

RESOLUTION NO. RS2018-1086 (VERCHER) – This resolution would authorize the Department of Law to settle the property damage claim of Paul Gontarek as Successor Administrator C.T.A. of the Estate of William C. Link against the Metropolitan Government in the amount of \$300,000.

On March 19, 2003, the Davidson County Probate Court appointed John Clemmons as the Administrator of the Estate of William C. Link. Mr. Clemmons filed an inventory for the estate on July 1, 2003. Mr. Clemmons repeatedly missed deadlines and failed to file accountings related to the estate. The Probate Court Clerk's Office sent out repeated notices and citations to Mr. Clemmons. In February 2008, in response to a notice and citation from the Clerk's Office, Mr. Clemmons filed a motion for fees and requested that a Show Cause order not be issued. The Court approved his fee request and, in June 2006, a note indicates that the case was put on "hold" at the request of Mr. Clemmons. The Link Estate was never removed from the "hold list"; no additional notices or citations were issued; and no accounting was filed until June 17, 2013. The Court approved fee requests from Mr. Clemmons and others from 2007 through 2012. On April 10, 2013, the Court removed Mr. Clemmons as administrator and appointed Mr. Gontarek as Successor Administrator C.T.A. (a person appointed by the court to carry out the provisions of a will).

Mr. Clemmons eventually pled guilty to stealing \$771,009 from the Link Estate, which was intended to fund a Special Needs Trust for Mr. Link's daughter who is unable to care for herself. Mr. Clemmons was able to use his familiarity with the Probate Court and the Court Clerk's Office to manipulate the process. The bond amount in this case was set at \$375,000, even though there was over one million dollars in assets in the Link Estate. Due to the doctrine of judicial immunity, the Probate Court is immune from suit. However, the Probate Court Clerk's Office is not shielded from liability under this doctrine.

Mr. Gontarek, as successor administrator, is seeking compensation due to the mismanagement of the Estate of William C. Link at the hands of John Clemmons. The Estate has agreed to accept a total of \$300,000 in full settlement of this case.

The Department of Law recommends settlement of this claim for \$300,000.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$300,000.