

iMessage
12/26/2019 6:57:47 PM

How about Campisi's for lunch in north Plano?

I love Campisi's. Sounds good.
Which one in Plano?
8100 Dallas Parkway? Or 4709 West Parker road?
Noon?

It is at intersection of 121 and North Dallas Tollway

Great. Thanks

Awesome . See you at noon



12/27/2019 12:00:49 PM

Stuck at the bank but not far away

No prob. I am here at entrance

12/27/2019 4:03:41 PM



Thanks for lunch today. Excited about joining your team and doing many exciting things to move the ball forward. Thank you for the opportunity.

Forgot to show you today but this is my crew - who are all excited to be back in Texas.

12/27/2019 5:19:31 PM

I am very looking forward to you joining us. I think we can make a difference together!

iMessage
1/11/2020 5:14:28 AM

I got a text from both Tommy and Doug Deason both singing your praises. I think highly of both those guys so you keep good company. I am looking forward to your coming to work with us. You are going to fit in great and be a tremendous asset to our team.

iMessage
5/7/2020 7:03:17 PM

<http://video.foxbusiness.com/v/6155093366001/>

This was best one yet. Good job!

Thank you. There is a story

Tucker Carlson gave you credit tonight for your "direct intervention" for Shelley's release

Didn't mention others

Wow. That is very nice

iMessage
7/3/2020 1:22:27 PM

Julie Springer.vcf

Text message
7/3/2020 1:23:21 PM

Thz

Thx

iMessage
7/6/2020 12:14:55 PM

Steve Solomon.vcf

Thx

7/6/2020 5:23:47 PM


20-062220 Letter to Chester.pdf



HANCE SCARBOROUGH, LLP
ATTORNEYS AND COUNSELORS AT LAW

Terry L. Scarborough
Founding Partner
Direct: (512) 487-4006
tscarborough@hslawmail.com

