

## **4 Westlake aldermen oust mayor for misconduct**

**By Miles Moffeit**  
**Star-Telegram Staff Writer**

WESTLAKE - Four Westlake aldermen found Mayor Scott Bradley guilty of official misconduct and incompetence yesterday, a ruling that the court of appeals refused to set aside late last night.

Two hours after the trial, Bradley obtained a district court order that would have blocked his removal until a 9 a.m. hearing today.

"The hearing was conducted in violation of Bradley's rights to due process as guaranteed by the Constitutions of the United States and the State of Texas," Tarrant County District Judge Bob McGrath stated in his temporary restraining order.

But attorneys for the aldermen succeeded in getting McGrath's ruling stayed in the 2nd District Court of Appeals.

At the trial, Alderman Fred Held had the only vote against the verdict, calling the process "the most flagrant exhibition of injustice in democracy I've ever seen in my life."

But Town Attorney Bill Wood said the hearing followed all applicable rules as set by state statute.

"I think it's been a fair hearing - it's a statutory procedure," he said.

The string of court actions started with McGrath's ruling last week that temporarily barred the aldermen from ousting Bradley. That ruling was stayed by a state court of appeals. Yesterday, the Texas Supreme Court declined to consider Bradley's appeal. The aldermen - Carroll Huntress, Jerry Moore, Howard Dudley and Al Oien - found Bradley guilty of official misconduct and incompetence, invoking an obscure state statute that allowed them to accuse, try and determine guilt.

The "verdict," which removed Bradley from office, came after three hours of bewildering testimony and frequent hisses from a crowd of 60 onlookers, some waving placards and carrying American flags in protest of the hearing.

After Oien read the final verdict on four grievances against Bradley - which included "causing the town engineer to prepare a false map" to include the Stagecoach Hills subdivision, Huntress declared that the mayor's office was "vacant."

Bradley's attorney, Eldridge Goins, objected, saying his client has the right to remain in office for 10 days while making an appeal. Huntress blurted back that the action was effective "right now," drawing protests from the audience and a loud remark that Oien would "be fired in Saturday's election."

Bradley and Goins quickly exited the room, saying they were headed to the courthouse.

"Even though I was prepared for this, it's still devastating," Bradley said. "I don't think this was a constitutional process."

A 3-story, white-walled cafeteria in the Solana office complex served as the courtroom. Bradley supporters

decorated its walls with posters of the Declaration of Independence and the U.S. Constitution.

Both parties agreed to follow typical trial rules that involve arguments and cross examinations. The aldermen served as judges, witnesses and jury. Huntress chaired the proceeding, hearing motions from both attorneys and frequently sustaining objections from Dudley's attorney.

Goins called the proceedings a "mockery" and an "abuse of the rules of justice court" as he continuously objected. He accused the aldermen of violating the Texas Open Meetings Act because the trial notice posted did not include the accurate location. He also assailed the aldermen as having conflicts of interest. He said that Oien has referred to Bradley as a liar and stated the trial was scheduled to remove him.

Huntress repeatedly rebuked Goins, once telling him, "We're trying to follow those rules, Mr. Goins. If you'll sit down we'll proceed with the hearing."

The aldermen had accused Bradley of illegally removing a notice for an April 11 special meeting that had been called by Huntress; directing the town secretary to "not include an item" on an agenda; instructing the town secretary to "remove from proposed minutes of meeting of March 24 action taken during that meeting"; and causing the "town engineer" to prepare a false map that included Stagecoach Hills in March 1995.

Town Secretary Ginger Crosswy, called to the stand by Goins, rebutted attorney George Staples' contention that the mayor ordered her to tamper with documents.

She said she did not include an item that would have approved the hiring of a new law firm - Fielding, Barrett and Taylor - because the mayor had adjourned the meeting before the action took place. She also said the item was not on the agenda. Staples' firm is Fielding, Barrett and Taylor.

When Staples accused Bradley of illegally removing the April II meeting notice, Bradley said that as chief executive officer of the town, he was obligated to remove the "illegal notice."

Only the mayor has the authority to call a special meeting, Bradley said, and he had not given his permission for the meeting.

"You can't just make a motion to declare a cow a horse," Bradley said at one point.

Staples called a draftsman for Metroplex Engineering to the stand to discuss how Bradley requested the changes to the map in his Denton office, and he characterized the map change as unusual for an annexation procedure.

Oien testified that he unknowingly approved the addition of Stagecoach Hills during the March 5, 1995, meeting, because a map was not presented when the ordinance was approved.

Goins then called former Town Attorney Paul Isham to the stand, who asserted that a map was presented during that meeting and that "there was no doubt in my mind that Stagecoach Hills was included" as part of the town."

In his closing argument, Goins strolled behind the defense table relating the story of "The Devil and Daniel Webster," about a man who sold his soul to the devil and got it back with fancy talking.

Bradley, he said, "has served his community tirelessly, without pay, and propped up others, some of whom now sit in judgment." Bradley has engaged in "no official misconduct," he said.

Members of the crowd erupted in applause, standing and waving signs over their heads. When the applause stopped, Bradley rose, turned to the audience members and applauded them, and everyone began clapping again.

The aldermen's attorney waived closing statements.

The procedural rules for the trial "were made up as they went along," Goins said.

"It was completely foreign to any sense of due process and ignored the rules of evidence. We weren't allowed to impeach witnesses or recuse justices," Goins said.

Staples said the rules were followed "adequately."

After the trial concluded, Huntress said he has never had legal training. "None. Did it show?" he asked as he left the building and headed for his car.

*Staff writer Neil Strassman contributed to this report*

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