

# County to appeal lawsuit judge threw out of court

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Published on: Thursday, June 17, 2010

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Although a Circuit Court judge threw out a Montgomery County lawsuit last week that sought to reclaim \$400,000 of taxpayers' money spent on a tuition-assistance program, the suit will be appealed, according to county spokesman Patrick Lacefield. The lawsuit, filed March 3, wagered that funds were inappropriately used to give police officers deeply discounted guns as an incentive for completing training programs. Judge Terrence McGann said June 9 that the county was to blame for a lack of oversight and threw out the case. "If the county feels duped or feels embarrassed or that they shouldn't have to pay, well, that's their fault," said McGann, who also noted in his decision that he received a gun for his 60th birthday. "We don't agree with his decision," Lacefield said. "We think this is wrong on its merits."

The lawsuit, which was aimed at police officer Aaron Kenneth Bailey, claimed that Bailey "defrauded" the county out of about \$400,000 through Applied Sciences for Public Safety LLC, a company which organizes tuition-assistance programs. Bailey also worked for Applied Sciences and orchestrated the deal between officers and the county, according to the lawsuit. The county sued both Bailey and Applied Sciences for \$400,000 in recouped funds and for \$500,000 in punitive damages.

Glock firearms, which typically retail at \$600, were sold to deputies for about \$100. According to the lawsuit, the discount was not truly a discount but was paid by county taxpayer money.

The tuition-assistance program, which offers money to all county employees to attend training, college and management courses, shut down completely last year after questions were raised about the discounted guns. County employees from other fields, like government offices, spoke in public hearings this spring about the good that comes out of the program when it is operated as it was intended. One employee said it allowed her to finish college. Another said it helped her to gain a better-paid position within the county. Some said that the program did neither as they partook in courses like knitting and exercise instruction.

The public hearings also gave the county's inspector general a chance to reveal his findings. From fiscal year 2007 through fall of last year, the county spent about \$2.4 million on more than 3,000 training courses for about 1,500 employees, according to the report. The program is not funded in the fiscal year 2011 budget approved last month.

Lacefield predicts the county will have a plan within the week to recoup the losses.