June 22, 2020

VIA EMAIL

Ray Chester

Mike Shaunessy

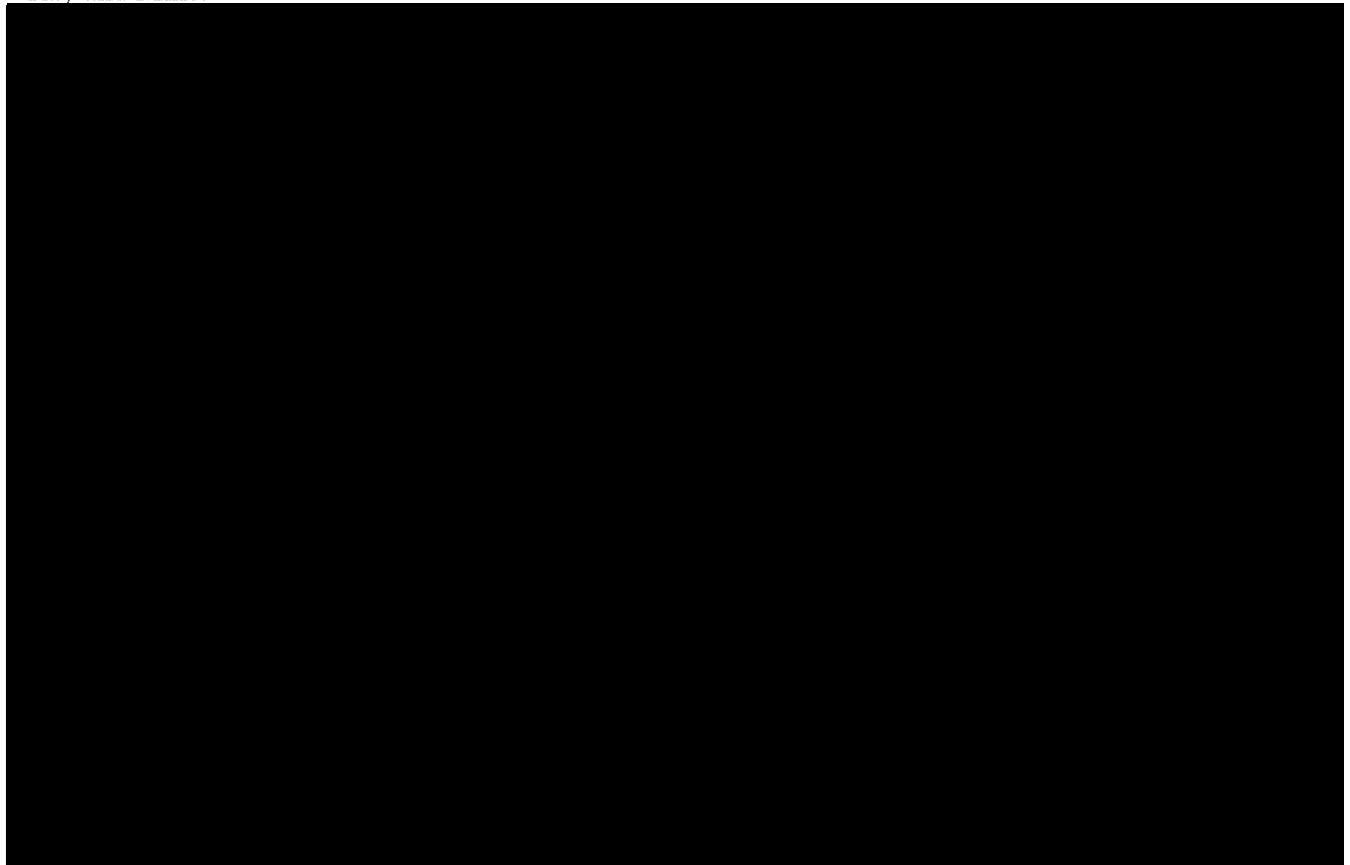
McGinnis Lochridge & Kilgore

600 Congress Avenue, Suite 2100

Austin, Texas 78701

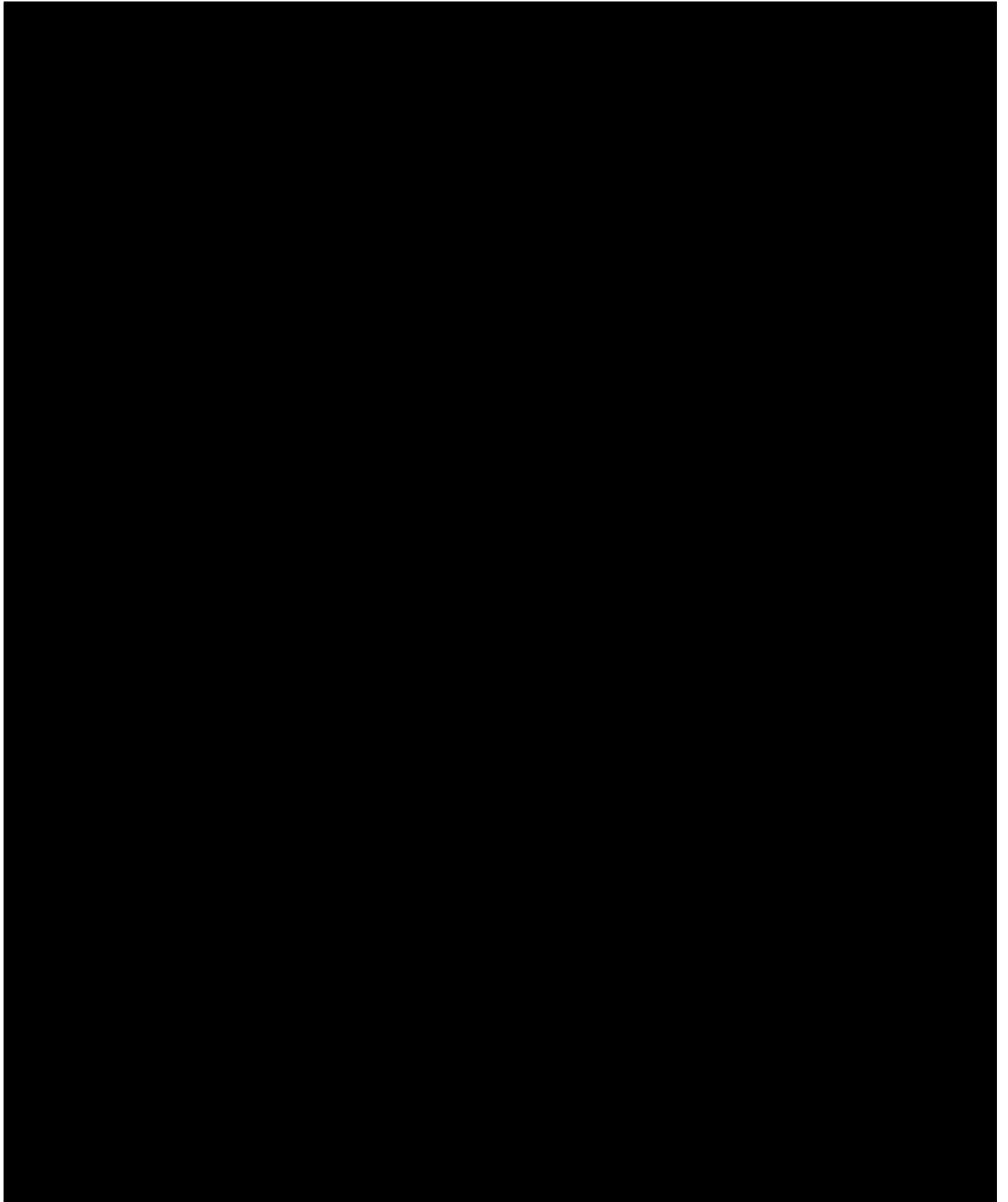
**Re: The Mitte Foundation v. WC 1st and Trinity, LP et al.:
Confidential Rule 408 Settlement Offer**

Ray and Mike:

