



**OFFICE OF THE
DISTRICT ATTORNEY**

P.O. Box 1748, Austin, TX 78767

Telephone 512/854-9400
Telefax 512/854-9695

MARGARET MOORE
DISTRICT ATTORNEY

MINDY MONTFORD
FIRST ASSISTANT

September 23, 2020

Mr. Brandon R. Cammack
Office of the Attorney General of Texas
4265 San Felipe Street, Suite 1100
Houston, Texas 77027

Dear Mr. Cammack:

I am forwarding to you the attached complaint which was recently received by my office from Mr. Nate Paul regarding allegations of misconduct taking place as part of a federal bankruptcy proceeding. The complainant alleges that the misconduct involves various attorneys and a federal magistrate, along with other individuals named in the complaint. My office would typically forward a complaint of this nature to the Public Integrity Unit of the Texas Rangers for review. However, because Mr. Paul has previously filed a complaint, which was also referred to your office, alleging misconduct in an unrelated matter by agents of the Department of Public Safety, of which the Rangers are a part, it would appear inappropriate to direct this matter to them. I am therefore requesting that your agency conduct the review.

Thank you for your attention to this matter.

Sincerely,

/s/ Don Clemmer

Don Clemmer
Director, Special Prosecutions Division
Travis County District Attorney's Office

Criminal Justice Center, 509 W. 11th Street, Austin, Texas 78701

CONFIDENTIAL

OAG_SUB-00002440

HBOM00191600

AG Exhibit 0124

Return to:
Travis County District Attorney's Office
Special Prosecution Unit
416 W. 11th Street, Suite 200
Austin, Texas 78701

Austin Police Department
Travis County Sheriff's Office
Travis County District Attorney's Office
(512) 854-9530
FAX: 854-4810

REQUEST TO INVESTIGATE

This complaint form is provided to you with the understanding that this office may conduct investigations to determine if a firm or person is in violation of Penal Laws of the State of Texas. We strongly recommend that you consult with your own private attorney to determine your legal rights and civil remedies in this matter.

(PLEASE TYPE OR PRINT)

I. INFORMATION ABOUT THE PARTY OR FIRM COMPLAINED OF:

See attached.

Full Name

Address (Street, City, State, Zip)

Telephone

Race

Sex

Height

Weight

Hair

Eyes

D.O.B. or Approximate Age

Driver's License #

D.L. State

Social Security Number

II. COMPLAINING PARTY AND WITNESS:

See attached.

Your Full Name (and Company Name, if applicable)

Address (Street, City, State, Zip)

Telephone Numbers (Office & Home)

D.O.B.

Driver's License #

D.L. State

WITNESS - Name

Address and Telephone

WITNESS - Name

Address and Telephone

III. INFORMATION ABOUT ALLEGED OFFENSE:

See attached.

Date of alleged offense: _____

Where did the offense occur: _____

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OAG_SUB-00002441

HBOM00191601

AG Exhibit 0124

What property was taken: _____

Total value of property taken: _____

What, if any, property have you recovered: _____

What is the business and/or personal relationship between you and the party or firm complained of: _____

Have you discussed this matter with the person or firm: _____ Their reply: _____

Did you sign a contract: _____ If so, enclose a copy: _____

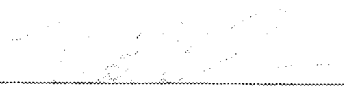
What other agencies have you reported this matter to: _____

(PLEASE TYPE OR PRINT)

IV. FACT DESCRIPTION: *attach additional pages as needed*

Describe the exact nature of your complaint below and on additional sheets, if necessary. Please be complete. Include the name of the individual that you dealt with and dates. If possible, recite facts in the order in which they occurred. You must provide copies of all relevant documents (see attached list). Keep all originals in a safe place in the event they are needed for court purposes. See attached.

I certify that the information that I have furnished the District Attorney in this complaint is true and correct to the best of my knowledge and belief, and is furnished for the sole purpose of instituting a criminal prosecution where the investigation indicates criminal activity and not for the purpose of recovering personal property or any other thing of value. I authorize the District Attorney to use the information given in any manner that he deems necessary and proper. I further certify that I understand that the District Attorney's Office cannot give me legal advice or act as my attorney. I also understand that the completion of this form will not constitute the filing of criminal charges. I have not withheld any information pertinent to this complaint.


