

IN THE CIRCUIT COURT FOR CAMPBELL COUNTY, TENNESSEE
AT JACKSBORO

FILED
DATE: 11-19 2021 TIME 11:23 AM
CIRCUIT COURT - CAMPBELL COUNTY
BOBBY W. VANN CLERK
Lulu Sharp
DEP. CLERK (D.C.)

STATE OF TENNESSEE, *ex rel*)
NATHAN S. NICHOLS, District)
Attorney General *Pro Tempore* for)
the Eighth Judicial District,)
"Petitioner")
VS.)
MICHAEL STANFIELD,)
MAYOR OF LAFOLLETTE,)
TENNESSEE)
"Respondent")

CASE NO: 17387

PETITION FOR OUSTER

COMES NOW the State of Tennessee, on relation of the District Attorney General *Pro Tempore* for the Eighth Judicial District, in accordance with the provisions of *Tenn. Code Ann.* §8-47-101, *et seq.*, and hereby Petitions this Honorable Court for a judgment of ouster against MICHAEL STANFIELD, Mayor of the CITY OF LAFOLLETTE, TENNESSEE ("Respondent"). In support thereof, the State submits the following, upon information and belief:

PARTIES

1. NATHAN S. NICHOLS is the District Attorney General *Pro Tempore* for the Eighth Judicial District of Tennessee. Petitioner was appointed to said office by the Honorable E. Shayne Sexton, Criminal Court Judge on July 27, 2020 for the purposes of investing and prosecuting certain allegations of official misconduct made against MICHAEL STANFIELD, Mayor of the City of LaFollette, Tennessee;

2. MICHAEL STANFIELD ("Respondent") is the duly elected Mayor of the City of LaFollette, Tennessee, an office of trust under and by virtue of the laws of this State, to wit: the Charter for the City of LaFollette, Tennessee, having assumed the duties of such office on or about December 2, 2008.

JURISDICTION & VENUE

3. This Court is vested with jurisdiction to decide the issues contained in this petition by virtue of the provisions of *Tenn. Code Ann.* §8-47-103 which directs a petition or complaint for ouster be brought in the circuit, chancery, or criminal courts of the proper county;

4. The City of LaFollette is a municipal corporation located within Campbell County, Tennessee, the same being the proper venue for this action;

CHARGES

5. Petitioner charges Respondent has knowingly and/or willfully committed the following acts which constitute misconduct in office and subject him to removal from office under the provisions of *Tenn. Code Ann.* §8-47-101:

I. MICHAEL STANFIELD, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF LAFOLLETTE, TENNESSEE, UTTERED FALSE STATEMENTS TO THE TENNESSEE COMPTROLLER OF THE TREASURY WITH THE INTENT TO HINDER AN INVESTIGATION AND AUDIT CONDUCTED BY THE AGENCY:

On or about August 27, 2020, Respondent was interviewed by investigative auditors from the Office of the Tennessee Comptroller of the Treasury concerning allegations he misused property belonging to the City of LaFollette and utilized the labor of a municipal employee for the benefit of his private lawnmower repair business at times when that employee was being compensated by the City of LaFollette. During the course of that interview, Respondent told investigators, while the employee in question had previously performed labor on respondent's behalf, all work done by the employee had been done at times when he was not being compensated by the City of LaFollette. Respondent further told investigators he had never instructed the employee to work on small engines belonging to customers of his small engine repair business during working hours. The municipal employee and several witnesses state that there were occasions when the employee would, in fact, repair small engines for Respondent's private business during times he was being compensated by the City of LaFollette.

II. MICHAEL STANFIELD UTILIZED THE SERVICES OF A MUNICIPAL EMPLOYEE FOR HIS PERSONAL BENEFIT AT TIMES WHEN THE EMPLOYEE WAS BEING COMPENSATED BY THE CITY OF LAFOLLETTE AND USED HIS POSITION AS MAYOR TO EXPLOIT THE LABOR OF THAT EMPLOYEE AT TIMES THE EMPLOYEE WAS NOT BEING COMPENSATED BY THE CITY OF LAFOLLETTE.

Beginning in May of 2015 and continuing until approximately August of 2020, Respondent directed and permitted a municipal employee to repair small engines which were not owned by the City of LaFollette, Tennessee and were, in fact, owned by customers of Respondent's small engine repair business. Respondent received payment or other remunerations from customers as compensation for repairing their small engines when, in fact, the municipal employee had performed the repairs for which Respondent was compensated. Frequently, this work was performed by the municipal employee at times he was being compensated by the City of LaFollette to perform duties for

the City's exclusive benefit. Numerous employees of the City of LaFollette witnessed this employee repair lawn equipment for Respondent's business at times the employee was being paid by the City of LaFollette. The State further submits a former superior of this employee instructed him to work on the small engines Respondent brought to the garage in order to prevent Respondent from becoming upset.