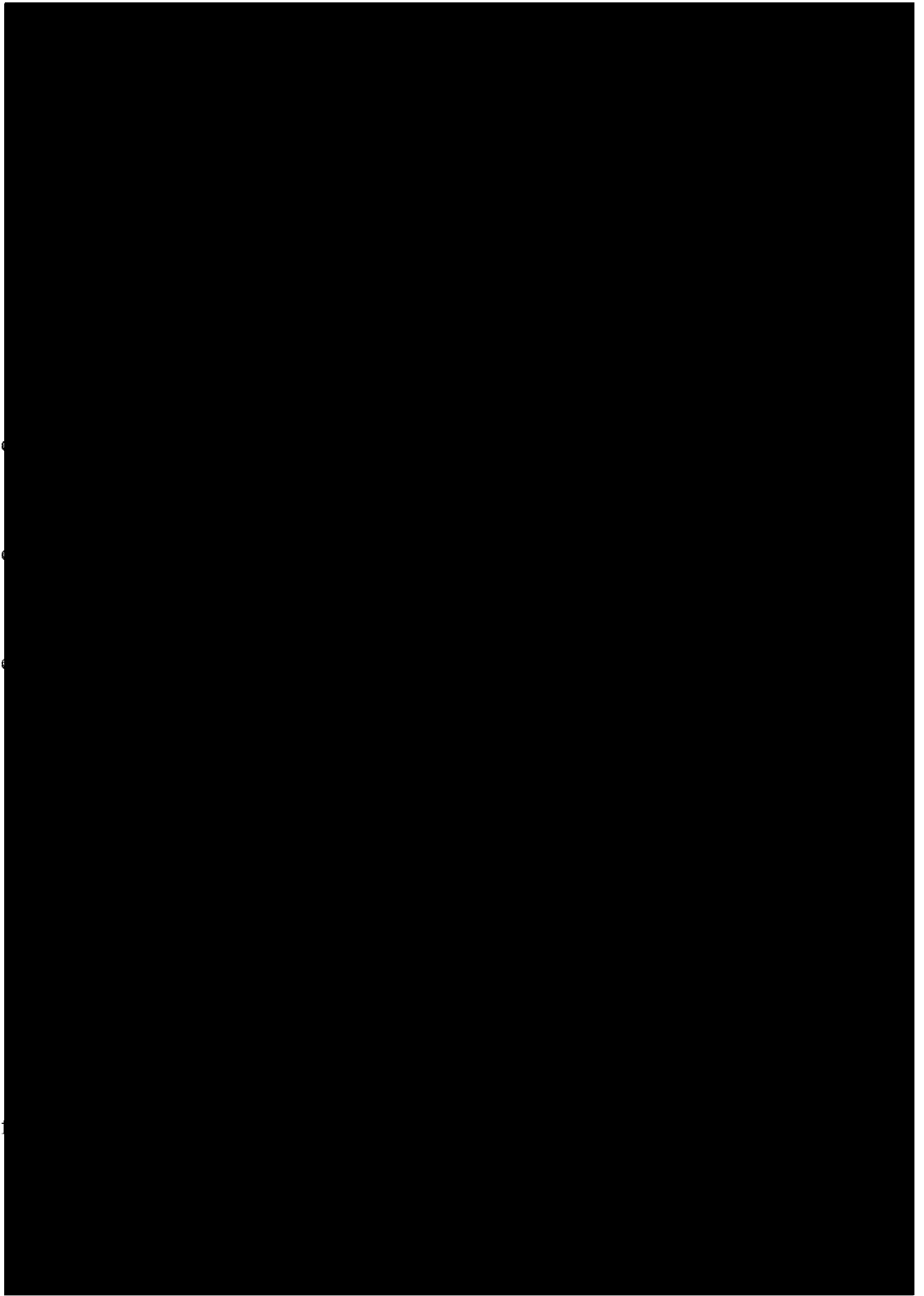


400 W. 15th, Suite 950 - Austin, TX 78701 - Tel: (512) 479-8888 - Fax: (512) 482-6891
Other Offices – Washington, D.C.

Brickman 00147



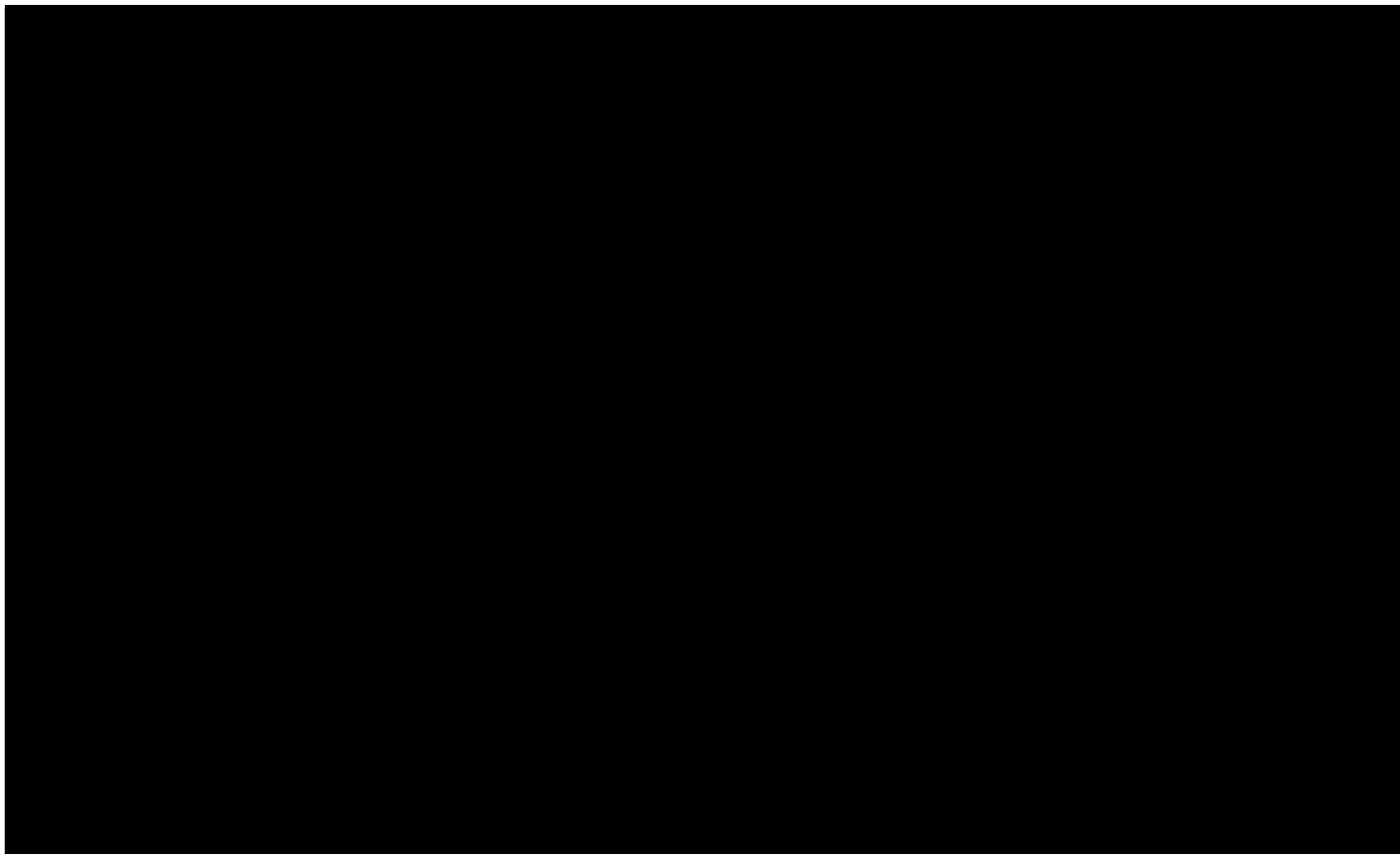
Brickman 00148



Brickman 00149

June 22, 2020

Page 4



Sincerely yours,

Terry Scarborough
Terry L. Scarborough

Cc: Josh Godbey, joshua.godbey@oag.texas.gov
Cat Day, cathleen.day@aog.texas.gov

Brickman 00150

iMessage
7/7/2020 11:57:50 AM

Wrapping up a call and will call back ASAP

7/7/2020 2:40:35 PM

Please call

Just tried you. Went to voice mail

Please call before 3 if you can. Thanks

7/8/2020 7:55:37 PM

I was mistaken. The motion for stay was filed yesterday but no hearing has been set yet

See you tomorrow at 8:30

CAUSE NO. D-1-GN-18-007636

THE ROY F & JOANN COLE MITTE	§	IN THE DISTRICT COURT OF
FOUNDATION,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	TRAVIS COUNTY, TEXAS
WC 1st AND TRINITY, LP, WC 1st AND	§	
TRINITY GP, LLC, WC 3rd AND	§	
CONGRESS, LP AND WORLD CLASS	§	
CAPITAL GROUP, LLC	§	
<i>Defendants.</i>	§§	126 TH JUDICIAL DISTRICT

MOTION TO STAY PROCEEDING

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES KEN PAXTON, Attorney General of Texas, on behalf of the public interest in charity, (“Attorney General”) and files this Motion to Stay Proceeding in the above-referenced cause, and would respectfully show the Court the following:

I.

On June 8, 2020, for and on behalf of the interest of the general public of this state in charitable trusts, the Attorney General filed a Petition in Intervention in this proceeding, pursuant to §123.002 of the Texas Property Code and Rule 60 of the Texas Rules of Civil Procedure.

II.

The Attorney General asks the court for a brief stay in all proceedings, including deadlines, discovery, and hearing dispositive motions, pending the Attorney General’s attempt to work with all parties to set a mediation and hopefully reach a just and equitable resolution to the dispute. The Attorney General requests this brief stay to preserve the resources of Plaintiffs Mitte Foundation pending mediation, which will accrue to the benefit of the public’s interest in charity.

PRAYER

WHEREFORE, the Attorney General prays for such relief above to which he may be entitled on behalf of the public interest in charity.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

RYAN L. BANGERT
Deputy First Assistant Attorney General

DARREN L. McCARTY
Deputy Attorney General for Civil Litigation

/s/ Joshua R. Godbey
Joshua R. Godbey, Division Chief
State Bar No. 24049996
Financial Litigation and Charitable Trusts Division
P.O. Box 12548
Austin, Texas 78711-2548
(512) 475-4207 Phone
(512) 477-2348 Fax
joshua.godbey@oag.texas.gov

On Behalf of the Public Interest in Charity

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Attorney General's Motion to State Proceeding* was served by e-service on July 7, 2020, to the following:

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Rhonda B. Mates
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Wallace B. Jefferson
Nicholas Bacarisse
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/s/ Joshua R. Godbey
Joshua R. Godbey

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sharron Lee on behalf of Joshua Godbey
Bar No. 24049996
sharron.lee@oag.texas.gov
Envelope ID: 44323985
Status as of 07/08/2020 09:44:10 AM -05:00

