

Judge to order mediation in Ferdinand lawsuit

A Fulton County Superior Court judge has ordered Tax Commissioner Arthur Ferdinand (above) and County Commissioner Liz Hausmann, who filed a lawsuit accusing Ferdinand of abusing his authority, to try to mediate their dispute.

A judge Monday said she was not inclined to dismiss a lawsuit accusing Fulton County Tax Commissioner Arthur Ferdinand of abusing his authority and retaliating against a county commissioner.

But Fulton County Superior Court Judge Kelly Lee postponed a decision for at least 30 days and planned to order Ferdinand and County Commissioner Liz Hausmann, who filed the lawsuit, to try to mediate their dispute.

Hausmann says Ferdinand abused the power of his office by revoking the registration of a vehicle she owned last year. She says the move was political payback for her criticism of Ferdinand for using a county take-home vehicle.

Ferdinand says he's done nothing wrong and asked the court to dismiss the lawsuit. He says he treated Hausmann fairly – giving her extra time to provide the proof of residence she needed to register the vehicle – and acted according to state law.

At a hearing Monday, Lee said she was inclined to allow a jury to decide whether Ferdinand acted with malice. She said there is sufficient evidence for a jury to conclude he retaliated against Hausmann.

Depending on the outcome of that mediation, to be completed in 30 days, Lee could still dismiss the lawsuit or send it to trial.

If mediation fails and Lee declines to dismiss the lawsuit, Ferdinand's attorney, Randy Turner, told Lee he would appeal the decision.

Monday's court hearing was the latest development in a case that has pitted two high-profile Fulton County politicians against each other. The lawsuit stems from Hausmann's attempts to renew the registration of a 2004 Jeep Grand Cherokee she owns but allows her daughter to drive.

In April 2013, the daughter renewed the vehicle registration in Hausmann's name using the commissioner's longtime Johns Creek address. But Hausmann and her estranged husband had sold the home the year before, and the address was no longer valid.

The following month, Ferdinand notified Hausmann that she needed to provide proof of her current address. On the same day, he wrote a memo to Hausmann's fellow commissioners and the county attorney,

questioning whether she lived in Fulton County and whether she should continue to serve her district.

Hausmann has said she was living with her sister in Johns Creek after separating from her husband and never lived outside her district. The commissioner said she provided Ferdinand several documents to prove it, including her sister's lease and utility bills and a sworn statement from her sister and brother-in-law. But Ferdinand rejected them as inadequate and revoked her registration.

He later accepted Hausmann's voter registration as evidence of her address and reinstated the Jeep's registration.

Hausmann filed a lawsuit, saying Ferdinand was hassling her because earlier in the year she publicly criticized his use of a county take-home vehicle. Among other things, she says Ferdinand violated her right to due process and free speech and abused his authority. She is seeking unspecified damages and attorney's fees.

Hausmann's attorney, **Josh Belinfante**, told Lee a jury should get to decide whether Ferdinand acted with malice in revoking the vehicle registration. Belinfante cited Ferdinand's statements in a deposition that contradicted an earlier account of why he investigated Hausmann's residency.

In the letter to commissioners, Ferdinand said a constituent told him Hausmann was living in Gwinnett County, prompting him to look into the matter. But in the deposition, he admitted there was no constituent tip. Instead, he said it was common knowledge that Hausmann was going through a divorce and had moved. Belinfante contends that's evidence of retaliation.

"There is no constituent," Belinfante told the judge. "The letter submitted to Fulton County was false."

Turner, Ferdinand's attorney, has said it doesn't matter how Ferdinand learned Hausmann was not living at her old address. He argued that Ferdinand is entitled to immunity because he was following state law and acting as an agent of the state Department of Revenue, which handles vehicle registration.

Turner said the evidence shows not that Ferdinand acted with malice, but that he gave Hausmann extra time to provide proof of residency. He said the link between Hausmann's criticism of Ferdinand's take-home vehicle and the registration revocation is an "invented connection in the plaintiff's mind."