III. MICHAEL STANFIELD DIRECTED AND PERMITTED A MUNICIPAL EMPLOYEE TO UTILIZE TOOLS, EQUIPMENT, AND FACILITIES BELONGING TO THE CITY OF LAFOLLETTE, TENNESSEE FOR MICHAEL STANFIELD'S PERSONAL BENEFIT.

Beginning in May of 2015 and continuing until approximately August 21, 2020, a municipal employee, at either the direction or with the consent of Respondent, utilized equipment belonging to the City of LaFollette, Tennessee for purposes which personally benefitted Respondent. Specifically, the municipal employee in question used tools and other equipment belonging to the City for the purposes of facilitating repairs to lawn maintenance equipment for which respondent was being compensated in his personal capacity. Further, the repairs performed for Respondent's personal benefit took place almost exclusively at the City of LaFollette's public works garage. In a video recorded conversation, while being admonished by a former city official concerning the illegality of Respondent's actions, Respondent told this official he did not own a welder and he could not repair the lawnmower in question without a welder. Upon being told, once again, that use of the City's equipment in such a manner was potentially illegal, respondent persisted in his demands that the lawnmower be welded using the City's welder.

PRAYER FOR RELIEF

6. That proper process issue and Respondent be directed to answer this Petition;
7. That the Court hear this Petition as soon as practicable following the answer of Respondent with this matter taking precedence over all other civil and criminal cases pending on the Court's docket in accordance with *Tenn. Code Ann.* §8-47-119;
8. That, upon hearing the evidence and applying the law to the facts of this case, the Court GRANT the State's Petition and enter a judgment of ouster against Respondent with a declaration therein that the office of Mayor of the City of LaFollette, Tennessee be thereby vacant and shall be filled according to law.

9. Any other general or specific relief to which the State may be entitled.

Respectfully submitted;

A handwritten signature in black ink, appearing to read "Nathan S. Nichols", written in a cursive style.

NATHAN S. NICHOLS (#30283)

District Attorney General *Pro Tem*

Eighth Judicial District

226 Anne Dallas Dudley Blvd., Ste 800

Nashville, TN 37219

(615) 532-1864

nsnichols@tndagc.org

IN THE CIRCUIT COURT FOR CAMPBELL COUNTY, TENNESSEE
AT JACKSBORO

STATE OF TENNESSEE, *ex rel*)
NATHAN S. NICHOLS, District)
Attorney General *Pro Tempore* for)
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"Petitioner")
VS.)
MICHAEL STANFIELD,)
MAYOR OF LAFOLLETTE,)
TENNESSEE)
"Respondent")

CASE NO: 17387

AFFIDAVIT OF MICHAEL STANFIELD

FILED
DATE: 11-19 20 21 TIME 2:23 PM
CIRCUIT COURT - CAMPBELL COUNTY
BOBBY W. VANN CLERK
[Signature]
DEP. CLERK (D.C.)

COMES NOW Michael Stanfield, Mayor of the City of LaFollette, Tennessee and Respondent in this matter, and states the following, under penalty of perjury:

1. My name is Michael Stanfield, I am over the age of eighteen (18) years, and a resident of Campbell County, Tennessee;
2. I am the Respondent in the above-styled matter, acknowledge that I have received a copy of the State's Petition for Ouster, and waive formal service of the same;
3. After reviewing the State's petition and discussing the same with my attorney, Steve Hurst, I declare the following:
 - a. I have an absolute right to file an answer to the Petition for Ouster; however, I am WAIVING that right;
 - b. I have an absolute right to a trial by jury on the merits of the State's Petition. During that trial, I would have the right to put forth a defense to each charge contained in the State's Petition, the right to assistance of counsel, and the right to compel the attendance of any witness who might present favorable evidence on my behalf; however, I am WAIVING those rights;
 - c. I have a right to contest the State's Petition; however, I do not desire to do so;

d. The Petition filed by the State is legally sufficient in all respects and the allegations contained therein are true and would be proven by clear and convincing evidence at trial;

e. The District Attorney General *Pro Tem* has the lawful authority to bring the Petition for Ouster and I do not challenge his authority to do so;

f. If there were a trial and the jury found I had committed the acts alleged in the Petition and a judgment of ouster were entered against me, I would have the right to appeal that verdict and judgment to a higher court; however, I WAIVE my right to appeal;

g. It is my intent to expressly waive my right to contest the State's petition and the entry of a judgment of ouster against me. Further, I acknowledge that, upon entry of a judgment of ouster by the Court, I will be immediately removed from the office of Mayor of LaFollette, Tennessee and that office will be filled in accordance with applicable law. Also, I will be prohibited from holding the Office of Mayor of LaFollette, Tennessee until the expiration of the current term of such office;

h. I have consulted at length with my attorney, Steve Hurst, concerning the consequences of making the foregoing declarations, waiving my rights as they relate to the State's Petition, and consenting to the entry of a judgment of ouster against me and it is still my desire to do so. My attorney has answered all questions posed by me in relation to this matter and I am satisfied with his representation;

i. I make the foregoing declarations and execute this affidavit of my own free will and without force or coercion from any person. Further, I am not under the influence of alcohol or any mind altering substance and suffer no mental disease or defect which would in any way affect my ability to understand the implications executing this affidavit.