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Andrew MEdge		aedge@mcginnislaw.com	7/7/2020 4:27:55 PM	SENT
Dennis Roossien		droossien@munsch.com	7/7/2020 4:27:55 PM	SENT
James Ray		jray@munsch.com	7/7/2020 4:27:55 PM	SENT
Angela Mays		amays@munsch.com	7/7/2020 4:27:55 PM	SENT
Lisa Garrett		lgarrett@munsch.com	7/7/2020 4:27:55 PM	SENT
Michael A. Shaunessy	18134550	mshaunessy@mcginnislaw.com	7/7/2020 4:27:55 PM	SENT
Joshua Godbey	24049996	Joshua.Godbey@oag.texas.gov	7/7/2020 4:27:55 PM	SENT
Jason Snell	24013540	firm@snellfirm.com	7/7/2020 4:27:55 PM	SENT
Kim McBride		kmcbride@mcginnislaw.com	7/7/2020 4:27:55 PM	SENT
Ray Chester	4189065	rchester@mcginnislaw.com	7/7/2020 4:27:55 PM	SENT
Katherine Stein	24083980	kstein@kslaw.com	7/7/2020 4:27:55 PM	SENT
Annette Bittick		abittick@mcginnislaw.com	7/7/2020 4:27:55 PM	SENT
Jason Augustine		jason@reeveaugustine.com	7/7/2020 4:27:55 PM	SENT
Jack Simms		jack@wittliffcutter.com	7/7/2020 4:27:55 PM	SENT
Maria Amelia Calaf		mac@wittliffcutter.com	7/7/2020 4:27:55 PM	SENT
John Saba		john@wittliffcutter.com	7/7/2020 4:27:55 PM	SENT
Julie Doss		jdoss@mcginnislaw.com	7/7/2020 4:27:55 PM	SENT

Associated Case Party: WC 1st and Trinity, LP

Name
Kevin Orellana
Terry Lane Scarborough
Viola Pena

Brickman 00155

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Sharron Lee on behalf of Joshua Godbey
Bar No. 24049996
sharron.lee@oag.texas.gov
Envelope ID: 44323985
Status as of 07/08/2020 09:44:10 AM -05:00

Associated Case Party: WC 1st and Trinity, LP

Wallace Jefferson	19	wjefferson@adjtlaw.com	7/7/2020 4:27:55 PM	SENT
Nicholas Bacarisse	24073872	nbacarisse@adjtlaw.com	7/7/2020 4:27:55 PM	SENT
Kate Stein		kstein@kslaw.com	7/7/2020 4:27:55 PM	SENT
Edward FFernandes		efernandes@kslaw.com	7/7/2020 4:27:55 PM	SENT
Adam Gray	24087616	agray@kslaw.com	7/7/2020 4:27:55 PM	SENT

Associated Case Party: GregoryS.Milligan

Name	BarNumber	Email	TimestampSubmitted	Status
Rhonda Bear Mates	24040491	Mates@slollp.com	7/7/2020 4:27:55 PM	SENT
Stephen W. Lemmon		lemmon@slollp.com	7/7/2020 4:27:55 PM	SENT

Associated Case Party: WC 1st and Trinity GP, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Edward FFernandes		efernandes@kslaw.com	7/7/2020 4:27:55 PM	SENT
Kate Stein		kstein@kslaw.com	7/7/2020 4:27:55 PM	SENT

Associated Case Party: WC 3rd and Congress, LP

Name	BarNumber	Email	TimestampSubmitted	Status
Edward FFernandes		efernandes@kslaw.com	7/7/2020 4:27:55 PM	SENT
Kate Stein		kstein@kslaw.com	7/7/2020 4:27:55 PM	SENT

Associated Case Party: World Class Capital Group, LLC

Brickman 00156

Automated Certificate of eService

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Sharron Lee on behalf of Joshua Godbey
Bar No. 24049996
sharron.lee@oag.texas.gov
Envelope ID: 44323985
Status as of 07/08/2020 09:44:10 AM -05:00

Associated Case Party: World Class Capital Group, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Edward FFernandes		efernandes@kslaw.com	7/7/2020 4:27:55 PM	SENT
Kate Stein		kstein@kslaw.com	7/7/2020 4:27:55 PM	SENT

Associated Case Party: Ken Paxton on Behalf of the Public Interest in Charity

Name	BarNumber	Email	TimestampSubmitted	Status
Cathleen Day	24105783	cathleen.day@oag.texas.gov	7/7/2020 4:27:55 PM	SENT

Brickman 00157

CAUSE NO. D-1-GN-18-007636

THE ROY F & JOANN COLE MITTE	§	IN THE DISTRICT COURT OF
FOUNDATION,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	TRAVIS COUNTY, TEXAS
WC 1st AND TRINITY, LP, WC 1st AND	§	
TRINITY GP, LLC, WC 3rd AND	§	
CONGRESS, LP AND WORLD CLASS	§	
CAPITAL GROUP, LLC	§	
	§	
<i>Defendants.</i>	§	126 TH JUDICIAL DISTRICT

ORDER GRANTING MOTION TO STAY PROCEEDING

On this day, came to be heard Ken Paxton, Attorney General of the State of Texas, on behalf of the public interest in charity (the “Attorney General”), on his Motion to Stay Proceeding.

Having considered the pleadings on file, and the arguments and information before it, the Court FINDS that the interests of justice and judicial economy favor an equitable and just resolution to the dispute.

IT IS THEREFORE ORDERED that:

- (a) The Attorney General’s Motion to Stay Proceeding is GRANTED;

SIGNED this _____ day of _____ 2020.

The Honorable Jan Soifer, Judge Presiding

II. BACKGROUND OF AG INTERVENTION

Because Mitte is a charitable organization, Plaintiff provided notice of this suit to the Financial Litigation and Charitable Trust Division of the Attorney General's office on December 9, 2019. (Ex A, attached). Ms. Cathleen Day of the AG's office responded on December 18, asking the district clerk to provide notice of any hearings. (Ex. B, attached). On January 22, 2020, Ms. Day emailed the undersigned counsel for Mitte posing the following questions:

Ray,

I am the attorney assigned to the above referenced matter. I have reviewed the file, and I have a few follow up questions for you regarding the Mitte Foundation's assets:

- What percentage of the Foundation's assets were invested with the Defendants?
- Why did the Foundation invest in real estate?
- How are the Foundation's remaining assets invested?
- What is the value of the remaining assets?

(Ex. C, attached). Thereafter, the undersigned and Ms. Day had a telephone conversation in which all her questions were answered. The AG then filed a Waiver of Intervention on January 31, 2020.

(Ex. D attached). The Waiver contained the following admonition:

If any pleading is filed herein that adds additional parties or causes of action, such pleading would constitute a new or additional proceeding involving a charitable trust, which will require additional notice to the Attorney General pursuant to §123.003 of the Property Code.

(Ex. D at 1). After Defendants were unable to post a supersedeas bond, there were apparently ex parte communications between Defendant's and the AG's office. Mitte's counsel was copied on an email from Ms. Day to Maryanne Norwood, in-house counsel for World Class, in which she stated among other things "I appreciate you giving this office notice of the new cause of action filed on April 29, 2020 in Plaintiff's Application for Enforcement of Arbitrator's Order Compelling Production." (Ex. E, attached). Soon thereafter, the Attorney General's office

intervened in the case by and through the head of the Financial Litigation and Charitable Trust Division, Mr. Joshua Godbey. (Ex. F, attached). The petition in intervention said, among other things, “[t]he Attorney General recently received notice of a new cause of action filed in this matter.” (Ex. F at 1). It is obvious to anyone who read either the title or the content of Plaintiff’s Application for Enforcement of Arbitrator’s Order Compelling Production that it did not constitute a “new cause of action,” and neither that filing nor any other changed the basic facts that caused the AG’s office to file a Waiver on January 31, 2020.

III. THE REQUEST FOR STAY IS NOT WELL TAKEN

The timing of the AG’s stay motion is most curious. There does not appear to be anything singular about the present moment in this litigation that makes the public interest require a stay—especially as repeated stays due to World Class’ various mandamus and appeals to the Third Circuit have severely hampered the receiver and delayed resolution of this dispute.

