

Bond Case Briefs

Municipal Finance Law Since 1971

EMPLOYMENT - WASHINGTON

Lee ex rel. Office of Grant County Prosecuting Attorney v. Jasman

Court of Appeals of Washington, Division 3 - August 19, 2014 - P.3d - 2014 WL 4086304

County prosecuting attorney filed quo warranto action against deputy coroner seeking judgment of ouster and alleging that coroner's conviction for disorderly conduct precluded him from serving as county coroner or deputy coroner. The Superior Court granted attorney summary judgment. Coroner appealed.

The Court of Appeals held that:

- Coroner was disqualified from serving as a deputy county coroner and from signing death certificates due to his conviction for disorderly conduct;
- County coroner and deputy coroner were not entitled to appointment of a special prosecuting attorney to represent them in quo warranto action;
- In a matter of first impression, judicial estoppel could not be raised in the first lawsuit; and
- County prosecutor was not entitled to attorney fee award.

Coroner was disqualified from serving as a deputy county coroner and from signing death certificates due to his conviction for disorderly conduct stemming from an incident that occurred when he served as the elected county coroner in which he repeatedly refused to let a colleague out of coroner's truck after an argument. Individual who held the position of deputy county coroner and performed the task of signing death certificates was a "public officer" subject to disqualification under statute disqualifying a public officer from holding future public office following a criminal conviction.