

9/26/20

2:25 - 4:15

EX. 216

Meeting w/ KP - in McKinney @ Parson Road on Hwy 380

He took NP to Travis Co. DA

KP said I was dismissive of the Rule 41 "violations" of not leaving copy of the SW at the resid. I told him sending to D atty completed w/ the spirit of the Rule.

I can't designate an Agent to do an investigation that I won't do b/c I feel there's no ethical basis to proceed. My Bar Card is on the line.

Ind. options for us. DOJ IG is best route for NP

At the beginning, KP was very agitated. He felt like he did when he was trying to get Chip Roy to do things & he wouldn't them. He said he's frustrated he can't get his people to do what he wants. He wants the (K) signed w/ the outside counsel. He expressed frustration w/ me & Jeff over the (K) not getting signed. He revealed that the outside atty has been working for 2 weeks! KP told him to start, & that atty has already gathered evidence. He said Jeff told him the (K) would get done, & that Jeff agreed to the hiring of the outside attorney. (Jeff denies that). I told KP I didn't know the →

I repeated my reasons for not signing the EAM to execute a (K) w/ outside counsel. ^{No evils of crime. Not ethical to go forward}

KP said, "He's been working and you won't help me by signing the (K) so I can pay his bill." When I said I don't need him, & we shouldn't be spending \$ on him when we can't give raises to our employees, he got upset and said, "So you're going to ~~not~~ exercise veto power over the budget for the Agency?!" I told him I'm free & willing to work if I get docs & we have white collar prosecutors.

I spent a long time explaining the practical probs. of investig. this alleged offense where all the Fed Ct records are sealed and USAO recs are subj. to investig. privilege. NP has no st to discovery b/c not indicated yet. Very little we can do, & there's chance of media exposure. This is a serious & risky investig. - could alienate WDTX & rec judges.

PENLEY 000017

outside atty had been hired. I wasn't in the loop on it. ~~When~~ When I last met w/ him 10 days ago (9/16), I told him we didn't need an outside atty. He didn't tell me he'd already hired him.

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NP must cooperate. Not doing so is big Red Flag.

I told him why I was suspicious of NP + M. Wynn - they've told me they have the SWs that were returned + filed w/ the Clerk, but they won't provide them to me. Also, SWs were sent to his former counsel. NP could get them from those attys + produce to me. w/o seeing all his evid., I can't determine what next step should be. I explained (again) that I have 1 copy of Issued s/w. NP should have or be able to get at least 3 more.

* Also, he leaked the fact of our investig. to the Media which is a Red Flag, + tells me he is seeking to manipulate our office to investig. to create a smokescreen for his benefit. He's trying to use me.

KP repeatedly complained @ the 3rd mtg, ^{of NP + atty} which he attended. He was shocked I shut them down early on, + told them we were closing the case. I reminded him (again - also on Thurs.) that I had told him several days earlier that our computer forensic staff told me the metadata theory advanced by NP was inconclusive, + not prob. cause ev. of a crime. He argued w/ me @ what they had said.

I told him I did ~~the~~ further study of the docs. they produced, + realized I had 1 orig. SW, + need 4 returns to compare. I'm willing to hit the reset button + start fresh if they will prod. docs.

NP is making a serious chg. vs. AUSA. I need evid., + investig. must be handled carefully.

There are risks to the office. Al & Jeff will have to weigh those.

- If NP produces docs req., I will review & meet w/ Jeff & KP & advise them of what I found, then discuss recommended next step.
- Early on, I asked why he was so involved in this investig., why he cares so much @ this and never asks @ our other investigations.
He said b/c of what has happened in his personal case, he's concerned @ corrupt LE, and feels an injustice may have been done.
- I asked if NP is pressuring him - he said "No."
- I told him this was dangerous case.
A Dem. DA or U.S. Attorney could chg. him w/ a "pay for play" scheme if they learned @ the investig., since NP is a campaign donor.
Media could write a very negative article.
He could possibly be chgd w/ Bribery under state statute.
- I gave him the scenario that NP, if indicted, could make up a story & throw him under the bus to the feds.
- We discussed DOJ IG option as best for NP. KP was unfamiliar w/ IG, so I explained their function & power.

Wynn told me + Maxwell he didn't want to subject A. Buie to that, b/c he'd been thru one.

Very stressful.

YET - he wants us to file state felony chg. vs him

- I said the Best Evol. is both sets of SWs.
- If NP is indicted, he gets discovery and can file motions in Fed Ct
- I asked KP if he req. this case from Travis Co. he said no, he took KP to them, they said they didn't have the resources, did we want it? KP said "yes."
- At end, I asked him to get docs from NP + give them to me. He said he'd try but they don't trust me. I told him I have to trust them.
- He said he will talk to Jeff @ paym't for the outside counsel.
- I sugg. he, Jeff + I meet together in future to ensure better communication.

STATUTES

TPC § 36.02 BRIBERY 2-20 YEARS

18 USC § 1519 ALTERATION OF RECORDS IN A FEDERAL INVESTIG.

up to 20 yrs in prison

whoever alters..., falsifies, or makes a false entry in any... document with the intent to influence the investigation or proper administration of any matter...