On the other hand, the reasons that Defendants might desire a stay are clear.¹ Defendants have been unable to file a supersedeas bond, and their efforts to shield their unscrupulous business practices from the eyes of the receiver and the Court are failing. Defendants recently produced certain financial documents for the first time, and there are many financial irregularities that have come to light as a result of that production. For example, Mitte’s interest in 3rd & Congress was diluted from 11.65% to 6.83% on the basis of a 2016 capital call. Documents in the June 25, 2020 production demonstrate that this capital call was a sham, because none of the World Class entities contributed any capital, and their ownership was not diluted, but rather increased at the expense of

¹ There is no legitimate reason that the AG office would have to intercede in this case to protect *Defendants’* interests, but nevertheless, Defendants apparently expect its protection and assistance. Counsel for Defendants has trumpeted the AG’s intervention at every opportunity, including in filings with the Third Court of Appeals and as a justification for delaying proceedings in the related arbitration.

Mitte and other limited partners. Additionally, the receiver is currently seeking to depose Ms. Barbie Lee regarding the whereabouts of missing receivership property.

The receivership has already been stayed several times as a result of Defendant's efforts, and the Court is well aware of the detrimental effect these delays have had on the receiver being able to carry out his duties. Defendants have a legitimate avenue to stay the case—the posting of a supersedeas bond in the amount they requested—but they have failed to follow legitimate means but instead have lobbied the AG's office for a stay of execution using the public's interest as a pretext. Mitte would argue that the best way to protect the public's interest in charity is to allow the receiver to continue to do his job.

In support of its request for a stay, the AG's office offers only a single sentence of justification, "to preserve the resources of Plaintiffs Mitte Foundation pending mediation, which will accrue to the benefit of the public's interest in charity." Mot. at 1. The motion cites no authority or precedent in support of its request. The Motion fails to offer a sufficient basis to disrupt Mitte's ability to move this litigation forward to resolution. Further, the Motion does not even mention, much less justify, its intrusion on the activities of the receiver.

IV. PRAYER

For the reasons set forth herein, Plaintiff respectfully requests the Motion to Stay Proceeding be denied.

Respectfully submitted,

MCGINNIS LOCHRIDGE LLP

Ray Chester

State Bar No. 04189065

Michael A. Shaunessy

State Bar No. 18134550

Andrew Edge

State Bar No. 24071446

600 Congress Avenue, Suite 2100

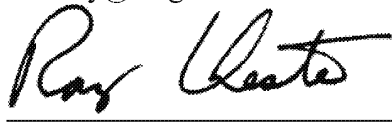
Austin, Texas 78701

(512) 495-6000

(512) 495-6361 Fax

rchester@mcginnislaw.com

mshaunessy@mcginnislaw.com

By: 

Ray Chester

**ATTORNEYS FOR PLAINTIFF THE ROY F.
& JOANN COLE MITTE FOUNDATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent via email and on this the 9th day of July, 2020, to the following counsel of record:

Terry L. Scarborough, LLP
V. Blayre Pena
HANCE SCARBOROUGH, LLP
400 W. 15th Street, Suite 950
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512/479-8888
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bpena@hslawmail.com

Wallace B. Jefferson
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wjjefferson@adjtlaw.com
Nicholas Bacarisse
State Bar No. 24073872
nbacarisse@adjtlaw.com
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ATTORNEYS FOR DEFENDANTS


Stephen W. Lemmon
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Austin, Texas 78746
Telephone: (512) 236-9900
Facsimile: (512) 236-9904

ATTORNEYS FOR RECEIVER

Cathleen M. Day, Assistant Attorney General
State Bar No. 24105783
Joshua R. Godbey, Division Chief
State Bar No. 24049996
Office of the Attorney General of Texas

Financial Litigation and Charitable Trusts Division
P.O. Box 12548
Austin, Texas 78711-2548
(512) 463-9507 Phone
(512) 477-2348 Fax
joshua.godbey@oag.texas.gov
cathleen.day@oag.texas.gov

ATTORNEYS FOR INTERVENOR KEN PAXTON,
ATTORNEY GENERAL OF TEXAS

A handwritten signature in black ink that reads "Ray Chester". The signature is written in a cursive, flowing style.

Ray Chester

MCGINNIS LOCHRIDGE

Ray Chester
rchester@mcginnislaw.com
(512) 495-6051 o
(512) 505-6351 f

December 9, 2019

Financial Litigation and Charitable Trusts Division *Via Certified Mail,*
Office of the Attorney General *Return Receipt Requested*
P. O. Box 12548
Austin, Texas 78711-2548

Re: Cause No. D-1-GN-18-007636; *The Roy F. & Joann Cole Mitte Foundation v. WC 1st and Trinity, LP, WC 1st and Trinity GP, LLC, WC 3rd and Congress, LP and WC 3rd and Congress GP, LLC*

Dear Sirs:

I represent the Roy F. & Joann Cole Mitte Foundation ("Mitte Foundation"), which is a charitable organization meeting the definition of Charitable Trust under §123 of the Texas Property Code. I write pursuant to Texas Property Code §123.003 to give you notice of a lawsuit that was initiated by the Mitte Foundation.

We are enclosing the original petition as well as the current live pleadings. I apologize for the delay in providing this notice. Section 123 was only recently brought to my attention.

If you need additional information, please do not hesitate to contact me.

Sincerely,



Ray Chester

RCC/klm
Enclosures



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 18, 2019

Velva L. Price
Travis County District Clerk
P.O. Box 1748
Austin, TX 78767

RE: Cause No. D-1-GN-18-007636; *The Roy F. & Joann Cole Mitte Foundation v. WC 1st and Trinity, LP, WC 1st and Trinity GP, LLC, WC 3rd and Congress, LP and World Class Capital Group, LLC*; In the 126th Judicial District Court of Travis County, Texas

Dear Ms. Price:

This office has been given notice of the above-referenced proceeding involving a charitable trust pursuant to Chapter 123 of the Texas Property Code. The Attorney General is a proper party to such action and may intervene on behalf of the public's interest in charity. I am currently reviewing the documents provided in the proceeding to determine if Attorney General participation is warranted.

Please provide reasonable notice of any hearings that are or may be scheduled in this matter and contact me if there is any particular need for an expedited decision on the part of the Attorney General.

Please add the undersigned to distribution and certificate of service lists.

Sincerely,

/s/ Cathleen M. Day
Cathleen M. Day
Assistant Attorney General
State Bar No. 24105783
Financial Litigation and Charitable Trusts Division
P.O. Box 12548
Austin, Texas 78711-2548
(512) 463-9507 - Direct Line
(512) 477-2348 - Fax
cathleen.day@oag.texas.gov

CMD/did

Velva L. Price
Cause No. D-1-GN-18-007636
December 18, 2019
Page 2 of 2

cc: Ray C. Chester
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MCGINNIS LOCHRIDGE, LLP
600 Congress Ave., Ste. 2100
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Edward F. Fernandes
Adam Gray
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efernandes@kslaw.com
agrays@kslaw.com
kstein@kslaw.com

Brickman 00168

McBride, Kim

From: Day, Cat <Cathleen.Day@oag.texas.gov>
Sent: Wednesday, January 22, 2020 1:34 PM
To: Chester, Ray
Cc: Diaz, Denise; Estrada, Carmen; Shaunessy, Michael A.
Subject: Cause No. D-1-GN-18-007636; The Roy F. & Joann Cole Mitte Foundation v. WC 1st and Trinity, LP, et. al; In the 126th Judicial District Court of Travis County, Texas

Ray,

I am the attorney assigned to the above referenced matter. I have reviewed the file, and I have a few follow up questions for you regarding the Mitte Foundation's assets:

- What percentage of the Foundation's assets were invested with the Defendants?
- Why did the Foundation invest in real estate?
- How are the Foundation's remaining assets invested?
- What is the value of the remaining assets?

