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## Kanawha County

### Former Nitro treasurer sues mayor, city for defamation

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Casto

CHARLESTON - A former Nitro city official alleges she was defamed by the mayor when he accused her of signing checks without his permission.

Rusty Casto and the city of Nitro are named as co-defendants in a lawsuit filed by Tifney Franks. In her complaint filed in Kanawha Circuit Court on April 21, Franks alleges Casto falsely accused her of forging his signature on city checks when she served as the city's treasurer, and office manager.

In her suit, Franks, whose last name was Terry at the time, alleges while she was employed as treasurer/office manager from Sept. 2005 until Oct. 2007 that she was "routinely instructed by the Mayor to sign his name to not only checks but other instruments requiring [his] signature." She maintains this was a common practice as Casto often "did not wish to return to city hall or appear at the place his signature was required."

Franks alleges the first time it occurred was on June 30, 2006, when a city employee needed to take a check to Lowe's to purchase materials. Citing no need to come to city hall when she called, Franks says Casto gave her his permission to sign his name to the check.

After signing Casto's name, Franks alleges she placed her initials "T.T" next to it "to designate signed by someone other than Rusty Casto." Prior to that, Franks maintains she never "signed the Mayors [sic]

name to any instrument."

On May 1 and 15, 2007, Franks alleges she again was given permission by Casto to sign his name to two checks for overtime work he approved on April 15, 2007. As she'd done before, Franks says she signed Casto's name, and placed her initials next to it.

Records show the two overtime checks were co-signed by Rita Cox, the city clerk.

Public uproar over the overtime checks, which totaled \$20,000, is what led Franks, whose salary was \$38,000, to resign as treasurer/office manager. The checks were made public following a successful Freedom of Information Act lawsuit filed by Nitro activist Wanda Fritz to compel the city to disclose the checks when it refused her request to see them.

In her suit, Franks says Casto in May made false statements to PutnamLive.com. She says Casto falsely told publisher Mark Hallburn that he never authorized her to sign his name to any documents, and he never found out about it until after her resignation.

Franks avers that while employed as the city's treasurer/office manager, any document she signed was done with Casto's full knowledge, and permission. Along with 23 checks, Franks says she signed Casto's name to separate grant applications for the police, and fire departments.

Aside from Casto's comments, Franks says she was taken aback by the suggestion of an "unidentified high ranking Nitro Police Officer" that he was recommending Casto press forgery charges against her. When asked if he was going to follow the officer's recommendation, Casto said "I don't know. I have no idea. Probably just go about our business."

Since the interview, no charges have been filed or indictments brought against Franks, 39, who now lives in Clermont County, Ohio, a suburb of Cincinnati.

Franks' suit makes claims against Casto, and the city for defamation, slander and intentional/reckless infliction of emotional distress. She alleges statements Casto, and other city officials made to PutnamLive.com implied she was engaging in "illegal and criminal conduct" and exposed her to "hatred, ridicule, contempt, disgrace, humiliation, shame, and damage to her personal, professional and business reputation."

Franks, who filed the suit pro se, seeks unspecified damages, interest, court costs and attorney fees.

The case is assigned to Judge Louis H. "Duke" Bloom.

*Kanawha Circuit Court, case number 10-C-750*