

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(St. Louis City)

McCormack Baran Ragan Management Services, Inc.

FILED
JUL 02 2014

vs

██████████

vs.

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

St. Louis Housing Authority

CASE NO. 1322-AC01008

DIVISION 28

July 2, 2014

JUDGMENT AND ORDER

This cause was called for hearing on defendant ██████████' Third Party Petition against St. Louis Housing Authority on June 24, 2014. The parties appeared by and through counsel. ██████████ ██████████ appeared in person and by and through his attorney Susan Alverson and St. Louis Housing Authority by and through counsel Cindy Reeds Ormsby. Counsel for McCormack Baron, Thomas Osterholt appeared as an observer. Evidence was adduced and this Court took the matter under submission.

██████████ Third Party Petition arises under 536.150 RSMo, "under this review, the trial court hears evidence on the merits, makes a record, determines the facts and decides whether the agency's decision is unconstitutional, unlawful, unreasonable, arbitrary, capricious, or otherwise involves an abuse of discretion....The trial court does not defer to facts found or credibility assessed by the agency and need not conform doubtful evidence to the agency's decision." State ex rel. Smith v. Housing Auth. of St. Louis, 21 S.W.3d 854, 856 citing Cade v. State, 990 S.W.2d, 32, 37 (Mo. App. W.D. 1999).

This Court makes the following findings based on the evidence presented on June 24, 2014:

██████████ was a Section 8 participant. ██████████ failed to offer any credible evidence to

rebut the testimony of, Ms. Walker, the Section 8 Housing Specialist assigned to his case. Ms. Walker's testimony established that [REDACTED] submitted false information regarding his employment, to the St. Louis Housing Authority (SLHA) by submitting a *Verification of Income* form dated June 5, 2012, and a *Verification of Income* form dated August 13, 2012; which each contained false information. This Court finds that submitting said false information is a violation of the *Obligations of the Family* form as stated within said form which is signed and dated March 08, 2011, by [REDACTED] as Head of Household. This Court finds that SLHA notified [REDACTED] of his termination from the Section 8 program, and such termination was effective October 31, 2012. [REDACTED] was provided an informal hearing by SLHA, in addition to having meetings with the SLHA Deputy Executive Director on more than one occasion as a result of his requests to SLHA to review/reconsider the termination of his Section 8 Assistance. [REDACTED] vacated the Section 8 subsidized unit as of February 28, 2013.

This Court having considered the facts and the applicable law finds and enters its judgment to confirm that the St. Louis Housing Authority presented sufficient evidence to establish that the decision of SLHA is **not** unconstitutional, unlawful, unreasonable, arbitrary, capricious or otherwise an abuse of discretion.

SO ORDERED:


Calea Stovall-Reid, Judge

cc:

Susan Alverson, Attorney for Third Party Petitioner
Cindy Reeds Ormsby, Attorney for Third Party Defendant
Thomas Osterholt, Attorney for Plaintiff McCormack Baron Ragan, Management