

# PRESS-REGISTER

## School library clerk hired despite felony conviction

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By **RENA HAVNER**  
Staff Reporter

State officials said they knew that a library aide at LeFlore Preparatory Academy had a felony conviction when she was hired to work for the Mobile County Public School System in 2005.

Ever since 1999, Alabama law has required that criminal background checks be conducted by the state of all applicants for jobs at public schools.

But because the aide's crime wasn't violent, did not involve children and occurred 14 years prior, state officials did not flag her as unemployable, said Edith Parten, spokeswoman for the Alabama Department of Education.

The aide, Carol Odett Thomas, pleaded guilty in 1991 to structuring an illegal \$10,000 bank transaction, according to federal court records. That was likely connected to her live-in boyfriend's crack-dealing operation, according to a 1997 Press-Register article.

Mobile County officials said they had no way of knowing of the conviction because the state never passed that information along.

Thomas marked on her local and state applications that she had never been convicted of a felony.

And state schools Superintendent Joe Morton sent the local system a letter saying simply that Thomas had been cleared by both the Alabama Bureau of Investigation and the Federal Bureau of Investigation.

She "meets the suitability criteria for employment," according to the letter.

"I just can't understand how she could have been cleared by the state," said Mobile County schools Superintendent Roy Nichols, when notified of the conviction by the Press-Register.

Though Nichols was not superintendent at the time of Thomas' hiring, he said that if he knew of Thomas' background, he would not have hired her.

"It would seem to me that the state ought to tell us what's in the background of each employee and let us make the decision," Nichols said.

The law includes no list of specific crimes that prohibit a person from being hired. When a background check reveals a conviction, state officials said, they examine the details of the charges on a case-by-case basis.

To protect the privacy of the potential employee, those details are not shared with the local system, said David Stout, a spokesman for the Alabama Education Association teachers union in Montgomery, which supports the background check system.

"The law is set up to provide confidentiality, and there's a reason for that," Stout said. "There are a lot of people out there that might have been 17 or 18 years old and cashed a bad check but could be a good employee or a good teacher. Why should they be embarrassed?"

Stout, declining to talk about the Thomas case specifically, said the final decision is and should be up to the state. "If the state decides that they are no danger, no threat to the student or to the school, why should they be humiliated 20 years later?"

Local school districts can do their own research of job candidates, Stout said.

But, he added, potential employees should never lie on job applications.

Thomas was sentenced to three years of probation while her boyfriend, "Big" Al Starkes, received a life sentence.

Starkes, who has a child with Thomas, was described in court as leading a ring of 38 other defendants in moving 23,000 pounds of crack through Mobile from the late 1980s to 1991.

Throughout Starkes' trial, there was never any suggestion that Thomas dealt drugs, but she did admit to helping him conceal his money.

According to the 1997 Press-Register article, Thomas carried \$21,000 in cash into a Central Bank branch and asked to buy four different cashier's checks. She testified in Starkes' trial that the money belonged to Starkes, and she was splitting it into four checks so no one check exceeded the \$10,000 mark at which banks must file reports with the IRS.

Because she testified against Starkes, her sentence was reduced, the article states.

"That was a long time ago. It was all waived and let go," Thomas said when contacted at the LeFlore library last week.

She said the conviction has no bearing on how she performs her job, which includes checking out books for students.

When asked why she marked on her application that she did not have any convictions, Thomas said: "I went back and got my voting rights back a couple of years ago. They told me I didn't have to. ... If I was wrong, I didn't do it on purpose. I went to Montgomery. It took awhile, but I took care of that."

Cynthia Dillard, executive director of the Alabama Board of Pardons and Paroles, confirmed that Thomas' voting rights were restored in July 2005 -- two months before she filed the LeFlore job application. But she said that does not erase a conviction.

On her application, Thomas checked "No" to the question: "Have you ever pleaded guilty, been convicted, fined, imprisoned, nolo contendere, or placed on probation for violation of any law, police regulation, or ordinance, excluding minor traffic violations?"

She signed her name to the contract, agreeing that "Falsification of any part of this application, including any accompanying inserts, shall be sufficient cause for denial or dismissal of employment."

"If an employee falsifies an application form, that ought to be grounds for discipline," Nichols said, adding that he will look into the matter.

Thomas is the sister of former Mobile County Circuit Court Judge Herman Thomas, who recently resigned from his Circuit Court seat after allegations were made that he had improperly interfered with other judge's cases.

Carol Thomas, 52, makes \$16,995 as a library aide. Before she went to LeFlore, she worked more than 20 years for various cigarette distribution companies.

The state, which conducts about 20,000 background checks on potential school employees each year, considers several factors in determining whether a crime should prevent an employee from being hired, Parten said, including:

The age of the crime. Crimes that are 10 or more years old may be less scrutinized.

The severity of the crime. "Does it involve violence? Does it involve children?" Parten asked.

The job title. A person applying for a teaching position would be held to higher standards than a member of a school's support staff, such as a library aide.

Whether there are other convictions.

"We also took into consideration that a judge decided not to send her to jail. She got probation instead," Parten said of the Carol Thomas case. "Most importantly, it did not impact the safety of the children."