

COPY  
ORIGINAL FILED

MAR 21 2012

MICHAEL J. KILLIAN  
FRANKLIN COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

FRANKLIN COUNTY, a political subdivision of the )  
State of Washington, )

No.

12 2 50262 8

Plaintiff, )

SUMMONS

vs. )

DENNIS HUSTON and NOEL HUSTON, husband )  
and wife and the marital community thereof. )

Defendants. )

TO THE DEFENDANTS ABOVE NAMED:

A lawsuit has been started against you in the above entitled Court by Franklin County, plaintiff.  
Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the person signing this Summons within twenty (20) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered. However, if this Summons is served upon you outside the State of Washington you must respond within sixty (60) days, or a default judgment will be entered. You may demand that the plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must


1 be served upon the person signing this Summons. Within fourteen (14) days after you serve the demand, the  
2 plaintiff must file this lawsuit with the Court, or the service on you of this Summons and Complaint will be  
3 void.

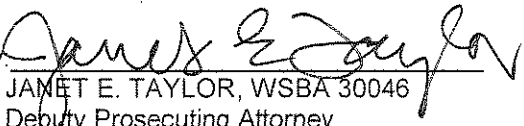
4 If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your  
5 written response, if any, may be served on time.

6 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of  
7 Washington.

8 DATED this 25<sup>th</sup> day of March, 2012.

9 SHAWN P. SANT  
10 Franklin County Prosecuting Attorney for  
11 Office Identification Number 91039

12 by:   
13 SHAWN P. SANT WSBA #35535  
14 Prosecuting Attorney

15 And by:   
16 JAMET E. TAYLOR, WSBA 30046  
17 Deputy Prosecuting Attorney

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

FRANKLIN COUNTY, a political subdivision of the )  
State of Washington, ) No. 12 2 50262 8  
Plaintiff, )  
vs. ) COMPLAINT FOR DAMAGES AND  
DENNIS HUSTON and NOEL HUSTON, husband )  
and wife and the marital community thereof. )  
Defendants. )

COMES NOW, FRANKLIN COUNTY Plaintiff, by and through its attorney SHAWN P. SANT, Franklin County Prosecuting Attorney, and JANET E. TAYLOR, Deputy Prosecuting Attorney, and claims as follows:

**I. JURISDICTION AND VENUE**

1.1 This Court has jurisdiction over the parties and proceedings as this matter involves actions for conversion and setoff where the amount in controversy exceeds \$300.00 pursuant to RCW 2.08.010. Further, this Court has jurisdiction pursuant to RCW 7.40 and CR 65 governing Preliminary Injunctions.

1.2 Venue is proper before this court pursuant to RCW 36.01.050, as the defendants reside in Franklin County, Washington.

COMPLAINT FOR DAMAGES AND PRELIMINARY INJUNCTIVE RELIEF  
Page 1

SHAWN P. SANT  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY  
1016 NORTH 4<sup>TH</sup> AVENUE  
PASCO, WA 99301  
Phone (509) 545-3543

1 **II. PARTIES**

2 2.1 Plaintiff, Franklin County has the capacity to sue pursuant to RCW 36.01.010 Corporate Powers.  
3 This action is authorized by the County Commissioners pursuant to RCW 36.01.030 and RCW  
4 36.32.120(6).

5 2.2 Defendants reside in Franklin County Washington. Defendants are husband and wife and  
6 comprise a marital community under the laws of the State of Washington. All actions by defendants were  
7 for the benefit of the marital community or in management of the marital community. The marital  
8 community is liable for all damages.

9 **III. STATEMENT OF FACTS**

10 3.1 Defendant Dennis Huston was hired to work as an Accountant in the Franklin County Public  
11 Works Department in about May, 1989.

12 3.2 In or about January, 2001, Defendant Huston's position title was changed to Accountant/Director  
13 Accounting & Administration. Defendant Huston held this position until his termination in February 2012.

14 3.3 During the course of his employment, Defendant Huston submitted false invoices under company  
15 name "Critzter Equipment" to Franklin County for materials or supplies that were never purchased or  
16 received by the County.

17 3.4 During the course of his employment, Defendant Huston received payment from Franklin County  
18 for the false invoices.

19 3.5 During the course of his employment, Defendant Huston converted over \$2,800,000.00 of  
20 Franklin County funds to his own personal use and for the benefit of the marital community.