FURTHER AFFIANT SAYETH NOT:

This 19th day of Nov 2, 2021.


MICHAEL STANFIELD
RESPONDENT


APPROVED and executed in open court this 19th day of November, 2021


CIRCUIT COURT JUDGE

INITIAL MRS
Page 2 of 2

RECEIVED
DATE 11-19-21
BY: LAS

IN THE CIRCUIT COURT FOR CAMPBELL COUNTY, TENNESSEE
AT JACKSBORO

FILED
NOV 22 2021 TIME 824 A.
CIRCUIT COURT — CAMPBELL COUNTY
BOBBY W. VANN CLERK

DEPT. CLERK (D.C.)

STATE OF TENNESSEE, *ex rel*)
NATHAN S. NICHOLS, District)
Attorney General *Pro Tempore* for)
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“Petitioner”)
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MICHAEL STANFIELD,)
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TENNESSEE)
“Respondent”)

CASE NO: 17387

JUDGMENT OF OUSTER

THIS CAUSE came on to be heard before the Court upon a “Petition for Ouster” filed by the State of Tennessee, on relation of the District Attorney General *Pro Tempore* for the Eighth Judicial District, against Michael Stanfield, Mayor of the City of LaFollette, Tennessee. After considering the Petition and arguments of counsel, the Court finds the following:

1. The State of Tennessee has filed a Petition in this Court seeking the ouster of Michael Stanfield from the office of Mayor of the City of LaFollette, Tennessee;
2. The Petition filed by the State alleges Respondent is guilty willful and/or knowing misconduct in office and relies upon three charges as grounds for his ouster. First, the State charges Respondent, in his official capacity as Mayor of the City of LaFollette, Tennessee, uttered false statements to the Tennessee Comptroller of the Treasury with the intent to hinder an investigation and audit conducted by the same. Second, Respondent is charged with utilizing the services of a municipal employee for his personal benefit at times when the employee was being compensated by the City of LaFollette. Finally, the State charges Respondent directed and permitted a municipal employee to utilize tools, equipment, and facilities belonging to the City of LaFollette, Tennessee for Respondent’s personal benefit. Specifically, the State charges Michael Stanfield, in hi made false statements to auditors investigating allegations of official misconduct;
3. Respondent waives formal service of the State’s Petition and has acknowledged receipt of the same;

4. Respondent does not wish to contest the State's Petition and admits his guilt as to the specific charges contained therein;

5. Respondent has waived his statutory right to answer the Petition, submit this cause to a jury, and appeal any judgment entered against him. Further, Respondent has acknowledged the authority of the District Attorney General *Pro Tem* to bring the Petition for Ouster on behalf of the State. Respondent has memorialized these waivers by virtue of an Affidavit executed under penalty of perjury and the court finds the same to be lawful and appropriate;

6. The Petition of the State is proper in form and alleges sufficient grounds upon which the Court might find a judgment of ouster should enter. Further, the Court finds by clear and convincing evidence, based upon Respondent's admission of guilt, that Respondent committed the acts alleged in the Petition and has willfully committed misconduct in office;

7. In light of the foregoing, a judgment of ouster should enter against Respondent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:

I. The State's Petition is GRANTED;

II. Michael Stanfield is ousted from the office of Mayor of LaFollette, Tennessee;

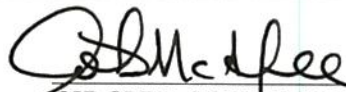
III. The office of Mayor of LaFollette, Tennessee is declared vacant until such time as it is filled in accordance with applicable law;

IV. Respondent shall be prohibited from holding the office of Mayor of LaFollette, Tennessee for a period commencing immediately upon entry of this judgment and concluding on the last day of the current term of such office;

V. Michael Stanfield shall immediately surrender all keys, equipment, vehicles, and any other property in his possession belonging to the City of LaFollette, Tennessee;

VI. The Clerk of the Circuit Court shall provide a certified copy of this Judgment of Ouster to the Clerk of the City of LaFollette, Tennessee upon filing the same.

ENTER: This 19th day of Nov., 2021.



CIRCUIT COURT JUDGE
EIGHTH JUDICIAL DISTRICT

Approved for Entry:



NATHAN S. NICHOLS (#30283)
District Attorney General *Pro Tem*
Eighth Judicial District
226 Anne Dallas Dudley Blvd. Suite 800
Nashville, TN 37219
nsnichols@tndagc.org



MICHAEL STANFIELD
Respondent



STEVEN HURST (#000547)
Attorney for Respondent
210 W. Central Avenue
Lafollette, Tennessee 37766