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HENRY BOYCE

DEPUTIES

JACKSON COUNTY
ROB RATTON – CHIEF DEPUTY
JOHN D. PETTIE

LAWRENCE COUNTY
RYAN COOPER

RANDOLPH COUNTY
JOE GRIDER
RYAN WALLACE

SHARP COUNTY
TOM GARNER
DISTRICT

November 6, 2017

Mayor Jason Jackson
City of Hardy
Post Office Box 5
Hardy, AR 72542

In re The Investigation of Scott Rose

Dear Mayor Jackson:

Pursuant to your request regarding allegations of criminal wrongdoing against former police chief Scott Rose I asked the Arkansas State Police to assign an investigator to the case on February 15, 2017.

I enclose for your information a copy of Arkansas State Police investigator Joe Pickett's investigative summary. I have personally reviewed the file and consulted with investigator Pickett as well as the regional supervisor of the Arkansas Division of Legislative Audit regarding this investigation.

I respectfully decline to prosecute former Chief Rose with regard to any of the allegations and/or facts referenced in this investigation.

By copy of this correspondence I am advising Special Agent Pickett of this communication.

Sincerely,

A handwritten signature in blue ink that reads "H. Boyce".

Henry Boyce
Prosecuting Attorney
Third Judicial District

cc: ASP Special Agent Joe Pickett
Enclosure
HHB:sc



ARKANSAS STATE POLICE

Criminal Investigation Division

INVESTIGATIVE SUMMARY

On February 28, 2017 I met with Prosecuting Attorney Henry Boyce and Deputy Prosecuting Attorney Tom Garner in reference to this case in Walnut Ridge, AR. The purpose of this meeting was for me to obtain more specific information on the allegations made against the former Chief of Police of Hardy, AR, Scott Rose. During this meeting I was advised of the following allegations.

The current Mayor of Hardy, AR, Jason Jackson, alleges Rose has had police department equipment donated to the City of Hardy, possibly from the Jonesboro Police Department. Jackson has alleged Rose may have sold some of this donated equipment without approval and the city has not received any of the money. The value and sale price of this equipment is not known at this time.

Jackson alleges that Rose, during his time as Chief of Police, also ran a business/company that buys and sells police/emergency services equipment. Jackson alleges Rose has purchased equipment for the city of Hardy through his private business and received commissions or bonuses based on the city's purchases. The dollar amounts for the purchases and possible commissions are not known at this time.

The third allegation made by Jackson is that Rose filed a false police report in reference to damage sustained to a Hardy Police Department patrol unit.

In reference to the allegations that Rose was using his personal business to purchase equipment for the Hardy Police Department, Rose advised the following. Rose advised he had a business called CDS Marketing through which he had purchased equipment for police and fire departments in Northeast Arkansas. Rose advised this was a business venture that he undertook and continued to run after leaving the Jonesboro Police Department in 2015. Rose advised he never used this business to order any equipment from Code 3 Inc. for the Hardy Police Department during his time as Chief. Rose advised Code 3 Inc. has never sold any equipment to the City of Hardy during his employment with the city. Rose advised he had never used CDS Marketing to purchase equipment for the city in order to receive a commission. Rose advised he knew that it would be a conflict of interest if he used his company to make commissions on city purchases. Division of Legislative Audit was unable to find any evidence in support of Mayor Jackson's allegations.

In reference to the allegations that Rose had overspent his budget, Rose advised the following. Rose advised he sat down with Mayor Jackson and told him what the police department needed. Rose advised the budget had already allotted \$33,000.00 for a new truck and he went to the council and asked to purchase two Dodge Chargers instead. Rose advised this was approved and he was able to purchase two fully equipped, patrol ready, Dodge Chargers for \$14,000.00. Rose advised he went back to the council and asked to use some of the remaining money for equipment, specifically the consoles in question, and it was approved. Rose advised he did not spend any money that he was not approved to spend. Rose advised he did not over spend the police department's budget.

In reference to the allegations that Rose was purchasing fuel for citizens and non-city business, Rose advised the following. Rose advised he did use the city fuel account to fill up Casey Poulette's personal truck on one occasion. Rose

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advised Poulette, who is a part time Hardy police officer, responded to and sat at an accident scene for hours in his personal vehicle. Rose advised this vehicle is equipped with emergency lights and he felt it was the right thing to do to reimburse him for the fuel. In reference to the allegation that Rose was using city fuel to fill up lawn maintenance equipment, Rose advised this is true. Rose advised the city owns and maintains the "camper park" in the middle of town. Rose advised he allowed the person who is in charge of maintaining this park charge "\$12 and change" on the city's charge account to fill up the city's lawn mower. In reference to the allegation that Rose had used city fuel to fill up a motorist's gas tank, Rose advised this was true. Rose advised one of his officers called him and advised a motorist had run out of gas and did not have the money to refuel. Rose said he told the officer to allow the motorist to purchase a tank of gas under his personal charge account at the gas station and he would pay for it. Rose advised the gas station made a mistake and put the charges, approximately \$10.00 on the police department's account. Rose advised he has since reimbursed the city for the charge.