SIGNATURE OF COMPLAINANT

Natin Paul
PRINTED NAME OF COMPLAINANT

SUBSCRIBED AND SWORN TO before me this the _____ day of _____, A.D. 20_____

(Seal)

Notary Public in and for the State of Texas
My Commission Expires: _____

**Information needed from you to begin an investigation may include the following,
please send as many of these documents as you have available:**

- 1) In the fact description, be very detailed about what specifically you are alleging (attach additional sheets as necessary.)
- 2) If checks, drafts or other bank items were used in the commission of the alleged offense include:
 - a) Copies of bank statements
 - b) Copies of the front and back of checks
 - c) Copies of wire orders
 - d) Checkbook registers, check stubs, accounting ledgers, and/or complete backup copies of QuickBooks or Peachtree accounting software (include version number). If you use another type of software, check with the assigned investigator prior to sending a backup file.
 - e) Identification of all of the victim's bank accounts.
- 3) If the victim is a business or association:
 - a) Copies of documents used for the legal formation of the business (partnership agreements, articles of incorporation, etc.)
 - b) Description of business, including type of operation, names of owners or partners, names of directors and contact information (include on a separate sheet).
 - c) The affiant's position within the business
- 4) If the party about which you are complaining is was an employee:
 - a) Complete personnel file, including application, resume, IRS Forms W2 and W4, direct deposit information, copies of paychecks, list of all direct deposits, copies of reimbursements, time sheets, and relevant correspondence
- 5) Promissory notes, security agreements, or loan agreements
- 6) All civil pleadings and orders related to the actions about which you are complaining.
- 7) Copies of any receipts or invoices involved
- 8) Copies of all contracts or written agreements between involved parties
- 9) Copies of any pertinent written or email correspondence between parties
- 10) A forensic audit

I. INFORMATION ABOUT THE PARTY OR FIRM COMPLAINED OF:

Dorsey Bryan ("Bryan") Hardeman

[REDACTED]
Austin, Texas 78703
DOB: ([REDACTED]) Age: 71

William Bryan ("Will") Hardeman

[REDACTED]
Austin, Texas 78703
DOB: ([REDACTED]) Age: 39

Christopher L. Dodson

[REDACTED]
Houston, Texas 77056
DOB: ([REDACTED]) Age: 41

Stephen Benesh

[REDACTED]
Dripping Springs, Texas 78620
DOB: ([REDACTED]) Age: 59

Jason Cohen

[REDACTED]
Houston, Texas 77007
DOB: ([REDACTED]) Age: 42

Mark Riley

[REDACTED]
Houston, Texas 77005
DOB: ([REDACTED]) Age: 63

Justin Bayne

[REDACTED]
Austin, Texas
DOB: ([REDACTED]) Age: 40

Tony M. Davis

[REDACTED]
Austin, Texas 78735
DOB: ([REDACTED]) Age: 62

Ray Chester

[REDACTED]
Austin, Texas 78746
DOB: ([REDACTED]) Age: 65

Gregory Milligan

[REDACTED]
Austin, Texas 78732

DOB: ([REDACTED]) Age: 51

Dilum Chandrasoma
[REDACTED]

Austin, Texas 78746

DOB: ([REDACTED]) Age: 55

II. COMPLAINING PARTY AND WITNESS:

Natin "Nate" Paul
[REDACTED]

Austin, Texas 78735

DOB: ([REDACTED])

Phone: (512) 529-2222

Witness

Jeremy Stoler

814 Lavaca St., Austin, Texas 78701

(512) 365-0289

III. INFORMATION ABOUT ALLEGED OFFENSE:

Date of Alleged Offense: January 2020 -- Ongoing

Where did the offense occur: Austin, Travis County, Texas

IV. FACT DESCRIPTION: *(attach additional pages as needed)*

Describe the exact nature of your complaint below and on additional sheets, if necessary. Please be complete. Include the name of the individual that you dealt with and dates. If possible, recite facts in the order in which they occurred. You must provide copies of all relevant documents (see attached list). **Keep all originals in a safe place in the event they are needed for court purposes.**