If you would prefer to discuss over the phone, my schedule is relatively open next Monday, 1/27/20, and Tuesday, 1/28/20.

Best regards,
Cat



Cathleen M. Day
Assistant Attorney General
Financial Litigation and Charitable Trusts Division
Street address: 300 West 15th Street, 7th Floor, Austin, Texas 78701
Mailing address: Mail: MC-017-07, P. O. Box 12548, Austin, Texas 78711-2548
Phone: (512) 463-9507 | Fax: (512) 477-2348 | e-mail: cathleen.day@oag.texas.gov

PRIVILEGED AND CONFIDENTIAL: This communication may be confidential and/or privileged pursuant to Government Code sections 552.101, 552.103, 552.107 and 552.111, and should not be disclosed without the express authorization of the Attorney General.

CAUSE NO. D-1-GN-18-007636

THE ROY F & JOANN COLE MITTE	§	IN THE DISTRICT COURT OF
FOUNDATION,	§	
Plaintiff,	§	
	§	
V.	§	
	§	TRAVIS COUNTY, TEXAS
WC 1st AND TRINITY, LP, WC 1st AND	§	
TRINITY GP, LLC, WC 3rd AND	§	
CONGRESS, LP AND WORLD CLASS	§	
CAPITAL GROUP, LLC	§	126 TH JUDICIAL DISTRICT

ATTORNEY GENERAL’S WAIVER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ken Paxton, Attorney General for the State of Texas (referred to herein as the “Attorney General”), and files this Waiver in the above-referenced cause of action and respectfully shows the Court as follows:

I.

Pursuant to §123.002 of the Texas Property Code and the common law, the Attorney General is a proper party and may intervene in a proceeding involving a charitable trust on behalf of the interest of the general public.

II.

Based upon the pleadings that have been provided to him to date, the Attorney General has determined not to intervene and by this Waiver declines in writing to be a party to the proceeding in its current state, pursuant to §123.004(b)(1) of the Property Code. Accordingly, the Attorney General waives further notice of the proceedings in this case as it is currently constituted.

III.

If any pleading is filed herein that adds additional parties or causes of action, such pleading would constitute a new or additional proceeding involving a charitable trust, which will require additional notice to the Attorney General pursuant to §123.003 of the Property Code. This Waiver

Brickman 00170

is not intended to constitute a declination in writing to be a party to any such new proceeding.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

DARREN L. McCARTY
Deputy Attorney General for Civil Litigation

JOSHUA R. GODBEY
Division Chief
Financial Litigation and Charitable Trusts Division

/s/ Cathleen M. Day
Cathleen M. Day
Assistant Attorney General
State Bar No. 24105783
Financial Litigation and Charitable Trusts Division
P.O. Box 12548
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(512) 463-9507 - Direct Line
(512) 477-2348 - Fax
cathleen.day@oag.texas.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Attorney General's Waiver* was served on January 31, 2020, via e-service to the following:

Ray C. Chester
Michael A. Shaunessy
MCGINNIS LOCHRIDGE, LLP
600 Congress Ave., Ste. 2100
Austin, TX 78701
rchester@mcginnislaw.com
mshaunessy@mcginnislaw.com

Edward F. Fernandes
Katherine Stein
KING & SPALDING, LLP
500 W. 2nd St., Ste. 1800
Austin, TX 78701
efernandes@kslaw.com
kstein@kslaw.com

/s/ Cathleen M. Day
Cathleen M. Day



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 31, 2020

Velva L. Price
Travis County District Clerk
P.O. Box 1748
Austin, TX 78767

Re: Cause No. D-1-GN-18-007636; *The Roy F. & Joann Cole Mitte Foundation v. WC 1st and Trinity, LP, WC 1st and Trinity GP, LLC, WC 3rd and Congress, LP and World Class Capital Group, LLC*; In the 126th Judicial District Court of Travis County, Texas; ***Attorney General's Waiver***

Dear Ms. Price:

The following pleadings have been received by this office relating to the above-referenced cause:

- *Plaintiff's Original Petition*;
- *Plaintiff's Third Amended Original Petition*;
- *Defendants' Memorandum on Remand for Determination of Adequacy of Supersedeas or Other Order under Tex. R. App. P.24*;
- *Order Appointing Receiver*;
- *Applicant's Notice of Filing of Applicant's Bond*;
- *Bond Securing Appointment of Receiver*;
- *Receiver's Interim Report*; and
- *Receiver's Quarterly Report for the Period December 10, 2019 to December 31, 2019*.

This *Waiver* is a waiver of the right to intervene in this case only as it is currently constituted. If any pleading is filed herein that adds additional parties or causes of action, such pleading will constitute a new or additional proceeding involving a charitable trust, which will require additional notice to the Attorney General pursuant to §123.003 of the Property Code. This Waiver is not intended to constitute a declination in writing to be a party to any such new proceeding.

Sincerely,

/s/ Cathleen M. Day

Cathleen M. Day
Assistant Attorney General
State Bar No. 24105783
Financial Litigation and Charitable Trusts Division
P.O. Box 12548

Velva L. Price
Cause No. D-1-GN-18-007636
January 31, 2020
Page 2 of 2

Austin, Texas 78711-2548
(512) 463-9507 - Direct Line
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CMD/did
Enclosure

cc: Ray C. Chester
Michael A. Shaunessy
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kstein@kslaw.com

Brickman 00173

McBride, Kim

From: Day, Cat <Cathleen.Day@oag.texas.gov>
Sent: Tuesday, June 2, 2020 1:24 PM
To: Maryann Norwood
Cc: Diaz, Denise; Estrada, Carmen; Sheena Paul; Chester, Ray; McBride, Kim
Subject: The Roy F. & Joann Cole Mitte Foundation

Ms. Norwood,

I am in receipt of your emails and supporting documents regarding notice to the Office of the Attorney General (“OAG”) of a proceeding involving a charitable trust in American Arbitration Association Cause No. 01-19-0000-5347 and Travis County District Court Case No. D-1-GN-18-007636.

The OAG was originally given notice of these matters on December 11, 2019. After reviewing the pleadings, including details regarding the arbitration matter, the OAG filed a waiver of intervention on January 31, 2019 in the Travis County District Court.

I appreciate you giving this office notice of the new cause of action filed on April 29, 2020 in Plaintiff’s Application for Enforcement of Arbitrator’s Order Compelling Production. The OAG will file a new Notify Letter with the court, and I will monitor this matter to determine whether there is a risk to the public interest in charity.

