

NEWS RELEASE

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STOLTZFUS APPEALS PRELIMINARY RECALL RULING

Tampa, Fla. – Anna Maria City Commissioner Harry Stoltzfus has appealed Wednesday’s circuit court order declining to review the legal sufficiency of the recall petition currently circulating in the island city. The court’s order, issued by Circuit Judge Edward Nicholas, indicated that Stoltzfus could seek judicial review of the recall petition if the second round of required voter signatures is obtained and before any recall election.

That delay in judicial review of the petition is inappropriate, according to Stoltzfus’ attorney, Richard A. Harrison. The recall statute permits the Commissioner to submit a defensive statement to the charges in the petition, but requires that to be done now, Harrison explained. But where the charges are so vague as what is found in this petition, no meaningful defense can be made. “This is a matter of fundamental due process,” Harrison added. “The Commissioner is entitled to fair notice of the charges against him and to a meaningful opportunity to respond to those charges before voter signatures are collected.”

The appeal of the circuit court’s ruling will go to the Second District Court of Appeal, which hears appeals of matters arising in Manatee County. Stoltzfus will ask the appellate court to review the matter on an expedited basis.

In the meantime, Stoltzfus will submit a general defensive statement to the City Clerk by the Friday deadline. “There’s not much I can say in response to such vague allegations,” Stoltzfus said, “but I can still appeal to the good citizens of Anna Maria who refuse to see our beautiful city overrun by developers and their supporters.”

Richard A. Harrison is Board Certified in City, County and Local Government Law by The Florida Bar. He is an honors graduate of Stetson University College of Law.

Allen Dell, P.A. is a leading Tampa law firm. It has been established in Tampa for nearly 90 years and maintains a diverse civil practice. The firm’s website is at www.allendell.com.

The case is *Stoltzfus v. Carter*, Case No.: 2010-CA-4620, Circuit Court of the Twelfth Judicial Circuit in and for Manatee County.

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