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# House of Divisions

## War of words launched protracted legal battle

By ALEX COLVIN

*For the Houston Voice/Special Report*

If, as the old saw goes, a picture is worth a thousand words, how much ought 75 or so words of advertising copy be worth? If Marion Coleman, long-time Houston gay activist and owner of House of Coleman, 901 W. Alabama, has her way, 75 words could cost a whopping $150,000.

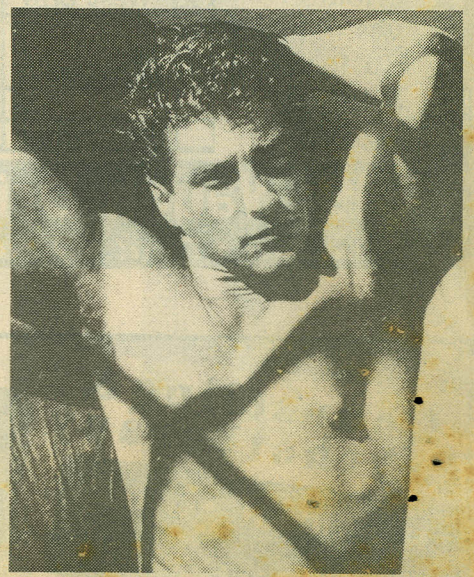
That's the amount she's claimed she's been damaged by local merchant, Larry Lingle, owner of Lobo, 1424C Westheimer, according to a lawsuit she filed in the 281st District civil court. According to her petition, Coleman cites several ways in which she's been damaged, including being shown in a "false light," that her "privacy" had been invaded, as well as having suffered "emotional and mental distress."

Lingle's attorney, Bradley W. Hoover, no doubt sees Coleman's claims as groundless, judging by the dozens of documents attached to the motion for summery judgment Hoover filed Jan. 2, a hearing on which is scheduled for the 25th of this month. Still, it's hard to ignore a suit which, over the last two years, has managed to eat up so much court time and ultimately taxpayer's dollars, and has produced a court file half a foot thick.

The suit was launched because of one paragraph in one of Lingle's then frequently appearing, verbose advertorials, which he'd placed in the July 20, 1994 edition of the gay weekly *Texas Triangle*. In that ad, Lingle, a self-styled gay media critic, opined:

"The Houston gay press missed the boat on the recent battle within the (Houston Gay and Lesbian Political Caucus), leaving the impression fostered by the recently resigned president that a small group of hard-core activists, motivated only by self-interest, trashed the First Amendment rights of one of its members, a self-proclaiming, selfless worker for the (gay) community who, as a member of the caucus board, copped an $8,000 printing contract without competitive bids. At best that's called a sweetheart deal and, at worst, it's corruption."

(Continued on Page 8)



Community galleries celebrate FotoFest...Page 12

# AFH, TWU open Spirit Clinic

# House of Divisions

(Continued from page 1)

At the time, readers of local gay media were well accustomed to Lingle's routine full-page carpings about the Houston gay media's coverage—or perceived lack thereof—on stories, controversial and otherwise, of alleged local, state, and national interest, in the ads trademarked by his company's huge LOBO logo and his Houston store's address. He'd been placing his advertorials in the local gay press since 1988, say court documents, to publicize his stores and, not insignificantly, his viewpoints. But to understand the meaning behind Lingle's supposed faux pas, and the umbrage to which Coleman took which led to her suit, is to understand another, more complicated conflict. That dispute involves Coleman's agreeing to print HGLPC's March 1994 newsletter which listed the group's Primary candidate endorsements, plus her involvement in the campaign of Rosemary Garza, then running in hopes of donning the judicial robes at the 15th County Criminal Court.

Those conflicts begin at the top of 1994, following Coleman's election to the HGLPC board of directors.

That heated arguments have historically beset the 20-year-old political group has never been a secret to Houston's gay community. It was, in fact, that very aspect of HGLPC's temperament, plus the urging of crony Gary Van Ooteghem, that caused Coleman, so says her sworn affidavit, to step up to the electorial plate and run for a board seat in order to, in effect, help restore stability and order in the caucus. It was a challenge she apparently took seriously, and a task which was hardly unfamiliar. Coleman held elected office before with HGLPC, not surprisingly since she holds a "lifetime membership" with HGLPC, granted in the caucus' embryonic day as a result of the "thousands of dollars" she's supplied to the group, say her statements. To outside observers, then, Coleman's election to the group's board in January of '94, might have seemed a kind of godsend in light of it's troubles. She had a veteran's experience as a gay political activist in Houston; she had name—recognition and had spent enough time in the public spotlight to be deemed a "limited purpose public figure" by legal minds.