Best regards,
Cat

Cathleen M. Day
Assistant Attorney General
Financial Litigation and Charitable Trusts Division
Street address: 300 West 15th Street, 7th Floor, Austin, Texas 78701
Mailing address: Mail: MC-017-07, P. O. Box 12548, Austin, Texas 78711-2548
Phone: (512) 463-9507 | Fax: (512) 477-2348 | e-mail: cathleen.day@oag.texas.gov

PRIVILEGED AND CONFIDENTIAL: This communication may be confidential and/or privileged pursuant to Government Code sections 552.101, 552.103, 552.107 and 552.111, and should not be disclosed without the express authorization of the Attorney General.

CAUSE NO. D-1-GN-18-007636

THE ROY F & JOANN COLE MITTE	§	IN THE DISTRICT COURT OF
FOUNDATION,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	TRAVIS COUNTY, TEXAS
WC 1st AND TRINITY, LP, WC 1st AND	§	
TRINITY GP, LLC, WC 3rd AND	§	
CONGRESS, LP AND WORLD CLASS	§	
CAPITAL GROUP, LLC	§	126 TH JUDICIAL DISTRICT
	§	
<i>Defendants.</i>	§	
	§	

ATTORNEY GENERAL'S PETITION IN INTERVENTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES KEN PAXTON, Attorney General of Texas, on behalf of the public interest in charity, ("Attorney General") and files this Petition in Intervention in the above-referenced cause, and would respectfully show the Court the following:

I.

Pursuant to §123.002 of the Texas Property Code, the Attorney General is a proper party and may intervene in a "proceeding involving a charitable trust." On December 11, 2019, The Attorney General received notice of the above-captioned case pursuant to §123.003 of the Texas Property Code, and subsequently filed the Attorney General's Waiver of Intervention. The Attorney General recently received notice of a new cause of action filed in this matter. For and on behalf of the interest of the general public of this state in charitable trusts, the Attorney General hereby files this Petition in Intervention in this proceeding, pursuant to §123.002 of the Texas Property Code and Rule 60 of the Texas Rules of Civil Procedure.

II.

The Attorney General's presence in this matter is warranted to protect the interests of the public in the event that the public's interest and the parties' interests diverge. In addition, this litigation affects a substantial sum of charitable funds and involves the expenditure of these funds.

Brickman 00175

The Attorney General specifically asserts his right to amend this Petition in Intervention as necessary to assert additional affirmative relief following his review of the complete pleadings and the development of further information.

III.

The Attorney General has found it necessary to intervene in this proceeding to protect the public interest in charity. He requests that the Court award reasonable and necessary attorney's fees and costs as are equitable and just for services rendered by the Attorney General in accordance with §123.006(b) of the Texas Property Code.

PRAYER

WHEREFORE, the Attorney General prays for such relief to which he may be entitled on behalf of the public interest in charity.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

RYAN L. BANGERT
Deputy First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

/s/ Cathleen M. Day _____
Joshua R. Godbey, Division Chief
State Bar No. 24049996
Cathleen M. Day, Assistant Attorney General
State Bar No. 24105783
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joshua.godbey@oag.texas.gov
cathleen.day@oag.texas.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Attorney General's Petition in Intervention* was served by e-service on June 8, 2020, to the following:

Ray C. Chester
Michael A. Shaunessy
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mates@slollp.com

/s/ Cathleen M. Day
Cathleen M. Day

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kim McBride on behalf of Ray Chester
Bar No. 04189065
kmcbride@mcginnislaw.com
Envelope ID: 44374472
Status as of 07/10/2020 08:15:56 AM -05:00

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Andrew MEdge		aedge@mcginnislaw.com	7/9/2020 9:31:26 AM	SENT
Michael A. Shaunessy	18134550	mshaunessy@mcginnislaw.com	7/9/2020 9:31:26 AM	SENT
Kim McBride		kmcbride@mcginnislaw.com	7/9/2020 9:31:26 AM	SENT
Joshua Godbey	24049996	Joshua.Godbey@oag.texas.gov	7/9/2020 9:31:26 AM	SENT
Ray Chester	4189065	rchester@mcginnislaw.com	7/9/2020 9:31:26 AM	SENT
Julie Doss		jdoss@mcginnislaw.com	7/9/2020 9:31:26 AM	SENT
Annette Bittick		abittick@mcginnislaw.com	7/9/2020 9:31:26 AM	SENT

Associated Case Party: WC 1st and Trinity, LP

Name	BarNumber	Email	TimestampSubmitted	Status
Kevin Orellana		paralegal@hslawmail.com	7/9/2020 9:31:26 AM	SENT
Viola Pena	24050372	bpena@hslawmail.com	7/9/2020 9:31:26 AM	SENT
Wallace Jefferson	19	wjefferson@adjtlaw.com	7/9/2020 9:31:26 AM	SENT
Nicholas Bacarisse	24073872	nbacarisse@adjtlaw.com	7/9/2020 9:31:26 AM	SENT
Terry Lane Scarborough	17716000	tscarborough@hslawmail.com	7/9/2020 9:31:26 AM	SENT

Associated Case Party: GregoryS.Milligan

Name	BarNumber	Email	TimestampSubmitted	Status
Rhonda Bear Mates	24040491	Mates@slollp.com	7/9/2020 9:31:26 AM	SENT
Stephen W. Lemmon		lemmon@slollp.com	7/9/2020 9:31:26 AM	SENT

Associated Case Party: Ken Paxton on Behalf of the Public Interest in Charity

Brickman 00178

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kim McBride on behalf of Ray Chester
Bar No. 04189065
kmcbride@mcginnislaw.com
Envelope ID: 44374472
Status as of 07/10/2020 08:15:56 AM -05:00

Associated Case Party: Ken Paxton on Behalf of the Public Interest in Charity

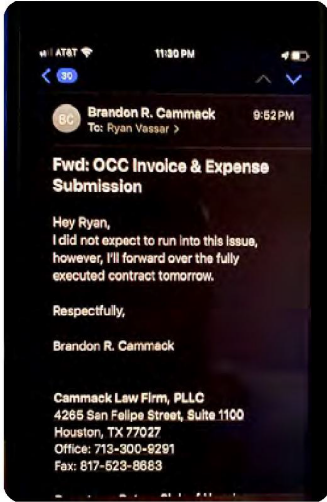
Name	BarNumber	Email	TimestampSubmitted	Status
Cathleen Day	24105783	cathleen.day@oag.texas.gov	7/9/2020 9:31:26 AM	SENT

iMessage
9/30/2020 8:20:34 PM

Ryan Bangert
Group text

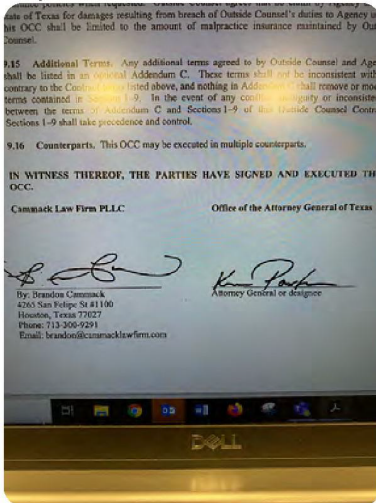
9/30/2020 11:32:30 PM

Ryan Vassar



10/1/2020 8:41:56 AM

Ryan Vassar



iMessage
7/30/2020 12:16:47 PM

Drew Wicker

Waiting on one last piece of information from CWAG. But the gift log, RAGA/RLDF and CWAG have all been combined into a single spreadsheet with calculated totals. Hoping to have that along with his 2018 PFS in his hands by 1 pm today.