This complaint is regarding a fraudulent financial scheme to defraud mortgage borrowers that is currently an ongoing conspiracy orchestrated by Bryan Hardeman, Will Hardeman, Justin Bayne, Mark Riley, Christopher Dodson, Steve Benesh, Jason Cohen, Gregory Milligan, Ray Chester, Dilum Chandrasoma, and Judge Tony Davis. The mortgage borrowers that are being defrauded are single-purposes LLC's owning properties that are owned/controlled by myself, Natin "Nate" Paul and/or my company, World Class Holdings.

Starting with the first loan purchase that occurred in May 2020, the conspirator group led by Bryan and Will Hardeman of the Hardeman Family Joint Venture have acquired mortgage loans from banks that were the mortgage holders on 8 different properties in Austin, San Antonio, and Plano, Texas.

These individual loan purchases all shared very concerning characteristics from an "anonymous LLC loan purchaser". The loans were all at very low loan-to-value ratios and it became very clear the new "anonymous lender" was moving in an aggressive manner to call loans in to default and pursue remedies.

These remedies include trying to push for foreclosure on the commercial properties when such legal action was prohibited by orders of the City of Austin, Travis County, and the state of Texas.

Our team conducted extensive investigation to unearth the circumstances behind these loan purchases and the principals behind the anonymous LLC but were unable to find the details we sought through the legal process while the anonymous lender LLC continued an aggressive litigation strategy against the borrowers.

However, that changed when I received a phone call from our lender on one of our properties in downtown Austin. That lender is Alan Nalle.

Alan Nalle called me on Wednesday, September 16th, to let me know of a phone call he received the week prior from Bryan Hardeman. Bryan Hardeman disclosed to Alan Nalle that he had purchased 8 other loans on properties I owned, and that he wanted to acquire Alan Nalle's loan on another one of our properties. Alan told him he would only ever consider selling his loan if a buyer were to pay a large premium, which would not make economic sense for a buyer since they would take a loss when we pay off the loan if the buyer of the loan paid a premium. Bryan Hardeman proceeded to tell Mr. Nalle that he would be willing to pay a premium because the property was worth so much more than the loan balance, and if he bought the loan and proceeded to auction at foreclosure, that all proceeds would go to him as the new loan owner.

Mr. Nalle corrected Mr. Hardeman that he would technically only be allowed to collect on the loan principal balance and unpaid interest in a scenario as he outlined, to which Mr. Hardeman disagreed. He reiterated to Mr. Nalle that when he auctioned the property that he would retain all the proceeds – essentially stating he believed he was buying “ownership” of these properties by solely buying the loans. This raised a red flag to Mr. Nalle. Bryan Hardeman was very confident that he was correct in this assertion and informed Alan Nalle that he was proceeding with this same strategy with the other loans he had purchased.

On this initial call, Bryan Hardeman continued to use the word “we” as he described the actions taken to buy loans and pursue the strategy. Alan Nalle asked Bryan who is “we”, and his response was “my family”. He told Alan Nalle that his son, Will Hardeman, was “running the deal” and that the capital behind these loan purchases were “his family's money”.

Bryan Hardeman told Alan Nalle that he was “using a law firm out of Houston” to pursue these loan purchases, which matched up with the lawyers that were representing the anonymous LLC Lenders: lawyers from Bracewell's Houston office and Mark Riley out of Houston. These anonymous LLC's have only ever presented Justin Bayne as the sole “business person” representing the LLC's as Justin Bayne is named as the sole Manager of the entities. The lawyers have gone to extreme efforts to conceal the identity of the partners behind these anonymous LLC's.

Bryan Hardeman claimed to Alan Nalle on this call many times with pride that he had already purchased approximately \$43 million in loans. This amount is consistent with the total loan balances of the 8 loans purchased by anonymous lender LLC's.