So what went wrong? That depends on whose testimony you read. According to Coleman's affidavit, on Feb. 2, 1994 she was contacted by then HGLPC president Van Ooteghem, who asked Coleman to submit a bid to the group for printing its upcoming newsletter.

She faxed her quote back later the same day, itemizing the costs of printing 15,000 newsletters and 15,000 pushcards. Later that month, Coleman says Van Ooteghem called her to inform her

According to the sworn statements of both Matthew Huston, former HGLPC secretary, and Terri Richardson, the organization's vice president in 1994, Van Ooteghem had sidestepped a rule which required that all HGLPC expenditures of $50 or more be cleared via board approval and that, more to the point, when expenditures of $500 or more are expected, three competitive bids must be obtained.

You won't find this rule in HGLPC's 1994 bylaws which were revised on Jan. 7 of that year, the reason for which remains unclear. Those bylaws say only that all "contracts" must be board approved. There's no mention of dollar amounts, ergo, one could argue that Van Ooteghem violated no bylaw since Coleman's printing bid was, in effect, "accepted." But exactly who besides Van Ooteghem on the board selected Coleman as printer or when, isn't defined in the court documents and whether or not Coleman was aware of the rule when she submitted her bid is equally mysterious.

What is clear, however, are the minutes from the HGLPC Feb. 9 board meeting. Those minutes show that Van Ooteghem, appointed to the Newsletter Committee, gave a progress report showing that:

"Layout nearly complete. Lots of (candidate's) ads coming in. (Annnise) Parker and (Marion) Coleman to write articles. Newsletter will be ready for mailout more than ten days before election. Cost estimated at between 3-4K"

It was a curious accounting, given the fact that Coleman's bid hadn't yet met with any documented approval. In fact, in those minutes Coleman's name is never mentioned as anything other than an article writer. Nevertheless, says Coleman's affidavit, on Feb. 18, Van Ooteghem called her to say her printing bid for the newsletter had been "accepted."

If things had ended here, the issue of Van Ooteghem's infraction may have been dealt with by HGLPC in-house through appropriate means. Except, it seems, Coleman had likewise violated an HGLPC rule—that one having to do with board members' political activities outside the caucus.

Richardson's affidavit shows Coleman's misdeed was brought to the VP's attention by mid-February via a phone call from another HGLPC member, Dennis Spencer, whom Richardson says was considered a "purist" about caucus bylaws and such. Spencer was calling to tattle on Coleman, whose house Spencer had driven by where he spied the yard signs touting Rosemary Garza for judge. Court documents show that Spencer had a legitimate, albeit minor, complaint. At the time, HGLPC had a standing rule,

March 1994 newsletter which listed the group's Primary candidate endorsements, plus her involvement in the campaign of Rosemary Garza, then running in hopes of donning the judicial robes at the 15th County Criminal Court.

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She faxed her quote back later the same day, itemizing the costs of printing 15,000 newsletters and 15,000 pushcards. Later that month, Coleman says Van Ooteghem called her to inform her bid of more than $6,000 had been accepted. This is, essentially the transaction Lingle's ad alludes to as, the "sweetheart deal," which he termed "corruption" at it's worst. It's hard to imagine why Lingle and others would get so bent out of shape over what, at first glance, appears a basic business deal. Hard, until you look further in the court documents, which show that the offer may itself have been a breech of HGLPC standing rules.

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"No elected trustee or elected official of (HGLPC) can publicly advocate or support the candidacy of a candidate not endorsed by the caucus against an endorsed candidate. Such action would constitute an act of malfeasance as defined in Article VI section 6.12 (removal) of the bylaws."

