

Ex-officers receive cash settlement

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Two former Flower Mound Police officers were awarded \$597,500 by a Denton County jury for being fired from the department in 1996.

The nine-woman, three-man jury found that former officers David Burkett and Tom Teague were retaliated against when they were fired in January 1996. Only one juror voted against the ruling. The verdict came in late Friday in Denton County's 158th Judicial District Court.

Don Tittle, one of the attorneys for the ex-officers, said he was pleased with the judgment because he believed the evidence pointed to the officer's termination as a form of retaliation, especially considering the timing.

"I didn't have any doubts. The timing of the events were so obvious I just didn't think any rational jury could conclude otherwise," Tittle said.

Flower Mound Town Attorney Terry Welch said the case is far

from over and expects two to three more years before it is resolved. The Texas Municipal League Intergovernmental Risk Pool, the insurance company for the town, will appeal the court's ruling, he said.

"The town went through all the federal courts and I quite frankly think this will be overturned on appeal," Welch said.

Joe Tooley, an attorney representing the town, could not be reached for comment Tuesday.

Town Council members discussed the ruling during an executive session Monday night. However, Mayor Lori DeLuca said because the terminations occurred before she was mayor, she couldn't comment on aspects of the case.

"It happened six years ago and this council wasn't involved in specifics, but it's my understanding that all federal claims have been dismissed and now we are working on the state claims," she explained.

Burkett and Teague were fired

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in June 1996 after being on administrative leave since Jan. 31 of that year. The questionable timing, Tittle said, is the fact they were placed on leave just six days after the former officers filed an official grievance against then Police Chief Dave Brungardt. Tittle said they filed the grievance because the chief didn't take any action against an officer they said had filed a false police report.

Another aspect that made the officers' termination look suspicious was the fact that a little more than a month before they were fired they received outstanding performance reviews, Tittle said.

"He (Brungardt) had personally done the review of Teague and gave him the highest rating possible," the attorney said.

Both Burkett and Teague worked in the department's Criminal Investigation Division. They were not the only officers fired at the time, however. Welch said Mary Estrello and Ron McFadden also were terminated

around the same time period. Greg Jones also was fired at the time, but officials said his termination was for a different reason.

Town officials claimed the officers were fired because hundreds of cases were being left not investigated, including an eighth-month-old rape case. Jones, Estrello and Burkett and Teague had filed lawsuits in the U.S. District and the U.S. Court of Appeals, but the cases were dismissed. McFadden never filed a lawsuit.

The town's claim that cases were not being investigated was brought up after the lawsuits were filed, Burkett said. In fact, his said his termination letter did not give specific reasons for his firing.

"There was no specific allegations, it just generalized things," Burkett told the Leader.

Because there were several officers involved, Burkett said he is relieved by the verdict not only because it indicates himself, but the other officers whose names were damaged.

"(I feel) total vindication. The jury vindicated all the officers involved. Their reputations were cleared with this verdict," Burkett said. "Basically, it was a cover up of

a criminal violation we uncovered."

Teague could not be reached for comment Tuesday.

Neither Teague nor Burkett has been able to get another job in law enforcement because of a "no rehire" status the town placed on them when they were fired. Burkett is currently working as a computer technician at Sabre and Teague is working as a technician at General Instruments. Tittle said although the outcome of the lawsuit does help their reputations, unless the town lifts the no-rehire status they probably will not work as police officers again.

"They're not ever going to be (police officers) due to the fact the city placed a 'no rehire' status on them. That was something we focused on in the case," Tittle said. "That is truly the equivalent of a dishonorable discharge in the military."

Because the case is more than four years old, Tittle claims the final judgment is expected to reach \$750,000 in pre-judgment interest, which is 10 percent a year.

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