

Ex-secretary in Springfield Township headed for court in embezzlement case

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After police charged her with embezzling \$389,000, Springfield Township's ex-secretary wanted mental-health problems and a gambling addiction to win her leniency.

Nancy J. Brown has lost that effort.

The 63-year-old veteran of West Springfield municipal government will not enter a program that could have kept her out of prison.

Erie County District Attorney Jack Daneri rejected Brown's application for the county's treatment program for offenders with drug or alcohol addictions and mental-health issues.

Brown instead is scheduled to go to trial in Erie County Court in July on 11 felony counts that she stole the money by writing about 800 checks to herself, on the small and rural township's payroll account, between 2002 and June 2010. Brown would face a maximum of 73 years in prison if convicted on all counts, though Daneri has said a plea deal and a lesser sentence are virtually certain.

State police said Brown told investigators she stole the \$389,000, and that she gambled away more than \$233,000. Her lawyer said she played primarily at Presque Isle Downs & Casino in Summit Township and Seneca Niagara Casino & Hotel in Niagara Falls, N.Y.

Those in the treatment program, known as drug court or mental-health court, plead guilty but can get only probation if they abide by stringent requirements.

In her application, Brown said she should qualify for the program because she "has been diagnosed with co-dependency issues and gambling addiction. All of my charges are a direct result of my addiction and mental health issues."

Daneri said he turned down the application immediately when Brown's lawyer, Damon Hopkins, filed it in March. Daneri said he officially notified Hopkins of the rejection Thursday, as the District Attorney's Office readied the case for the July 11-22 trial term. The plea deadline is July 5.

"I don't think it is appropriate," Daneri said. "Although she may have mental-health issues, that in and of itself does not qualify you for treatment court."

He said keeping track of a gambling addiction would pose difficulties for probation officers, who can test the urine of a recovering drug addict or alcoholic.

"I'm not sure how the court would monitor a gambling addiction," Daneri said. "It's not like you can test someone's urine and see if they have been at the casino."

Hopkins declined to comment.

Brown, of the 6300 block of Wheeler Road, is out of prison on \$50,000 unsecured bond. She had worked for 19 years as the 3,300-person township's part-time treasurer and secretary, making about \$17,000 a year. Springfield Township's annual budget is about \$600,000.

The three-member Board of Supervisors fired her in June 2010 after discovering financial discrepancies. Police charged her in September. The township's bonding companies covered the vast majority of the loss, said Blake Holliday, chairman of the Board of Supervisors.

The supervisors abolished the system that allowed Brown, who cosigned the township's checks, to sign supervisors' names on checks using a signature stamp. The chairman and vice chairman of the Board of Supervisors now must sign checks in person.

Brown is accused of one count each of forgery as a second-degree felony and receiving stolen property as a third-degree felony, and nine counts of theft by unlawful taking as a third-degree felony. Residents of Springfield Township have circulated a petition opposing a plea bargain.

Daneri spoke at a township meeting in January to explain how a plea deal can yield the same sentence as a conviction at trial. He said a judge would consider that Brown has no prior record.