(Continued on following page)

# Gay business owners' 1994 dispute spills into court

(Continued from preceding page)

Richardson said she contacted Van Ooteghem to tip him to his friend's violation but was sternly rebuffed. At first Van Ooteghem defended Coleman on the grounds that the political yard signs on her property were protected as an expression of her First Amendment right. Richardson tried to point out that didn't really apply in this case, to which Van Ooteghem sniffed, "I stand behind Marion and I'm drawing a line in the sand here."

Coleman's affidavit shows she also received a call from then HGLPC chair, Kevin Davidson, who tipped Coleman to her rule's breach, after which Coleman offered to resign her seat. The facts were, she said, she'd had a "commitment" to Garza before being elected to HGLPC, and she wasn't about to let the two tasks come to loggerheads. Resignation seems the honorable thing to do. Davidson wouldn't hear of it. "No, no, no, don't do that. We'll work this out," he told her.

Whether it was a matter of in-fighting or just dealing with the problem, soon after Davidson's call, the HGLPC Board met on Feb. 22, to deal with the issue. Minutes from that meeting show that a motion was entertained to "censure" Coleman for her involvement in Garza's campaign. It was not, apparently a very popular notion. It failed. The censure attempt bit the dust but the rule was still alive and well and on the books, and came up for debate at another HGLPC Board meeting on Feb. 27, minutes from that meeting show.

Details of that discussion are unclear. What's seems apparent, though is that it and Van Ooteghem's violation rocked the caucus house at its general membership meeting on March 2. By then, Caucus members' heads may have been filled with rumors of back-alley deals and sordid conspiracies involving board members and caucus business, against which members were poised to react like ye old torch-carrying peasants storming Frankensteins' castle. Most of those rumors—despite the temptation for dramatic interpretation—are hard to substantiate.

*Houston Voice* reported in it's March 11 issue that the HGLPC meeting "nearly deteriorated into a partisan camp stand-off as members bitterly challenged election-season actions of president Gary Van Ooteghem, and a recently elected board member." Van Ooteghem reportedly tried to defend himself by explaining to the roomful of irate attendants that the standing rule violation problem stemmed from the advertorial. The minutes show that as a result of that meeting a special committee was formed, (comprised of former HGLPC presidents and chairs,) to investigate Coleman's and Van Ooteghem's supposed misconduct. That wasn't the only fallout.

A day or so later, Madeleine Sitzes, Coleman's current attorney, bailed out of her membership, citing nearly 10 reasons to the board as to why. Among them: that she'd checked with Texas Secretary of State's office and discovered HGLPC wasn't registered as a non-profit entity despite its claims to the contrary; that it had lost it's non-profit status for failing to pay its "franchise tax;" and perhaps more damaging, that it had ignored the advice of an attorney who, in the March 2 meeting, had pointed out the illegality of HGLPC's comingling its PAC and membership revenues. That caveat, says Sitzes letter, was ignored. Today, Sitzes says she was also "shocked" by the constant infighting she witnesses at meetings she attended in 1994, bellyaching she termed "vicious" in her letter.

Whatever other fallout occurred after that meeting, the HGLPC wasted no time dealing with its board members' troubles, and those pesky regulations. Within days of the general meeting, the board held another on the 9th of March. Minutes from that meeting show that the thorny rule that had snagged Coleman was clipped via a formal resolution to rescind it. But there was a twist. The president still had to abide by the old rule. When it came time for the Newsletter Committee report, the minutes show the cost of the publication's printing was $6,200 and postage would cost an additional $2,300. Total: $8,500. That, according to Richardson's affidavit amounted to more than "four times" the previous year's newsletter, the printing of which said Richardson was "$1,576.66."

Be that as it may, it was a done deal, too late to unring the bell. The 15 thousand newsletters would be mailed out in the coming weeks.

