

Chapter 554 of the Texas Code explicitly **PROHIBITS RETALIATION** against Whistleblowers and suspected Whistleblowers. Retaliation includes suspension, termination, and “**adverse personnel actions**”!

Does the following sequence of events constitute a prima facie case that the Galveston Housing Authority is retaliating against an employee who is NOT a Whistleblower, but who has simply made comments about possible improper perceptions and activities and the need to address them?

Note: Justin Herter has been acting in the Role of Public Information Officer (PIO) at the GHA for about two years which means that he is the GHA employee who has been processing all of the ORRs during that time, so he has handled many ORRs for the GOGP.

Note: Some of the following events were pieced together after the fact, with ORRs, and were not known to us in real time.

1. On 08 May 2012, Justin Herter issued a press release, acting in his role as the GHA PIO, announcing that GHA would hold a press conference at GHA HQ on 10 May.
2. On the evening of 08 May, there was a candidate’s forum at Gulf Breeze. We were told that the Mayor said that he had some very exciting news to announce at the 10 May press conference.
3. On 09 May, Texas Appleseed and TXLIHIS wrote a letter to the GLO where they made it clear that they had many serious questions about the GHA rebuilding plan before they could support it. The letter included 60 questions that had to be answered.
4. On the morning of 10 May, the GHA hastily cancelled their press conference. Where was the exciting news? Had the 09 May letter somehow made the news they hoped to release irrelevant?

5. On the evening of 10 May (this was discovered by the GOP in a later ORR), Justin Herter sent [this email](#) to Stanley Lowe and Betty Massey where he said,

“If these statements were made by the mayor at a political event (and I have heard it from several sources), I am very concerned the perception will be that GHA is working on getting the mayor re-elected.

I was blindsided by questions about these statements and I think that GHA has some credibility issues with the public. Obviously a government agency can't get involved in elections.

As always I am dedicated to GHA and I would respectfully request we meet to plan how we move forward and fix these issues.”

6. On the morning of 24 May, we sent an email to Mr. Herter inquiring about the status of one of our ORRs. Someone named Clover Nuetzmann responded to the email. We asked what happened to Mr. Herter, and she wrote back to say that he has a new position as security coordinator!

7. Later, our sources told us that Mr. Herter's new position was engineered to send him into exile to Gulf Breeze (on 21st Street) where he would have no further opportunity to observe and participate in events at GHA HQ located at 4700 Broadway!!

What do you think? Was this change in jobs an “adverse personnel action” in retaliation for merely sending this email to Stanley Lowe and Betty Massey?