Bryan Hardeman made many additional disparaging comments about me that were all false to Alan Nalle on this call to dissuade him from continuing to be my lender and as a motivation for him to sell his loan to him. This is the same strategy he and his co-conspirators did in calling my other lenders where they have purchased and/or attempted to purchase loans. Hardeman claimed to Alan Nalle that he learned of some of these issues from Robert F. Smith, which we believe to be a false statement. He knowingly

made false statements to banks to induce them in to sell him loans on properties for him; to undertake this complex fraudulent scheme to steal the properties

Bryan Hardeman insisted on this call with Alan Nalle that he was working on this loan purchase strategy with Dilum Chandrasoma, the former President of the Mitte Foundation. On a call to Dani Tristan, Bryan Hardeman stated he has been working with Ray Chester, the lawyer for the Mitte Foundation.

Bryan Hardeman said he was hoping that he would be happy to own the properties at the loan purchase amounts or if someone bid it up to a high amount since he would make all the money someone would pay in an auction – which is incorrect. Bryan Hardeman was steadfast that all the proceeds from the sale of a property would go to him as the loan holder.

I have a very strong relationship with Alan Nalle and he is a well-respected businessman in Austin. Bryan Hardeman was unaware that Alan Nalle and I have a very good relationship of many years and that Alan Nalle has been very pleased with us as a borrower. Alan Nalle called me after receiving this call from Bryan Hardeman because he said the call was very strange and concerning. After he informed me of the details of the call, he let me know that he would call me if he heard from Bryan Hardeman again. By way of background, Alan Nalle has known Bryan Hardeman for over 50 years.

On Friday, September 18th, I received another call from Alan Nalle. He called to let me know he received another call from Bryan Hardeman that was very shocking.

Bryan Hardeman called Alan Nalle as a follow up to their initial call and proceeded to tell him of his real plan and his intentions in making these loan purchases and the details of his complex scheme. On this call, Bryan Hardeman outlined the complex fraudulent scheme that he and his co-conspirators are actively pursuing to take these properties involving all of the named subjects of this complaint.

Bryan Hardeman called to let him know that in the Bankruptcy Court for the Western District of Texas that the Bankruptcy Judge had dismissed the bankruptcy cases on 2 properties. These 2 properties are 2 where the Mitte Foundation is a small limited partner and Gregory Milligan has been involved as a receiver at Mitte's direction.

Bryan then told Alan Nalle that the bankruptcy judge for the US Courts system of the Western District, Tony Davis, lives in Austin but has an apartment in Houston because his wife is undergoing a lung transplant. Bryan told Alan that his lawyers in Houston are good friends with Judge Tony Davis and that they have cut a "deal" with Judge Davis and have him on board with this elaborate scheme.

According to Bryan Hardeman, his lawyers are going to move to consolidate the loans that he has purchased in to a single bankruptcy case in Judge Davis' court in the "coming week or two". They will then file a motion to appoint Gregory Milligan as a receiver/trustee over these properties to act at his direction. According to Bryan Hardeman, this conspiracy and collusion between Hardeman, his lawyers, and Milligan was proposed to Judge Tony Davis and that Judge Davis has told them that if they file such actions, he would approve the motion and go along with their plan. This "side agreement" allegedly took place in a meeting between his lawyers and Judge Davis in Houston.

This "move", as Bryan Hardeman calls it, is Hardeman's grand plan to remove me from control of my own properties by having Judge Tony Davis approve the insertion of Gregory Milligan. He then states that Milligan is on board with his plan to let him move to auction the assets and steal the equity in the properties in this orchestrated scheme. Bryan Hardeman stated to Alan Nalle that he and Gregory Milligan have a coordinated effort for this plan.

We have seen the anonymous lender LLC in one of the loans he has purchased (4th and Colorado) make a motion to attempt to appoint Gregory Milligan as receiver over control of the property. However, we put that property in to Chapter 11 bankruptcy to ward off the predatory lender. Hardeman's scheme he outlined to Nalle would entail him bringing Milligan in to the bankruptcy to work at his direction to disadvantage and steal from the borrower.