In reference to the allegations that Rose had given away equipment that was donated by the Jonesboro Police Department (JPD), Rose advised the following. Rose advised the JPD had donated three bar lights and three to four siren boxes to the City of Hardy. Rose advised the city received these items from a JPD employee named Kevin Horton (870-897-0456) and it was approved by JPD administration. Rose advised Casey Poulette had been doing all of the equipment installation work for the police department and Rose told Poulette to keep the equipment in question at his house because that is where he was doing the installs. Rose advised one of the light bars received from JPD was not working and Rose offered it to Poulette as compensation for the time he was spending on the installations. Rose advised Poulette fixed the light bar and eventually installed it on a marked unit or the police department kept it as a spare.

In reference to the allegation that Rose falsified an insurance claim and a police report in reference to damage sustained by a police department vehicle, Rose advised the following. Rose advised Ashton Hester used his patrol vehicle one night and during the course of his shift, Hester bottomed the vehicle out. Hester called Rose and advised the vehicle was making a strange noise. Rose advised he and his father identified the problem as being a "cross member that was pushed into the oil pan." Rose advised the noise stopped and sometime later the vehicle began to malfunction again. Rose advised he took the vehicle to Al Brogdon's shop. Rose advised Brogdon identified damage to the motor and that's when Rose contacted the Municipal League. Rose advised the Municipal League told Rose to complete an accident report. Rose advised he completed the report and told Tamara Taylor that he was going to put her name down as the driver since Hester was no longer employed by the city. Rose advised Taylor told him that she was not comfortable with that. Rose advised "I am confident I changed it to Ashton Hester...but I can't swear to it." Rose advised he received the check from the Municipal League and all of the paperwork associated with the claim and presented it to the city council. Rose advised the vehicle was fixed a short time later. Rose advised he did not know that Taylor's name was still on the report to the Municipal League. Rose advised he did not intentionally defraud anyone. Rose advised it didn't matter to the Municipal League whose name was on the report that was submitted and it would not have changed the outcome of the claim. Rose advised he was told that the Municipal League insures the vehicle not the driver.

On August 11, 2017 I received an email from Jessica Brown of Division of Legislative Audit in reference to this case. Brown advised auditors did find documentation that one vehicle was purchased by the City of Hardy and the sale of this vehicle went through the former police chief's business. Brown provided me with a copy of this documentation and it

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has been made a part of this file. Brown advised this is the only possible finding reported by DLA auditors in reference to this case.

This documentation shows that a 2010 Dodge Charger (VIN# 2B3AA4CT5AH302963) was purchased by Scott's Auto Sales (Scott Rose) on February 4, 2016 for \$5,200.00, according to the original Bill of Sale, Title, and the check used to purchase the vehicle. A copy of this title shows that someone then crossed out Scott's Auto Sales and changed the Buyer's name to Danny's Auto Sales and listing a new address. On February 12, 2016 this same vehicle was sold to the City of Hardy by Danny's Auto Sales for \$6,250.00 for a profit of \$1,050.00

On August 15, 2017 I interviewed Scott Rose at the Portia Community Center in Portia, AR, for a second time in reference to this case. Rose was questioned in reference to the sale of a 2010 Dodge Charger to the City of Hardy Police Department in 2016. Rose advised his used car dealership, Scott's Auto Sales, purchased two Dodge Chargers from Lander's in Benton, AR. Rose advised the Charger with the last four digits of the VIN bearing 2963 was sold to the City of Hardy and the other vehicle was sold to the Sharp County Sheriff's Office.

Rose advised he was asked to sell the vehicle to the city. Rose advised he told the former Mayor that he could not sell the vehicle to the city because it "would look bad." Rose advised he would run the sale through Danny Holder's business, Danny's Auto Sales. Rose advised he made Holder aware of what he was doing and Holder was OK with it. Rose advised he completed and filled out an affidavit of alteration to send to Lander's so that the title would show that Danny's Auto Sales purchased the vehicle. Rose advised he signed Danny Holder's name on the title in question. Rose advised he completed the "Estimate Sheet" in question and had Holder sign it. Rose advised this estimate was required for the city's file and the former mayor made Rose produce it. Rose advised he never got the paperwork completely finished. Rose advised he signed Danny Holder's name to this documentation with Holder's permission.

Rose advised a check for \$6,250.00 was made out to Danny's Auto Sales by the City of Hardy. Since Scott's Auto Sales actually purchased the vehicle, Rose advised he believed Holder signed the check in question and Rose advised he took this money and put it back into his business account to pay for the vehicle he had purchased. Rose advised he could not remember if Holder signed the check or if he signed it himself. Rose advised a copy of the check should have both his and Holder's signature on it. Rose advised he did not mean for it to look bad and he didn't want anyone to think he was making a profit.

Paper work provided by Rose shows that Scott's Auto Sales paid \$5,200.00 for the vehicle in question. Rose also provided documentation from Al Brogdon detailing \$1,050.00 worth of repairs that were completed on the vehicle in question. Rose advises these repairs were paid for prior to selling the vehicle to the City of Hardy and were included in the sale price of the vehicle. Rose advised the sale price to the City of Hardy was calculated to ensure that he recouped his expenses. A copy of the documentation provided by Rose has been made a part of this file.

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