



Memo

To: File

From: Jeff Mateer

Date: September 25, 2020

Re: Outside Counsel Contract for Brandon Cammack

Yesterday afternoon, I received the attached email from Mark Penley, Deputy for Criminal Justice, forwarding a DocuSign email related to a proposed outside counsel contract for the Cammack Law Firm, PLLC. Mark advised me that he was forwarding the email pursuant to the instructions of the Attorney General. Moreover, Mark informed that he cannot sign the contract for the reasons set for in his email. A copy of Mark's email is attached to this memo. I cannot and will not override Mark's objection to signing this contract.

With regard to the contract and the current status of the investigation of the criminal complaint made by Nate Paul, my current observations are as follows:

1. I have not seen the actual proposed contract with Brandon Cammack.
 - Mark Penley forwarded the DocuSign email to me.
 - I cannot access the contract because it has not gone through the OAG standard approval process.
 - I have told the Attorney General on repeated occasions that I am not comfortable with OAG retaining Mr. Cammack and that any

House Managers

EX. 213

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retention of Mr. Cammack would need to go through and be supported by Mark Penley.

2. In Mark Penley's email to me forwarding the DocuSign email, Mark details why he is not signing the contract. His reasoning seems correct to me.
 - Mark has repeatedly told me that he is willing and able to investigate this complaint.
 - He has made repeated requests to complainant's counsel for documents, who has been unresponsive.
 - Mark believes he is equipped to investigate and does not need assistance at this time.
3. I cannot and will not override the approval process we have in place at OAG for outside counsel contracts. Those safeguards are in place for a reason – to protect the Attorney General and the agency.
 - I have been told that in addition to Mark others who would be required to sign off on this contract also will not approve it.
4. OAG needs to be above even the appearance of impropriety. Not following standard procedures would call in to question our impartiality and could expose the agency and the attorney general to unwarranted risk.
 - OAG should not disregard our internal policies and procedures that are in place to protect the attorney general and the agency.
5. Further complicating this situation, the Attorney General may have a potential conflict of interest.
 - The complainant is a campaign donor to the Attorney General. (This donation was made well before any involvement of OAG in any matter related to the complainant.)
 - The criminal investigation could encompass those who have assisted with the criminal prosecution of the Attorney General.
6. While it is unclear and I do not have any specific evidence, there may be some undue influence being asserted on the Attorney General by the complainant and this is impairing the Attorney General's judgment.

- The Attorney General appears to be being deceived and taken advantage of by the complainant.
- The complainant appears to be using the Attorney General's own personal situation to have him identify and seek empathy with the complainant.
- The Attorney General's involvement in matters related to the have been unprecedented.
 - Involved directly in matters related to a charity investigation (Mitte Foundation)
 - Arranged for an informal opinion on foreclosure matters
 - Involved directly in this criminal investigation
- Despite my request on July 22, 2020 (see memo) to cease any further contact with complainant, the Attorney General appears to have continued to have contact with the complainant.
 - Late on the night of August 14, 2020 (while I was beginning a vacation), I received a text from the Attorney General's wife inquiring as to whether I knew where the Attorney General was. Later that night/early morning of the next day, I received a subsequent text stating that the Attorney General was with the complainant.
 - The Attorney General continues to insert himself into the charity matter and this criminal investigation.

Mateer, Jeff

From: Penley, Mark
Sent: Thursday, September 24, 2020 3:27 PM
To: Mateer, Jeff
Subject: FW: Reminder: PLEASE EXPEDITE 9/4 OAG Outside Counsel Contract 2112142-01 Cammack Law Firm, PLLC (Crim Justice)

I am forwarding this per instructions from the AG. I cannot sign this because the complainant has not been forthcoming and above board with our Agency. He and his attorney have failed to provide me with relevant documents they have told me they possess, even though I have made numerous requests to the complainant's attorney for specific documents, i.e. the documents the attorney received from the U.S. Magistrate Judge in February, along with any copies of the search warrants served on the complainant's attorneys in August 2019 or thereafter. Based on that fact, I do not believe the complainant is being completely honest with this office, and I cannot in good conscience or in line with my ethics as a prosecutor move forward with any further investigative steps without those documents. I feel that the complainant is seeking to manipulate me and this Agency into conducting an investigation without providing us all the relevant facts.

Respectfully, Mark

From: DocuSign System <dse_na2@docusign.net>
Sent: Wednesday, September 23, 2020 12:53 AM
To: Penley, Mark <Mark.Penley@oag.texas.gov>
Subject: Reminder: PLEASE EXPEDITE 9/4 OAG Outside Counsel Contract 2112142-01 Cammack Law Firm, PLLC (Crim Justice)



THE ATTORNEY GENERAL OF TEXAS



Heather Myers sent you a document to review and sign.



rs
[s@oag.texas.gov](mailto:rs@oag.texas.gov)

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f, Dicslosure and Affirmation.pdf

Heather Myers

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