

State court denies Collier County's appeal in case against clerk

By AISLING SWIFT

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A state appellate court has denied the Collier County Commission's attempt to ask the state Supreme Court to consider its long battle with Collier Clerk of Courts Dwight Brock.

The three-judge Second District Court of Appeal in Lakeland denied both the county's motion to rehear the case and to certify it to the Florida Supreme Court, which would have enabled commissioners to have the state's top court to consider its five-year dispute with Brock.

It was a case being watched by clerks of court statewide because the ruling boosts their ability to remain a watchdog over public money.

Brock urged county voters to watch commissioners' response to the county's latest loss.

"It's long overdue that the (County Commission) allow the clerk to do his job without further delay, interference or waste of tax dollars on needless lawsuits," Brock said in a press release. "This dog has been chasing its tail for seven years and it's time to stop." In September, the court ruled that a Collier Circuit judge's ruling that prohibited Brock from investigating county funds wrongfully withheld from his custody unduly limited his ability to carry out his responsibilities as the custodian of county funds.

"Restricting the clerk's authority to do so is inconsistent with the goal of protecting public funds from misappropriation," the ruling said, noting that a clerk has the right to try to obtain those withheld funds.

That decision solidified clerks' authority to audit county budgets and pay-outs as part of an oversight role that a majority of justices considered an integral part of a system of checks and balances.

Friday's ruling may be the final chapter in a five-year battle between Brock and Collier commissioners that began when he audited the county for deposits of county funds in accounts outside his purview, including fire department auxiliaries and support groups for museums. The investigation led to an Isle of Capri fire chief pleading to a misdemeanor, failing to keep records as a public officer, while another fire official Brock accused of embezzling thousands in funds left the area and avoided prosecution.

Commissioners contended Brock was overstepping his authority, while Brock has

always maintained that if the county won its battle, clerks would not be able to assure outside auditors that county financial statements are sound and auditors couldn't attest to counties' financial stability. If that occurred, Brock said, lenders wouldn't be willing to loan money to governments with questionable books.



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