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5 COUNSEL FOR PLAINTIFF

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8 MONTANA NINETEENTH JUDICIAL DISTRICT COURT, LINCOLN COUNTY

9	STATE OF MONTANA,)	
10)	Cause No. <u>DC-99-3</u>
	Plaintiff,)	
11)	
	v.)	MOTION AND AFFIDAVIT IN
12)	SUPPORT OF MOTION FOR
	LARRY DOLEZAL,)	LEAVE TO FILE AN
13)	INFORMATION
	Defendant.)	
14)	

15 State of Montana)
:ss
16 County of Lewis and Clark)

17 Mark J. Murphy, an Assistant Attorney General for the
18 state of Montana and a Special Deputy County Attorney for
19 Lincoln County, moves the Court for leave to file an
20 Information and having been first duly sworn, deposes and says,
21 based on information and belief, that on or between
22 January 1, 1997, and April 30, 1998, in Lincoln County,
23 Montana, the Defendant committed the offenses of Theft, two
24 counts, both felonies, in violation of Mont. Code Ann.
25 § 45-6-301(2)(a), or in the alternative, False Claims to
26 Governmental Agencies, two counts, in violation of
27 Mont. Code Ann. § 45-7-210. The Court is informed that:


1 During the time period stated above, the Defendant was a
2 county commissioner for Lincoln County. Also during that time
3 period, the Defendant would submit claim forms to Lincoln
4 County for reimbursement for mileage and meals allowance for
5 expenses incurred in the performance of his public duties.
6 Also as a part of his duties, the Defendant would approve
7 claims for meals and mileage reimbursements. As a part of the
8 Defendant's claims for mileage reimbursement, he included 23
9 trips on Sunday from his home in Troy to his church in the
10 Yaak. These trips were in excess of 85 miles round trip and
11 had a total cost of \$558. During an interview of the Defendant
12 by Agent Anacker of the Division of Criminal Investigation, the
13 Defendant admitted these trips were with his family to his
14 church and that he billed Lincoln County for the mileage. The
15 Defendant attempted to justify these trips by saying he
16 inspected the road and garbage sites while on the way to and
17 from church;

18 In addition, the Defendant submitted a meal claim for
19 lunch for every day he was present in the Lincoln County
20 Courthouse. The law appears to allow the reimbursement of
21 County Commissioners for meals during official meetings. The
22 State accounted for each official meeting and travel day and
23 found that the Defendant claimed \$875 worth of meal
24 reimbursements for time simply spent in the Lincoln County
25 Courthouse. When interviewed by Agent Anacker, the Defendant
26 admitted receiving reimbursement for meals for non-travel, non-
27 official meeting days. He also stated that this policy had


1 been in effect for a long time. Agent Anacker interviewed two
2 prior County Commissioners, Noel Williams and Gerald Criner,
3 and neither believe there was a policy to reimburse non-travel,
4 non official meeting day meals; and

5 When asked if all Lincoln County employees were treated
6 the same, the Defendant responded that the County Commissioners
7 were different, they had broader duties and were the highest
8 elected officials in the County. The State can find no legal
9 justification for the mileage and meal reimbursement claims
10 submitted by the Defendant.

11 Respectfully submitted this 28TH day of January, 1999.

12
13 
14 MARK J. MURPHY
15 Assistant Attorney General
16 Special Deputy County Attorney
17 for Lincoln County

18 SUBSCRIBED AND SWORN TO before me this 28th day of
19 January, 1999.

20 
21 (SEAL) Notary Public for the State of Montana.
22 Residing at Helena.
23 My Commission expires January 12, 2002.
24
25
26
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