

## [Montesano fires long-time public works employee](#)

### Local News

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MONTESANO, Wash. - The City of Montesano yesterday terminated the employment of Public Works Lead Russ Burke over allegations involving missing paint for striping city streets, and Mr Burke's street striping business. A press release from the city said that Detective Sergeant Shane Krohn with the Hoquiam Police investigated the matter for the prosecuting attorney's office, criminal charges were declined earlier this month. An outside investigation supported findings that under Mr Burke the city lost hundreds of gallons of paint, surplused a \$6,000 paint sprayer for \$25.00 to an employee of Mr Burke's, and hired some of Mr Burke's own employees to run errands for his business. The Notice of Termination letter also cites repeated attempts to dodge investigators, and says that the investigation is suspended. Burke was entering his 16th week on paid administrative leave, and has filed a \$400,000 claim for damages against the city.

On June 4, 2013, Jim Baker of the Grays Harbor County prosecuting attorney's office declined to file charges against City Employee Russ Burke regarding potential theft of City paint. Citizens have inquired why the City continues to pursue a personnel investigation with respect to Mr. Burke. The City has spent considerable effort and money on this matter and these questions deserve a serious response. The issues the City is pursuing are very serious. An outside investigation was initiated after a vendor contacted the City regarding an unpaid invoice and an inquiry was received from the State Auditor. The police investigation and supplemental report by Detective Sergeant Shane Krohn of the Hoquiam Police Department raised serious allegations regarding the theft or misuse of City property, the acquisition of City property for personal use through the City's surplus process by use of a "straw man," using an employee of the City's summer help in Mr. Burke's business without compliance with City ordinance and state laws, and the use of City employees and equipment to perform tasks for Mr. Burke's personal business. The City's standard practice has been to avoid comment on pending investigations. However, the police investigation was reviewed and summarized in the June 13th edition of the Vidette. Mr. Burke has repeatedly refused to meet with the city investigator, but used the Vidette article to discuss the paint sprayer, claiming repair costs not included in Detective Sergeant Shane Krohn's supplemental report or search warrant return. Among the police investigator's findings contained in his investigation are: **1. PAINT** During the period from 2007 to 2009, the City used approximately 125 gallons of paint and thinner per year. After Mr. Burke began his business, RC Striping, in 2010, the City's purchases increased to approximately 210 gallons of paint and thinner per year. Throughout this entire period, Russ Burke was supervisor of the Public Works Department and controlled purchases and expenditures. The investigator's findings indicate increases over 2009 levels of up to 43.7 % for paint and thinner after Mr. Burke began his business. The investigator notes that the size of the City did not change through annexation, nor were additional sites identified for painting. The deputy prosecutor incorrectly assumed, without contacting either the investigator or the City, that certain major City streets were unaccounted for. As the investigator has noted in a follow up letter to the prosecutor, the City separately contracts for the striping of those arterial streets. **2. PAINT SPRAYER** The investigator found that a paint sprayer originally purchased for \$6,000 was sold as surplus on Mr.

Burke's recommendation for \$25.00. The sprayer was purchased by Scott Martin whose son worked both as a City employee under Mr. Burke as summer help and for RC Striping. Mr. Martin told the investigator that, "Burke asked him to purchase the sprayer for him." Mr. Burke uses this sprayer in his business. **3. USE OF CITY EMPLOYEES** The investigator found that Mr. Burke hired summer help for the City who also worked as employees for RC Striping. Mr. Burke directed a City employee using a City truck on City time to pick up paint for his business. The paint supplier is located 80 miles from the City -- 160 miles round trip. This use of City employees, even in conjunction with a pickup of additional City paint, is not justified. The City orders the paint for its use at the beginning of the season which is shipped to the Public Works shop. Even if more paint were required, it could be delivered by the supplier as with most paint deliveries. Detective Sergeant Krohn's findings raise serious questions about whether Mr. Burke violated various City policies and state laws, including potential conflict of interest. Mr. Baker declined to prosecute this matter criminally. In an investigation of this type, the City must only establish that an employee has violated its policies by a preponderance of the evidence. That is, more likely than not. The burden of proof in a criminal matter is "beyond a reasonable doubt." Allegations that a City employee stole or misused City property, acquired a City asset by collusion, and used City equipment and personnel for private benefit, are serious charges. The City has a duty to the citizens of Montesano to follow up on these allegations and resolve them.