

# Recall effort under scrutiny

BY MELISSA HOYOS  
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An effort to recall Lauderdale-by-the-Sea Mayor Oliver Parker is under scrutiny by a Broward County Circuit judge.

Judge Barry E. Goldstein listened to arguments Tuesday during a hearing requested by Parker to stop the recall process. Goldstein is expected to make his decision in Fort Lauderdale today.

Parker has filed lawsuits against the town; Stuart Dodd, chairman of the recall committee; and county Supervisor of Elections Brenda Snipes.

Those on the committee say Parker cast the deciding vote on the town's budget that included a special assessment to be used to pay for emergency medical services.

The mayor is prohibited by law from passing a special assessment for EMS, said Dodd's attorney, Ross Shulmister.

Of the 742 petition signa-

tures the recall group collected, 699 were certified by Snipes' office. The group needed about 500 signatures from registered voters.

Town residents packed the courtroom Tuesday to listen to arguments by Shulmister and Parker's attorney, Stuart Michelson. Those in the audience included Dodd, Town Commissioner Jerry McIntee, Vice Mayor John Yanni and Mayor Pro-Tem Chuck Clark.

Michelson contends that Parker was required by law to vote on the budget that was prepared by the town's attorney and finance director. Michelson said those looking to recall Parker must show he was involved in misconduct.

"It's not a bad act to vote on a budget," the attorney said.

However, Shulmister said Parker acted improperly and he approved the budget despite problems pointed out by other commissioners.

## ● LAUDERDALE-BY-SEA JUDGE SPIKES BID TO RECALL MAYOR

Lauderdale-by-the-Sea Mayor Oliver Parker has squelched the recall effort against him, at least for now.

On Wednesday, Broward Circuit Judge Barry E. Goldstein ruled that the recall supporters did not prove misfeasance, one of seven grounds for recalling an elected municipal official.

More than 700 of the town's roughly 7,000 residents signed petitions to oust Parker in a special election. They claim he committed misfeasance when he voted for a fire-assessment fee that was partly allocated to emergency medical services. Municipalities cannot charge residents a special assessment for EMS.

Parker then sued the head of the recall committee, Stuart Dodd; the town of Lauderdale-by-the-Sea; and Brenda Snipes, Broward's supervisor of elections, claiming the recall is groundless and the petitions don't comply with state law.

"It's the right ruling," said Stuart Michelson, Parker's attorney.

Parker's opponents have not decided whether to appeal Wednesday's injunction.

# Judge blocks efforts to recall mayor

## Temporary injunction bars special election

BY MELISSA HOYOS  
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A Broward judge on Wednesday blocked efforts to recall Lauderdale-by-the-Sea Mayor Oliver Parker.

Circuit Judge Barry E. Goldstein granted a temporary injunction preventing the recall from taking place. The recall would have forced a special mayoral election.

Parker had requested a hearing to stop the recall and sued the town, recall committee chairman Stuart Dodd and Broward Supervisor of Elections Brenda Snipes. The committee accused him of misfeasance for voting on the town's budget, which included a special assessment to pay for emergency medical services.

Those accusing Parker say special assessments cannot be used to pay for EMS.

The recall group collected 742 petition signatures, 699 of which were certified by Snipes' office. The group needed about 500 signatures from registered voters.

In his decision, Goldstein defined misfeasance as "the performance of a legal act in an improper or illegal manner." He ruled that the "facts alleged in the petition are not sufficient to estab-

lish [a] charge of misfeasance."

He said "there would be irreparable harm if the taxpayers of Lauderdale-by-the-Sea have to pay for a special election."

The judge's decision may be appealed.

Attempts to reach Dodd by phone were unsuccessful Wednesday. His attorney, Ross Shulmister, said the committee stands by its argument that Parker voted for an illegal special assessment.

He said the recall committee would decide whether to appeal or take another approach. They have the option of creating a new petition with different grounds for recall.

Commissioner Jim Silverstone, who supports a recall, said he was disap-

pointed with Goldstein's decision. He said a recall gives residents a chance to decide if the mayor voted to spend taxpayer money wisely.

Vice Mayor John Yanni said he doesn't want to see the recall process move forward.

"The whole thing was ridiculous from the start," said Yanni, who doesn't support the petitioners' argument on the special assessment.

Among those subpoenaed in the recall case was Town Clerk Alina Medina.

The town is investigating allegations that Medina inserted a statement in commission minutes that could have benefited Parker in his fight against the recall.

Even though the judge has blocked the recall effort, the city and the Brow-

ard State Attorney's Office are investigating the statement in the Sept. 14 minutes that Parker had asked the town finance director whether the special assessment could be used to pay for EMS.

A videotape of the meeting does not show the conversation taking place.

The state is investigating the discrepancy. Town Manager Bob Baldwin, who is also investigating, has asked Medina not to attend commission meetings until he has finished his review. Medina could not be reached for comment despite several attempts by phone.

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