21 3.6 Dennis Huston committed fraud as he:

- 22 (1) represented the Critzer Equipment invoices as valid;
- 23 (2) this representation was material to obtaining County payment for the fraudulent invoices;
- 24 (3) the invoices were fake and for materials the County never received;
- 25 (4) Mr. Huston knew these invoices were fake and that the County had never received the  
26 materials referenced in the fake invoices;

1 (5) Mr. Huston intended that the County would pay these fake invoices as evidenced by his  
2 insertion of the fake invoices into the voucher payment system within Public Works, Franklin County;

3 (6) the County did not know that the invoices were fake or that the materials had not been  
4 received by the County;

5 (7) the County relied upon the fake invoices submitted by Mr. Huston;

6 (8) the County had the right to rely upon the invoices; and

7 (9) the County has suffered damages in an amount to be established at trial.

8 3.7 This theft was discovered by Franklin County in or about January, 2012.

9 3.8 This theft was reported to law enforcement in or about January 2012.

10 3.9 On or about February 1, 2012 Defendant Huston was placed on unpaid administrative leave.

11 3.10 On or about February 1, 2012, after having been read his Miranda rights, Defendant Huston  
12 admitted completing false invoices at work under the name of Critzer Equipment and received money  
13 from invoices.

14 3.11 On about February 8, 2012 Defendant Huston was terminated.

15 3.12 At the time of Defendant Huston's termination, Defendant Huston had unpaid wages of \$1281.70  
16 (gross).

17 3.13 In about February, 2012, approximately \$1313.63 was paid into Defendant Huston's VEBA  
18 account pursuant to a County Policy which allows employees to transfer a portion of accrued but unused  
19 leave into their VEBA account.

20 3.14 At the time of Defendant Huston's termination, pursuant to County Policy, Defendant Huston had  
21 \$137.33 in sick leave that is subject to being deposited into Defendant Huston's VEBA account.

22 3.15 At the time of Defendant Huston's termination, pursuant to County Policy, Defendant Huston had  
23 \$8,788.80 in accrued but unused vacation which is subject to payout upon termination of employment.

#### 24 IV. CAUSES OF ACTION

25 4.1 Plaintiff re-alleges Sections I, II and III and incorporates them herein as if fully set forth.  
26  
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1 4.2 Plaintiff alleges that Defendant Huston has committed conversion of the Plaintiff's property in that  
2 he has engaged in unjustified, willful interference with a chattel which deprived the County of said chattel,  
3 and the County was entitled to possession of the chattel.

4 4.3 Plaintiff alleges that Defendant Huston's conversion of County money was for the benefit of the  
5 marital community and/or in the management of the community, and that the community is liable for the  
6 unlawful conversion.

7 4.4 Plaintiff alleges that Defendant Huston committed fraud.

8 4.5 Plaintiff alleges that Defendant Huston concealed the theft and fraudulent actions in such a way  
9 that the plaintiff could not reasonably have discovered the cause of action, thereby tolling the statute of  
10 limitations.

11 4.6 Plaintiff seeks an order declaring Plaintiff's right to retain all amounts due to Defendant Huston  
12 arising from the employment relationship (less lawful deductions) in set off of the amounts stolen by  
13 Defendant Huston during the course of his employment.

14 4.7 Plaintiff seeks a preliminary injunction in order to preserve the status quo pending resolution of  
15 this matter so that plaintiff isn't left without a remedy.

16 WHEREFORE, the Plaintiff prays for judgment as follows:

- 17 1. For an order requiring Defendants to return Plaintiff's property to Plaintiff.
- 18 2. Judgment against the Defendants for damages in an amount to be proven at the time of  
19 trial.
- 20 3. For prejudgment interest on liquidated amounts.
- 21 4. For an order authorizing setoff of the wages and/or benefits due to Defendant Huston at  
22 the time of his termination.
- 23 5. For statutory, actual and/or reasonable attorneys fees and costs as authorized by statute,  
24 contract or some well recognized equitable basis in the law.
- 25 6. For a preliminary injunction preserving the status quo during the pendency of this action.
- 26 7. For such other and further relief as the court deems just and equitable.

1 DATED this 20<sup>th</sup> day of March, 2012.

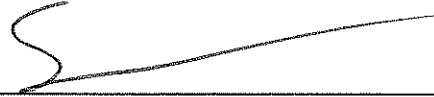
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SHAWN P. SANT  
Franklin County Prosecuting Attorney for  
Office Identification Number 91039

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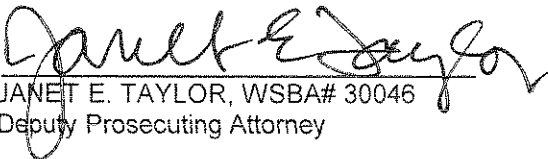
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by:   
SHAWN P. SANT WSBA # 35535  
Prosecuting Attorney

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And by:   
JANET E. TAYLOR, WSBA# 30046  
Deputy Prosecuting Attorney

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