



LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

February 2, 2015

TOWN OF MARINGOUIN

Maringouin Police Chief John Simien and Officer Daniel Dorsey extended their stays at hotels by at least a day for a series of out-of-town training conferences between March 2012 and March 2014, costing the taxpayers almost \$1,300 in expenses “for non-public purposes” and possibly violating state theft and malfeasance laws, according to an audit released Monday by Legislative Auditor Daryl Purpera.

The investigative audit said that Dorsey and Simien would normally arrive at the conferences, sponsored by the Louisiana Association of Chiefs of Police, a day earlier than the meeting’s start date and “stay past the conference end dates” by another day.

“When asked about the public benefit to staying extra days before and after the conferences, Chief Simien stated that the extra days were of no benefit to the town,” said the audit, which tracked the officers’ attendance at six conferences in Marksville, Baton Rouge and Lafayette between March 7, 2012 and March 14, 2014.

Because the conferences ended between noon and 3 p.m. on the last day, auditors said the two police officers “would have had sufficient time to return home, but chose to stay an additional night, incurring . . . hotel expense that served no public purpose.” The report pointed out that the driving time from Marksville to Maringouin is about 90 minutes; the drive time from Baton Rouge to Maringouin is about 35 minutes; and the drive time from Lafayette to Maringouin is about 45 minutes.

Simien is the elected police chief of a department of three full-time officers and one part-time officer.

The report also said that between January 1, 2007 and December 31, 2013, Simien and Maringouin Mayor John Overton approved the state supplemental payments to the police officers totaling \$116,807, but the town “failed to include these payments when calculating the officers’ state and federal income tax deduction, Medicaid deductions and retirement contributions.” Under state law, the mayor and police chief are responsible for seeing that correct amounts are deducted from officers’ pay for retirement contributions, payroll taxes and other deductions.

Additionally, the report said Simien received \$31,000 of the \$116,807 in state supplemental pay benefits between January 2007 and July 2012 although records indicate that he is not “POST-certified and, therefore, ineligible to receive these payments.” State law requires that officers pass the Peace Officer Standards and Training course and be on the job at least a year to qualify for the state supplemental pay of \$500 a month.

“Neither the board nor town officials have required Chief Simien to repay the supplemental benefits that he was not entitled to receive,” the report said.

In another finding, auditors said that between March 2012 and July 2014 the police department issued a total of 291 tickets for moving violations – like speeding – which Town Magistrate Sarah Harris-Wallace appears to have “improperly reduced 124 (43 percent) to non-moving violations.” The report said if the 124 moving



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violations had not been reduced and the appropriate fines and court cost had been collected, Maringouin may have generated almost \$11,800 that would have been shared with other agencies.

State law allows the mayor and town council to name a magistrate to replace the mayor as the presiding officer of mayor's court. In 2011, the Maringouin council named, and Overton approved, Town Attorney Harris-Wallace to also serve as town magistrate.

In August 2013, the report said, Harris-Wallace, as court magistrate, issued a standing court order allowing any person who is charged with speeding less than 20 miles an hour over the limit, and who has not been charged with another speeding violation within the previous three years, to have the violation reduced to a non-moving offense and pay court costs only "with the understanding that they will be ordered to pay the full amount of fines and fees for any subsequent speeding offense" for which they are convicted or plead guilty.

With the standing order in effect between August 2013 and July 2014, another 71 moving violations were reduced to non-moving offenses, the report said. "Court dockets indicate that many of these citations were reduced before trial and without the acceptance of a plea in open court." Auditors said based on state law and legal opinions from the state attorney general's office, it appeared that Harris-Wallace did not have authority to dismiss a citation, reduce a moving traffic violation to a non-moving violation or require that the offender pay court costs outside of open court.

The report said that a prosecutor can reduce a charge, but Harris-Wallace was designated as a magistrate and town attorney, not a prosecutor by town officials.

The report also contained a finding that the town has a "faulty purchasing process." It said on Dec. 16, 2013, Simien sent a purchase order for two rifles, sights and ammunition to a Baton Rouge-area retailer. The retailer billed the town \$1,710 for the firearms equipment, but after the bill became delinquent the retailer called Overton, who said he would not pay the invoice because the funds for the purchase were "not in the police department's budget," and Simien was not authorized to make the purchase without the council's approval.

The report said that, based on an attorney general's interpretation of state law, an elected police chief has "the inherent power and authority to supervise and control his office, equipment and personnel on a day-to-day basis." Because of those legal opinions and a "year-ending balance of \$2,770" for supplies in the police budget, the report said, it appears Simien was "within his authority" to make the purchase, and Overton "has an obligation to pay" the invoice. The town paid the bill in December 2014, about a year after the purchase.

The investigative audit has been forwarded to the district attorney's office for the 18th Judicial District Court as well as other agencies.

For more information, contact:

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On Twitter: Maringouin officials cited for misdeeds.