They were attractive. 16 pages of black and white political ads, quarter folded into a tidy little publication which, when opened, featured cute, double bookmark-type pushcards, just in case a voter needed something at the polls to remind him who the gay-friendly candidates were. In fact, it was nothing but advertising, which is curious since the printer's name, House of Coleman, is absent from the organ's print credits. It was while helping to meter-postage

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It was an excuse that was apparently not well received. Neither was his report on the newsletter. Minutes from that meeting, show that when asked by a caucus member that the president give the names of the competitive bidders for the newsletter contract, the inquirer was told HGLPC was "using the same team as before," meaning the House of Coleman. Lingle also attended that meeting and piped up that it seemed the prez was "bypassing important matters." He, too, was rebuffed by a board member who announced, "the newsletter had to be done and it didn't matter how as long as the project didn't lose money." It may have been here that the muse of inspiration sucker-punched Lingle, resulting in his had lost it's non-profit status for failing to pay its "franchise tax;" and perhaps more damaging, that it had ignored the advice of an attorney who, in the March 2 meeting, had pointed out the illegality of HGLPC's comingling its PAC and membership revenues. That caveat, says Sitzes letter, was ignored. Today, Sitzes says she was also "shocked" by the constant infighting she witnesses at meetings she attended in 1994, bellyaching she termed "vicious" in her letter.

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Interestingly, it was a lone onion in a cabbage patch of candidate's ads. How it got in remains unclear. As to Coleman's connection to Garza's campaign she was, essentially, off the hook what with that old rule rescinded. But the effects still rippled through the membership. Enough so that at the next general meeting on April 6, minutes from it show, Coleman motioned that a committee be established to counsel the caucus on the bylaw change governing the outside political activities of board members.

(Continued on Page 17)

ADVERTISE YOUR BUSINESS IN THE
HOUSTON VOICE

# *House of Divisions*

(Continued from Page 9)

It was the last general membership meeting she attended, according to her statements. Apparently some board members thought otherwise—at least as far as Van Ooteghem was concerned. At the April 9 board meeting, minutes show, Richardson motioned that Van Ooteghem be "censured" for offering Coleman the printing contract without board approval.

The motion failed. But the controversy wasn't quite dead.

At the May 4 General membership meeting, Ray Hill motioned to amend the newly adopted standing rule governing board members' behavior so it would included wording to the effect that board members must first be granted dispensation or leave of absence before first engaging in political activities outside the board.

A week or so later, May 11, 1994 was Coleman's last board meeting, says her affidavit. She finally bowed out due to what she terms "abuse" by the HGLPC, and because she'd caught sight of greener political pastures in the Log Cabin Republicans with which she remains associated. Van Ooteghem resigned shortly thereafter, court records show.

Within two months after her resignation, the *Triangle* published Lingle's windy gripe that included the paragraph which, nine days later, resulted in a $15 million dollar lawsuit against the advertiser. That figure, says Sitzes, who amended her petition and re-filed it on August 2, 1995, was a typo. It was suppose to read 150 thousand. (That reaction caused one attorney asked by *Houston Voice* to review the file to scoff, "That's one hellofa typo!")

Since then, hundreds of pages of documents have been generated in the case, producing its own windstorm. While they paint a fairly lively picture on the events throughout 1994 involving HGLPC board members' troubles, some of the responses Coleman has given to sets of questions asked of her by the defense are curious. One of those questions explicitly asks the plaintiff how had her privacy been invaded by Lingle's remarks? Coleman's answer: "The contract between HGLPC and myself was a private matter. Defendant (Lingle) caused others to believe I breached a fiduciary duty owed the HGLPC." More cynical observers may wonder why Coleman characterizes as "private" a matter which inherently involved money being paid by the group supported by member's dues.

Asked how the defendant's words intentionally inflicted emotional and mental distress, Coleman responded that she has suffered "stomach distress, tense muscles, and headaches," according to court records.

Those records also show that Sitzes was less than pleased with the notion of supplying more than a handful of the dozens of requested documents by Lingle's attorney during the lengthy discovery process of the case. In a letter dated March 31, 1995 sent to Lingle attorney, Bradley Hoover, 24 Greenway Plaza, Sitzes threaten she'd file for sanctions for abuse of the discovery process. She went on to boast that in previous cases she won sanctions for similar abuses. "I just obtained sanctions against a party who abused discovery to the tune of $6,000," she wrote. It was an odd point to make, since it proceed a settlement offer.

"It is somewhat ironic," she wrote, "that just today I was authorized by my client to make you a settlement offer of $30,000." The defense filed motions to compel the Plaintiff's answers, on August 4, 1995, and when it came to a hearing nearly four month later on Nov. 11, 1995, the Defense's motion was denied. Reason? 281st Judge, Bill Bell found that Coleman had sufficiently supplied all the documents and answers all the questions needed.

