony charge of misappropriation of public funds for a South Bend Municipal Court clerk after auditors discovered missing funds over the last four years.

A late deposit short just \$105 triggered a state Auditor's investigation revealing \$15,690 misappropriated from the court over that timeframe.

"Because of the detail of this investigation, there was a lot of information we had to sift through. The Auditor's Office did an excellent job with the audit piece of going through the detailed transactions. It really helped us do our investigation quicker," State Patrol Lt. Shane Nelson said.

The findings were submitted to the Pacific County Prosecutor's Office on March 15, but Senior Deputy Prosecutor Mark McClain said Wednesday the office needs more time to review the investigation before making a decision on charging the clerk.

The State Patrol investigation had a charging recommendation, but the prosecutor may proceed with a different charge or decide not to file charges at all.

"It's up to the prosecutor how they're going to charge that and what they're going to do with it," Nelson said.

Court staff noticed the problems with the late deposit in May 2012, and several people called the court to complain their payments weren't reflected in their receipts.

Auditors worked for more than six months, reviewing 6,958 manual receipts over the four years the clerk had been with the city. In addition to the nearly \$16,000, the audit revealed another \$1,075 missing, but did not find enough documentation to show that it had been misappropriated. Their report was issued Jan. 8.

"That's frankly what caused it to be such a time delay" in the criminal investigation, Nelson said of the detailed work of the Auditor. South Bend made changes to its procedures in response to

the Auditor's findings, including more double-checking of deposits by other employees and a sign-off from the Municipal Court judge for all reports.

The clerk has been on paid administrative leave since May, originally for an unrelated infraction. Mayor Kirk Church has said the employee will remain on paid leave until the investigation was complete, and if charges are issued, the city would seek to recover the stolen money, wages paid on leave and the cost of the investigation.