

Federal court hears discrimination complaint against El Paso County Sheriff Bill Elder

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During a promotion ceremony, El Paso County Sheriff Bill Elder speaks to his staff at the headquarters on Thursday, January 1, 2015. (The Gazette/Jerilee Bennett)

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DENVER • A former El Paso County sheriff's sergeant who couldn't fire a gun because of a shoulder injury was reassigned in 2015 to a midnight security shift at

the jail, where he was expected to “patrol violent inmates” and “break up fights,” his attorney said Monday in U.S. District Court in Denver.

John Huntz is suing Sheriff Bill Elder, alleging that the transfer was retaliation from high-ranking sheriff’s officials because his then-wife, a dispatch supervisor for the agency, had reported sexual harassment by a commander.

“He knew he couldn’t do the job,” Colorado Springs employment lawyer Ian Kalmanowitz said during opening arguments. “You can’t put a one-armed man in the jail and keep your deputies safe, keep your sergeants safe, keep your inmates safe.”

But Elder testified that Huntz was ordered off his job as training sergeant because his agency had a candidate who would be a better fit for the job.

The trial, set to last five days, is a reminder that turmoil during ex-Sheriff Terry Maketa’s final term did not end with his back-to-back mistrials in 2017 and early 2018.

El Paso County attorney Kenny Hodges said John and Tiffany Huntz had received “special treatment” from Maketa, who appointed John Huntz to the “high-profile, high-stakes, coveted position” of training sergeant, though he had no experience supervising deputies or overseeing training.

Maketa testified that John Huntz was a good friend, and they had often spent time together outside of work, vacationing in Alaska and Puerto Vallarta.

He said Huntz did not ask him for the training position and “wasn’t too thrilled” when he got the assignment. But Huntz’s diligence made him a good pick, the former sheriff said.

“That’s what caught my attention — this interest in being a student of the profession he was in,” Maketa said. “From what I recall and my observations, he did a fine job in there.”

In February, a judge formally dismissed corruption charges against Maketa, who left office in late 2014 amid allegations that he had abused his power and had sexual relationships with female employees. Prosecutors petitioned to dismiss all the charges after two mistrials failed to obtain any convictions against Maketa, who had been indicted on nine counts in May 2016.

About seven months before Huntz was reassigned to the jail, his then-wife complained that her former supervisor, Commander Rob King, made sexual comments to her. In an incident two years earlier, she complained, she brought

campaign signs to the garage at King's home, where she saw more than a dozen pictures of nude or half-naked women on the walls.

She asked if one of them was his wife, according to the lawsuit, and he allegedly asked her to send him a nude picture of herself so he could "stare at it, too."

The lawsuit also alleges that King had commented on her breasts and outfits, saying at times that a dress made her look "curvy" or "busty."

But Elder said he did not believe the allegations and questioned the timing of her complaint, a few days after King and two other commanders had filed another employment discrimination complaint against Maketa. Their complaint alleged that, among other things, Maketa had had an affair with Tiffany Huntz.

Elder testified that King had been accused of sexual harassment in two or three other complaints by Sheriff's Office employees. When he took office, he said, he told King that any further complaints would result in serious disciplinary action, possibly termination. Elder said he hasn't heard any allegations since.

Last September, Senior Circuit Judge David M. Ebel dismissed Tiffany Huntz's discrimination claim after the Sheriff's Office filed a motion for summary judgment. She and John Huntz are now divorced, Hodges said. Ebel now is hearing John Huntz's claims.

After Elder took office, John Huntz was on medical leave for his shoulder surgery in April 2015. His attorney said he requested an additional month off in August, after the leave expired, because he couldn't return to work. But the Sheriff's Office fired him – a devastating blow for a man who had always wanted a career in law enforcement and has several family members who are police officers, his attorney said.

"Losing his job destroyed him," Kalmanowitz said.

Hodges said the Sheriff's Office had "tried to work with" Huntz, holding his jail position open more than eight months while he was on leave. He said Huntz did not respond to multiple requests for fitness-for-duty examinations or ask for "light duty," which sometimes is granted to lighten the load for an employee who can't perform all functions of a job.

"The Sheriff's Office didn't do anything wrong to John Huntz," Hodges said. "He is looking for a paycheck."

Testimony continues Tuesday morning at the Byron Rogers U.S. Courthouse, 1961 Stout St., in downtown Denver.