And so it has gone, back and forth, thrust and parry in the legal fray begun in 1994 over 75 or so words. And in the end, readers may ultimately be left wondering if the litigants are actually seeking justice or something else.

# THE OUTsider

by Curt Morrison

## *HGLPC's Pliable Bylaws*

The current controversy inside the Houston Gay & Lesbian Political Caucus (HGLPC) has been a great cause of consternation for many in the community and it would be disingenuous to the community as a whole if the polemics of the matter were not brought to the forefront for debate and circumspection. Recently, the caucus voted to grant Clarence Bagby, an HGLPC Democratic board member, a "special favor" by allowing him to remain on the board of the HGLPC in a non-voting capacity. This was done in spite of the fact that Mr. Bagby is a paid staff member of Felix Fraga's campaign (against an HGLPC endorsed candidate), clearly a violation of the organization's own bylaws.

The bylaws concerning this area are matter-of-fact and read as follows: "No elected trustee or executive officer of the HGLPC can publicly advocate or support the candidacy of a candidate not endorsed by the caucus against an endorsed candidate. Such an action would constitute an active malfeasance as defined in the bylaws."

This type of hypocritical meandering can only be construed as favoritism and is none other than a double standard. For an organization to purport that they are non-partisan and representative of all in the community and then condone such a blatant act of impropriety and lack of respect for the rules set forth by the organization is contemptible. What is the point of enacting bylaws if they are not going to be adhered to or only when it suits the members of the board. If precedence is any indication, Mr. Bagby should have been asked to resign.

In Feb. 1994, a Republican board member by the name of Marion Coleman put a sign on her personal property for a judicial candidate named Rosemary Garza who was competing against a candidate endorsed by the caucus prompting a special board meeting to censure Ms. Coleman for her conduct. Terri Richardson (the Democratic then-vice-president) moved to censure Coleman and Matthew Huston voted for the motion, which was defeated. Richardson's motive for the motion is questionable at best, considering the fact that she herself gave a campaign donation to Helen Cassidy, also an opponent of a caucus-endorsed candidate in the Democratic Primary. Richardson's actions were justified by the caucus by deeming contributions to political candidates to be non-public acts. What a paradox. Perhaps the hibits board members from publicly supporting a candidate who was not endorsed by the organization. In June of 1994, Matthew Huston motioned (which was seconded) to censure Marion Coleman for her actions; however, Ms. Coleman resigned before the vote took place.

By allowing Clarence Bagby to remain on the board knowing quite well that his position as a paid staff member of Felix Fraga's campaign violates the bylaws, the HGLPC has engaged in activity that can only be described as hypocrisy in the worst form. This brings me to another point of contention. Pat Gandy, the current president of the caucus, is also a member of the State Democrat Executive Committee. Gandy, who was recently elected as president of the caucus, ran unopposed and won by a margin of 28-20—not exactly a ringing endorsement. Gandy's narrow margin of victory may have been the result of a conflict of interest. What conflict? Since the caucus has endorsed one token Republican candidate (they also endorsed one of his Democrat opponents running for the same seat) in the primaries, Gandy could be in violation of the bylaws of the Democratic Party which clearly state that if you are an elected official or in a paid position you cannot publicly endorse a Republican. Ms. Gandy is the president of an organization that claims to represent us as a community and she should be held to exemplary standards as a community leader, ones that consist of continuity, fairness and inclusiveness to all.

If Ms. Coleman was in violation of the bylaws and the caucus felt compelled to take action, then Terri Richardson, Pat Gandy and Clarence Bagby should be held to the same standards, without the benefit of jejune excuses and special favors. It does not benefit the community when an organization that speaks on our behalf cannot conduct themselves in an honest and fair manner. Furthermore, I believe that the caucus is out of touch with the community and the City Council race was indicative of such. As I stated last week, the gay community overwhelmingly supported Saundria Chase Gray as the Montrose precinct results clearly indicated, and the caucus's endorsement of Jew Don Boney was nothing more than an attempt to align itself with someone that they deemed would have the best chance at winning. The spin that the caucus newsletter tried to convey was so misleading that it strains credibility to anyone familiar with the political process.

