

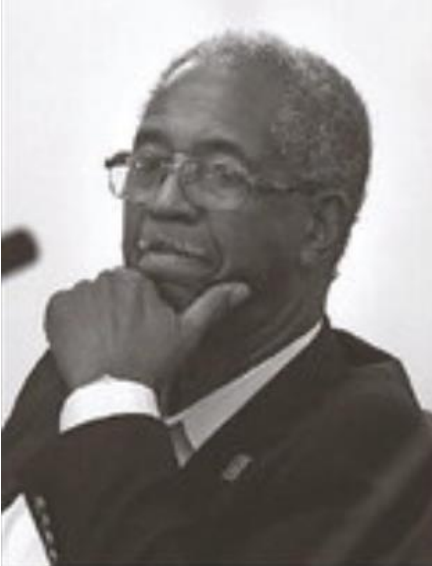
Lawsuit asks to reverse removal

Three ex-officials seek return to board of St. Petersburg **Housing Authority**.

BY CHRISTOPHER O'DONNELL

Times Staff Writer, Christopher O'Donnell codonnell@tampabay.com phone (813) 226-3446.

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Then-St. Petersburg Housing Authority Commissioners Ann Sherman-White, right, and Delphinia Davis speak during a board meeting Feb. 28. At left is Harry Harvey, who was the vice chair.

CLEARWATER - Has anyone ever fought this long and this hard for an unpaid position?



Mayor Rick Kriseman

Even as a judge on Wednesday dismissed one lawsuit against Mayor Rick Kriseman and the city of St. Petersburg, three former St. Petersburg Housing Authority board members had already filed another legal challenge seeking to overturn the city's decision to remove them from office.

Harry Harvey, Delphinia Davis and Ann Sherman-White recently filed an appeal seeking to be reinstated to the housing agency's governing board. City council members on May 16 approved a recommendation from Kriseman to remove them from office for six counts of misconduct or neglect that included allowing the agency's CEO to live rent-free for nine months in a low-income apartment.

Their lawsuit argues the three board members were not given adequate due process to defend themselves. It states the six charges the city detailed to council members to justify removal are a 'pretext' so Kriseman can appoint commissioners who will carry out his agenda to fire agency CEO Tony Love.

It is likely the last chance for the three to save their position.

Circuit Judge Patricia Muscarella on Wednesday dismissed an earlier lawsuit filed by the housing agency against Kriseman and the city, though she left it open for the Housing Authority to file a revised complaint. City attorneys interpreted that as a win.

'What we've been saying all along is what the mayor did is he acted cautiously, prudently, but necessarily lawfully,' said Assistant City Attorney Joseph Patner.

Both Love and John Johnson, an attorney representing the housing agency, declined to comment.

It's unclear how much money the Housing Authority's legal challenge has cost taxpayers.

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The city defended the lawsuit with in-house attorneys. But the Housing Authority had four outside attorneys at the 30-minute hearing Wednesday at the Pinellas County Courthouse in Clearwater. They included Love's personal attorney, Marion Hale, and Washington-based attorney Ross Nabatoff, who is representing the three board members in their outside appeal. Also present was the agency's regular attorney, Charley Harris.

The Housing Authority has yet to respond to a *Tampa Bay Times* public records request made Monday for legal invoices arising from the lawsuit. The agency's actions may also violate a 1980 Florida Attorney General ruling that housing authorities may not use tax dollars to contest the removal of a board member.

Kriseman, who was ordered to appear at the hearing through a subpoena filed by the housing agency, said he was pleased with the ruling but expressed frustration that the agency has spent public money fighting the city.

'I continue to be disappointed that a great deal of taxpayer revenues are being fought or spent in litigation, as opposed to being spent on providing housing,' he said. 'I hope that will end and the housing authority can focus on its mission, which is to provide housing for low-income residents.' State law gives the mayor the authority to appoint and remove board members provided those decisions are confirmed by city council. Other than that, the agency operates autonomously and board members, who serve on a voluntary basis and receive no pay, provide the only oversight.

The six charges brought by the city to remove the board members included failing to follow the state's Government in the Sunshine law. Another count against Harvey and Davis was that they failed to disclose to other board members reports from senior staff complaining that Love shouted and bullied them ahead of a vote to raise Love's pay. Sherman-White was also found to have missed too many board meetings.

The new lawsuit claims the former board members were not adequately notified of the city council hearing

and had no opportunity to defend themselves. The three were not given copies of the charging document, which was sent to the agency's attorney, the lawsuit states.

That is disputed by city attorneys. The hearing was publicly noticed and its date was published in the *Times*. Copies of the charging documents were sent to the housing agency and to the official email addresses of the three, according to a document filed in the lawsuit.

Kriseman has already named a replacement for one of the three board members. City council members on June 6 confirmed his pick of former assistant Pinellas County administrator James Dates.