

Authorities: Sex offenders shouldn't be selling ice cream

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By Lisa Medendorp

CHRONICLE STAFF WRITER

A state Department of Corrections officer didn't like who she saw at the wheel of a neighborhood ice cream peddler's truck.

The man looked very much like a convicted sex offender she knew.

She alerted her bosses, who called the Muskegon County Sheriff's Department June 2. The sheriff's department investigation confirmed that the driver was 48-year-old Richard G. Barnhill, who served 13 years in prison for third-degree criminal sexual conduct with a 14-year-old girl.

But the same investigation also determined that Barnhill, of 1189 Terrace, Apt. 1, had broken no laws and was properly registered as a sex offender with state police.

The fact that someone formerly convicted and imprisoned for having sex with a juvenile can hold a job that requires regular contact with children is upsetting to Muskegon County Prosecutor Tony Tague and Sheriff's Detective Shane Brown, who investigated the case last week.

Brown said he understood that Barnhill "needed a job," but driving an ice cream truck that sells treats to children "is just completely inappropriate."

Muskegon County Prosecutor Tony Tague also used the word "inappropriate," and said: "Under the Michigan sex offender registration law, his prior conviction is a public record and I believe the community should be fully informed."

Tague said a criminal background check should be required by law "of anyone involved in an employment situation such as this, or the coaching of children, or any other position that has significant contact with children."

Currently, there is no such requirement, although fingerprinting and background checks are mandatory for those seeking employment as substitute teachers.

Tague said he planned to contact area legislators asking for similar legislation for all positions where adults have significant contact with children.

The Chronicle was unable to reach Barnhill for comment. Police said he has no phone, and no one answered when a reporter knocked on his door Friday.

As of Tuesday, Barnhill was still working for Cool Treats LLC, of 2272 Henry, where he had worked for about 30 days, said Brown.

On Thursday, company owner Serge Kelly told The Chronicle Barnhill was an "independent contractor"

and that he no longer sells for the ice cream company. He declined to say when Barnhill left.

Kelly said The Chronicle was "slamming" his business by reporting on the issue. He declined further comment.

Brown said no other current employees of the ice cream company are registered sex offenders. In fact, since Barnhill was hired, Kelly has included a check of the sex offender registry prior to hiring employees, according to the sheriff's department report.

A recent applicant was found to have three criminal sexual conduct convictions on his record and was not hired, the report said.

Tague and Brown said Kelly was not required by law to make a criminal background check when hiring Barnhill. Brown said Kelly did check the man's driving record.

Brown said Kelly found out Barnhill was a registered sex offender the day after he hired him, but that he kept the man on because he believed Barnhill was wrongfully convicted. "He was trying to give the guy a chance," Brown said.

"He said Barnhill was one of his best employees, based on the sales that he did," the detective added.

However, Brown said Barnhill's ice cream route was changed "a couple of times" because he had been recognized and confronted. Brown said that in one instance, the person who confronted him had a picture printed off the Internet and that Barnhill "denied it was him."

Barnhill apparently worked a number of different routes during his tenure with Cool Treats, which uses a variety of vans in different colors to sell ice cream.

Barnhill was sentenced to 10-15 years in prison in 1991 for having sex with the 14-year-old daughter of his girlfriend. The complaint to Muskegon police originated through what was then called the Department of Social Services, Child Protective Services Division.

Brown said Barnhill "maxed out" on his prison sentence and was never on parole. Barnhill was released from prison on March 1, 2003.

Barnhill has denied he was guilty of the offense, even though he pleaded no contest in court, police said.

"He's saying he spent 13 years behind bars for something he didn't do," Brown said, "and was denied parole because he wouldn't admit it and because he wouldn't participate in any treatment programs."

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