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The HGLPC voted to investigate Marion Coleman in March of 1994 concerning the yard sign. The special committee comprised of past presidents and past board chairs met and found her guilty of violating caucus policy. This decision was arrived at without Ms. Coleman's involvement. Indeed, Ms. Coleman was not even asked a question nor was she allowed to defend her actions. A bylaw proposal that would have allowed board members to take a leave of absence in the event that they felt compelled to support a candidate other than one endorsed by the caucus was rejected in May 1994. Instead, the caucus passed the bylaw amendment that unequivocally pro-

president of the caucus, is also a member of the State Democrat Executive Committee. Gandy, who was recently elected as president of the caucus, ran unopposed and won by a margin of 28-20—not exactly a ringing endorsement. Gandy's narrow margin of victory may have been the result of a conflict of interest. What conflict? Since the caucus has endorsed one token Republican candidate (they also endorsed one of his Democrat opponents running for the same seat) in the primaries, Gandy could be in violation of the bylaws of the Democratic Party which clearly state that if you are an elected official or in a paid position you cannot publicly endorse a Republican. Ms. Gandy is the president of an organization that claims to represent us as a community and she should be held to exemplary standards as a community leader, ones that consist of continuity, fairness and inclusiveness to all.

If Ms. Coleman was in violation of the bylaws and the caucus felt compelled to take action, then Terri Richardson, Pat Gandy and Clarence Bagby should be held to the same standards, without the benefit of jejune excuses and special favors. It does not benefit the community when an organization that speaks on our behalf cannot conduct themselves in an honest and fair manner. Furthermore, I believe that the caucus is out of touch with the community and the City Council race was indicative of such. As I stated last week, the gay community overwhelmingly supported Saundria Chase Gray as the Montrose precinct results clearly indicated, and the caucus's endorsement of Jew Don Boney was nothing more than an attempt to align itself with someone that they deemed would have the best chance at winning. The spin that the caucus newsletter tried to convey was so misleading that it strains credibility to anyone familiar with the political process.

The HGLPC professes to be a non-partisan organization that represents the gay community. Their actions do not coincide with their rhetoric. If the caucus' sole purpose is to champion the cause of gays and lesbians and they want to claim that they represent the community, then they need to embrace the entire community whether their members are liberal, moderate or conservative. It appears as though the bylaws are negotiable when the situation involves a Democrat and non-negotiable when it pertains to a Republican. That is a double standard that will only create havoc and discourse and does nothing for the unity of the community. If the caucus wants to espouse and support liberal ideology and candidates, they should do so candidly and discontinue their current practice of accomplishing their agenda under false pretenses and the auspices of non-partisanship.

# HOUSTON VOICE MAIL
## Letters to the Editor

### *Words of Response*

**FROM GARY J. VAN OOTEGHEM**

*Houston, Texas*

Here are my "75+ words" in response to the Houston Voice article (Issue 801) called "House of Division": 1. abuse of trust; 2. abusive; 3. acrimonious; 4. antagonistic; 5. anti-productive; 6. belligerent; 7. bellyaching; 8. biased; 9. cantankerous; 10. caustic; 11. crude; 12. damaging; 13. deliberate; 14 demeaning; 15 despicable; 16. destructive; 17. detrimental.

18. dirty-politics; 19. disruptive; 20. distorted; 21. divisive; 22. double-standard; 23.envious; 24. fantasy; 25. harmful; 26. hateful; 27. ignorant; 28. ill-informed; 29. imagined; 30. inaccurate; 31. inane; 32.incorrect; 33. insensitive; 34. insulting; 35. intentional; 36. judgmental; 37. lacking; 38. low; 39. ludicrous; 40. malicious; 41. mean; 42. misinformed; 43.mirepresentative; 44. myopic; 45. not factual; 46. obtuse; 47. offensive.

48. old news; 49 one-sided; 50. partial; 51. political; 52. prejudicial; 53. questionable; 54. reactionary; 55. rude; 56. sabotoge; 57. slanted; 58. spiteful; 59. spurious; 60. subjective; 61. tactless; 62. thoughtless; 63. trite; 64. underhanded; 65. unequal; 66. unfair; 67. unfortunate; 68. uninformed; 69. unnecessary; 70. unreasonable. 71. unwarranted. 72. vicious; 73. vile; 74. why?; 75. yellow journalism.

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