



# County Technical Assistance Service

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## Ouster Cases

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Ouster Cases

**Reference Number:** CTAS-658

*State ex rel. Wolfenbarger v. Moore*, 2010 WL 520995 (Tenn.Ct.App. 2010) (county commissioner ousted for committing perjury).

*State, ex rel. Estep v. Peters*, 815 S.W.2d 161 (Tenn. 1991) (school superintendent ousted for knowingly or willingly misapplying public funds and failing to make required financial reports to the county commission).

*Tennessee ex rel. Leech v. Wright*, 622 S.W.2d 807, 817 (Tenn.1981) (road superintendent ousted for knowingly and wilfully permitting county equipment to be used by private company, knowingly and wilfully permitting a county employee to work for a private company at the same time that he was being paid by the county, and failing to comply with competitive bidding procedures).

*Jordan v. State ex rel. Williams*, 397 S.W.2d 383 (Tenn. 1965) (county commissioner ousted for utilizing for his own benefit equipment and supplies of the Shelby County Penal Farm and labor of its inmates).

*Edwards v. State ex rel. Kimbrough*, 250 S.W.2d 19 (Tenn. 1952) (sheriff ousted for knowingly and willfully neglecting his duty to "suppress affrays, riots, routs, unlawful assemblies, insurrections, or other breaches of the peace").

*State ex rel. Ten Citizens of Campbell County v. Smith*, 11 S.W.2d 897 (Tenn. 1928) (chairman of the county board of education ousted upon finding that he failed to countersign thousands of warrants authorized by the board of education, as required by law, but instead provided his secretary a rubber stamp with which to sign the chairman's name to the warrants).

*State ex rel. Milligan v. Jones*, 224 S.W. 1041 (Tenn. 1920) (director of school district ousted where there had been no meeting of the board of directors after the director had been elected, and he had repeatedly signed the names of all the directors to school warrants, he had failed and neglected to take care of the school property, and he had hauled coal from the school grounds).

*State ex rel. Thompson v. Reichman*, 188 S.W. 225 (Tenn. 1916) (sheriff removed from office for neglect of office).

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