

Celeste Reed

From: Wil Goering [goering@agslawyers.com]
Sent: Friday, June 24, 2011 3:18 PM
To: Celeste Reed
Subject: RE: Reimbursement of atty fees to exonerated county employees

I don't know what fund or funds the health dept proposes to use or the amount. That will need to come from the 2 employees. Once you know you may have to advertise it like an additional appropriation. Wil

Sent via DROID on Verizon Wireless

-----Original message-----

From: Celeste Reed <Celeste.Reed@jeffersoncounty.in.gov>
To: Wil Goering <goering@agslawyers.com>
Sent: Fri, Jun 24, 2011 19:01:51 GMT+00:00
Subject: RE: Reimbursement of atty fees to exonerated county employees

Will I need to advertise the transfer of funds to pay these legal fees?

From: Wil Goering [mailto:goering@agslawyers.com]
Sent: Thursday, June 23, 2011 4:19 PM
To: Celeste Reed
Cc: 'whensler@rvfbank.com'
Subject: Reimbursement of atty fees to exonerated county employees

Celeste,

Ralph Armand and Mike New, both county employees, were targets of a Grand Jury investigation and Ralph was indicted on criminal charges arising out of their duties for the JCHD. Mike was never charged and all charges against Ralph were dismissed. Both are entitled to reimbursement for ordinary and reasonable expenses (i.e. attorney fees) for their defenses in this case. Ralph advised me and the Commissioners that the JCHD has funds out of which the reimbursement can be paid. The authorization to pay the reimbursement and the specific amount to be reimbursed to each employee is to be determined by the County Council. Please put this on the agenda for the next County Council meeting. I should be there as a matter of routine and I am sure Ralph will want to be there. I have not yet spoken to Mike New but will do so in the next couple of days. FYI the statute involved is as follows:

**36-1-17-3. Exception for charges relating to act within scope of employment --
Application for reimbursement of reasonable defense expenses.**

- (a) An officer or employee of a unit or municipal corporation who is charged with:
- (1) a crime; or
 - (2) an infraction;

relating to an act that was within the scope of the official duties of the officer or employee may apply to the fiscal body of the unit or municipal corporation for reimbursement of reasonable and customarily charged expenses incurred in the officer's or employee's defense against those charges, if all charges have been dismissed or the officer or employee has been found not guilty of all charges. The fiscal body of the unit or municipal corporation shall reimburse the officer or employee for reasonable and customarily charged expenses, as determined by the fiscal body of the unit or municipal corporation, incurred in the officer's or employee's defense

against those charges, if all charges have been dismissed or the officer or employee has been found not guilty of all charges.

(b) An officer or employee of a unit or municipal corporation who is the target of a grand jury investigation may apply to the fiscal body of the unit or municipal corporation for reimbursement of reasonable and customarily charged expenses incurred by the officer or employee resulting from the grand jury investigation, if the grand jury fails to indict the officer or employee and the acts investigated by the grand jury were within the scope of the official duties of the officer or employee. The fiscal body of the unit or municipal corporation shall reimburse the officer or employee for reasonable and customarily charged expenses, as determined by the fiscal body of the unit or municipal corporation, incurred by the officer or employee as a result of the grand jury investigation, if the grand jury fails to indict the officer or employee.

Wil



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Attorney At Law