Bryan Hardeman then told Alan Nalle another shocking statement. Hardeman told Nalle that he has previously foreclosed on loans to take back properties against other property owners where third-party bidders showed up to purchase the properties. Hardeman said he had his lawyers present at the auctions to talk to the third-party bidders and tell them to stop bidding on the loans because the Hardeman entities were going to bid the loan amount to take ownership of the property at the loan balance and they would then turn around and sell the property to the third party bidder at a price slightly lower than they would pay in the legal foreclosure auction bid process. This highly illegal "rigged auction" process, coordinated by Hardeman and his lawyers, is the reason he stated to Nalle on the previous call that he expects to be the beneficiary of all sale proceeds when he auctions properties as a remedy. This is the strategy Bryan Hardeman is pursuing in this fraudulent scheme to steal the properties.

Alan Nalle then told Bryan Hardeman, "Why would a bidder agree to this on the courthouse steps and act on a verbal agreement. This sounds like a conspiracy to defraud the landowner of what his part of the deal." Bryan Hardeman responded, "I have done this before. It works."

Alan Nalle stated he believed Bryan Hardeman told him what he was doing because they have a 50-year relationship. Alan Nalle stated he believed Bryan also told him this because he expects Bryan's next call will be to Alan to ask if he wants to partner with him on these loan purchases he made. Alan Nalle stated he would have no interest if such an offer is made. Alan Nalle stated on the call that Bryan Hardeman's scheme is a "clear conspiracy to defraud the landowners" and is "illegal". Even more alarming is that this a scheme he has completed before and gotten away with it.

Mark Riley, one of Hardeman's Houston lawyers, serves as General Counsel to the anonymous LLCs that own the loans. He has been named as the "substitute trustee" to handle the auctions in the event of a foreclosure auction and will be the party that is running the rigged bidding auctions.

Alan Nalle stated Bryan Hardeman was "braggadocious" in explaining his concocted scheme to defraud me and was bragging about having done this to other landowners before.

Bryan Hardeman reiterated on this call to Alan Nalle that he owns \$43 million in loans on properties I own and that he is actively working to acquire another loan on a shopping center I own in San Antonio and that he fully expects to close on that loan purchase.

I informed Alan Nalle that the properties I own that have the \$43 million in loans are valued at approximately \$200 million. Therefore, my equity in the properties is approximately \$157 million.

Bryan Hardeman's complex fraudulent scheme is to steal this \$150+ million in equity in these properties because he and his lawyers have struck an illegal deal with the bankruptcy Judge to consolidate loans in to a single bankruptcy and to appoint Gregory Milligan to be in charge prior to any of this ever actually occurring in the judicial process. Hardeman's plan is to then take ownership of the properties by moving to "auction" the properties in the "rigged bidding" scheme with his lawyers which will give him the opportunity to credit bid and take fee simple ownership of \$200 million in properties for the \$43 million loan balance which is approximately what he paid for the loans. Alan Nalle stated that Bryan

Hardeman's intention is clearly to "take the difference between the value of the properties and the loans – he is playing to take your equity"

Bryan Hardeman clearly stated he purchased these loans with the intention of completing this fraudulent scheme as he outlined. He has already taken actions in these separate legal disputes on the respective properties which show that this plan is well underway. His intention with purchasing these loans is to defraud the borrower by colluding with his lawyers, the Judge, the proposed receiver/trustee, and potential bidders to take ownership of all of the properties and to deprive me of my legal and constitutional rights.

This fraudulent financial scheme has been orchestrated by Bryan and Will Hardeman on behalf of the Hardeman Family Joint Venture. The lawyers that Hardeman claims have struck the illegal side deal with Judge Davis, and that will be handling the illegal rigged bidding to steal the properties are: Christopher Dodson, Steve Benesh, Jason Cohen, and Mark Riley. Hardeman's partners in these LLC's are Justin Bayne and Mark Riley. The bankruptcy Judge that, according to Hardeman, has agreed to this scheme is Judge Tony M. Davis. Gregory Milligan has conspired with the Hardeman group by agreeing to go along with the scheme by serving as a proposed "neutral" receiver/trustee that will be appointed by Judge Davis. Dilum Chandrasoma and Ray Chester are co-conspirators with the Hardeman group and provide the link between the Hardemans and Milligan through their prior relationship with Milligan. According to Bryan Hardeman statements, all of these parties are aware of his plan and are playing their respective roles in this fraudulent scheme.