

Suits Say Repo Man Had a Badge

Deputy Accused Of Seizing Cars

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Albuquerque Journal

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A Bernalillo County Sheriff's deputy is accused in two lawsuits of moonlighting as a repo man for a local car dealer and using his police powers to confiscate vehicles.

The county has paid about \$115,000 in legal settlements for two claims that Sgt. Bobby Rohlfs repossessed cars or threatened to repossess them.

Sheriff's officials have launched an internal affairs

investigation into Rohlfs' conduct.

"It was clear after all of the information was brought forth, it was in our best interest to settle," Sheriff Darren White said Monday. "We were not aware that he was repossessing cars. Had we known this was taking place, we would have put an end to it."

Contacted Monday, Rohlfs' attorney, Bill Slease, declined comment.

From 2000 to 2005, Rohlfs worked as a contractor for Pitre Buick Pontiac GMC, according to one of the lawsuits.

Sheriff's officials were made aware of what Rohlfs was doing after two people went to the Attorney General's Office with

complaints about the deputy's conduct. Both filed lawsuits.

Leander Lopez's lawsuit against Pitre and the Sheriff's Office was settled about two months ago, which resulted in the county paying a \$16,000 settlement.

John and Michelle Brownell filed suit against Pitre on Monday. But they reached a settlement for \$99,000 with the sheriff's office before filing suit against it.

Attorneys for Pitre were unavailable for comment.

A former general manager who still works for Pitre told the *Journal* that Rohlfs never worked for Pitre while on the clock with the sheriff's office.

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According to the Brownells' lawsuit, they bought a sport utility vehicle from Pitre in August 2004. The suit alleges the dealership never turned in paperwork to the finance company. It claims that within a few weeks, the dealer called the Brownells trying to get them to sign a new contract for the SUV at a higher price. They refused to do so and filed a complaint with the Attorney General's Office, which was working to settle the dispute.

About a month later, three sheriff's deputies wearing badges and guns went to a home Mrs. Brownell was visiting and forced her to turn over the SUV, according to the suit.

In their official police report, the deputies indicated that they were ordered by Rohlfs, who is their supervisor, to contact Charles Fiorenza, the general manager of Pitre, in reference to a "fraud case." Fiorenza told the deputies that Brownell had fraudulently obtained the vehicle, according to the police report.

Contacted Monday, Fiorenza, who is now the general manager of Pitre Used Cars, told the *Journal* that he never asked anyone to repossess Brownell's car. He said that one day it showed up on his lot and that he didn't know how it got there.

On Monday, White said the deputies were misled into believing there was fraud. He would not say who did that.

"The department was misled. It was a civil matter, and we should not have been involved," White said. "I regret it and take responsibility."

In 2005, after Lopez and Pitre got into a dispute over the sale of a Ford Explorer, Rohlfs contacted him and identified himself as a deputy with the sheriff's department assigned to "mediate" the case, according to Lopez's suit.

Rohlfs made several more phone calls accusing Lopez of criminal conduct, threatened to arrest him and take the case to the District Attorney's Office, the suit claims.

One of the calls occurred while Lopez was filing a complaint with the AG's Office, AG's spokeswoman Sam Thompson said Monday. Lopez gave his cell phone to a consumer advocate, who told the deputy to "stop interfering with this kind of matter," Thompson said.

Lopez's attorney, Richard Feferman, who obtained Rohlfs' pay records from Pitre, contended in the lawsuit that the deputy's conduct was illegal because he was representing himself as a law enforcement official. Feferman cited case law that police can't be involved in the repossession of cars because it violates people's 14th Amendment property rights.

"I don't understand why the sheriff's office is involved in repossessing vehicles for car dealers," Feferman said.

White said the internal affairs investigation should be completed after Jan. 1.

Under department policy, Rohlfs was required to get permission from the sheriff to have a second job. He did so in 2000 and in 2002. In his application, according to White, Rohlfs said he was working as a collections agent and part-time process server and working security for Pitre.

That application expired when White took office in 2003, and Rohlfs never sought to get permission again, White said.

White said had Rohlfs asked him permission to repossess cars, he would have said no.

"The repossession of cars is something we do not want our employees doing," White said. "No police officer, regardless of what agency they work for, should be the repo man. It just causes problems."