Jordan Berry

Liked "Waiting on one last piece of information from CWAG. But the gift log, RAGA/RLDF and CWAG have all been combined into a single spreadsheet with calculated totals. Hoping to have that along with his 2018 PFS in his hands by 1 pm today."

Angela Paxton

Thank you Drew. Is there access for me

7/30/2020 2:49:50 PM

Drew Wicker

Senator, I copied you on the email I just sent with the files and the summary.

Angela Paxton

Liked "Senator, I copied you on the email I just sent with the files and the summary."

iMessage
7/28/2020 11:14:10 PM

<https://www.danpatrick.org/patrick-applauds-ag-paxtons-opinion-regarding-school-openings/>

Jordan Berry

Liked "<https://www.danpatrick.org/patrick-applauds-ag-paxtons-opinion-regarding-school-openings/>"

iMessage
9/27/2020 12:08:31 PM

Drew Wicker

El Paso cancelled. He's driving to Austin tonight. Cleveland potentially on the chopping block also. That decision will be made tomorrow afternoon.

Thanks for the heads up

9/28/2020 8:59:36 PM

Drew Wicker

Just heard back. Essentially he's decided he's got more work to do but will likely drive himself to Dallas at about 2 am. He'd leave McKinney at 5:15 am to make his 7 am flight. DPS will drive him and take him to airport.

Yikes

Drew Wicker

DPS understandably not happy.

Is AP going to Ohio? Did Tommy get them debate Tix?

Drew Wicker

Yes.
I don't know.

9/30/2020 12:36:51 PM

Drew Wicker

A screenshot of a flight search result. The flight is from CLE to AUS, one way, for \$206. The departure time is 6:01 PM and the arrival time is 10:12 PM. The flight duration is 5h 11m with 1 stop at ORD. The flight is operated by SkyWest Airlines as American Eagle. There are links for Details and Seats.

CLE	AUS	One way from
6:01 PM	→ 10:12 PM	\$206 >
1 stop	5h 11m	
(ORD)		

Includes travel operated by SkyWest Airlines As American Eagle

[Details](#) | [Seats](#)

Drew Wicker

He is flying in tonight on the following flight. He's asked that I pick him up instead of DPS.

9/30/2020 10:46:05 PM

Drew Wicker

KP driving himself in in the morning. Betting he gets in earlier. 8-8:15 timeframe

10/1/2020 12:36:17 AM

Thanks

10/1/2020 8:41:11 AM

Drew Wicker

Just spoke to him. He's not coming in this morning or dialing into Deputies. He'll do the lunch on the calendar and potentially the afternoon meeting/dinner. Says he has a lot to do out of the office and that I'm to tell anyone that asks that I don't know where he is.

10/1/2020 10:20:31 PM

Drew Wicker

Tried calling. KP asking me for access to his official email. Assuming this is regarding letter but wanted to give y'all a heads up.

iMessage
6/29/2020 7:34:29 AM

Drew Wicker

KP planning to be in Cabo July 2-6.
Also going to take him in for early voting today or tomorrow

Liked "KP planning to be in Cabo July 2-6.
Also going to take him in for early voting today or tomorrow"

Jeff Mateer

Need approval of Opinion 327 by noon due today. Need Opinion 328 by Wednesday.

Drew Wicker

Liked "Need approval of Opinion 327 by noon due today. Need Opinion 328 by Wednesday."

Jeff Mateer

If he didn't this weekend, need him to call AG Peterson re Google

iMessage
10/2/2020 4:06:31 PM

Jeff Mateer



PDF

KP.2020.10.02.pdf

iMessage
9/29/2020 3:02:32 PM

Jeff Mateer

We have a major problem. The kid has served a subpoena on a bank. Showed up there in person at the bank

Jeff Mateer

With someone from World Class

Jeff Mateer

I need you guys to come back

9/29/2020 9:05:05 PM

Jeff Mateer

From Maxwell

Jeff Mateer

Read the letter. Not sufficient. A request letter must allege specific allegations that are in violation of state law to include documentation of criminal act. The only thing you have is what happened today that is documented.

Lots of undue influence

Ryan Bangert

Ok. Sounds like we need to beef up the specific allegations.

Ryan Bangert

So, do we need to lay out the facts that led up to today's events: KP taking NP to Moore, obtaining the referral, demanding that we investigate facially bogus charges, refusing to take our advice that there is no prosecutable offense, demanding that we hire outside counsel, overriding our advice a second time, and apparently now authorizing an improper fishing expedition by private attorneys into a civil matter?

Ryan Bangert

Or do we need to go further, and describe the constant demands that we put the resources of the office at the service of NP's private interests? Personally intervening in open records issues; demanding intervention in a charitable dispute over the objection of staff; demanding an informal opinion to apparently (after the fact) benefit NP; and now finally seeking criminal investigation of federal officials involved in a criminal investigation of NP?

Ryan Bangert

All the while over the objection of staff. It's pattern and practice evidence. Strongly suggestive of an improper motive.

9/30/2020 6:37:54 AM

I think we lay out the facts that led to yesterday's subpoena and then say there are also several other examples of undue influence

Jeff Mateer

DM has been texting. he has thoughts he'll share

Still on to meet at 8:00?

Jeff Mateer

Yes. DM will call



Ryan Bangert

Good deal

10/1/2020 7:39:17 AM

Drew said he acted totally normal last night

Jeff Mateer

And the academy award goes to ...

Ryan Bangert

I don't know how he keeps it all together

He thinks he is a genius and we are idiots

Jeff Mateer

Liked "He thinks he is a genius and we are idiots"

Did we say 9 or 915

Jeff Mateer

9

Ryan Bangert

9

10/2/2020 7:25:26 AM

Can 3 of us have quick call this am? I have an idea I think we should do today

Jeff Mateer

I'm free. Hitting the road in about an hour or so

Thx. Once ryan let's us know availability I will call you both.

Jeff Mateer

Jordan Berry has now called me twice at 10 last night and just now. I didn't pick up

He hasn't called me

Ryan Bangert

Free as well

Calling

10/4/2020 9:15:52 AM

Jeff Mateer

Just FYI - among the very positive and supportive texts this morning was one from Dick Trabulsi

iMessage
10/20/2020 5:22:17 PM

<https://www.statesman.com/news/20201020/prosecutors-asked-rangers-to-investigate-paxton-allegations>

10/22/2020 5:01:03 PM

<https://www.houstonchronicle.com/news/houston-texas/houston/article/Second-whistleblower-who-accused-Ken-Paxton-of-15668494.php>

"I'm really shocked that they terminated any of these people. Those folks obviously did everything they could to protect themselves against retaliatory discharge," said Dave Feldman, a labor lawyer and former Houston city attorney. "That's just an invitation for disaster at the courthouse."

David Maxwell

How true!

Ryan Vassar

Liked "'I'm really shocked that they terminated any of these people. Those folks obviously did everything they could to protect themselves against retaliatory discharge," said Dave Feldman, a labor lawyer and former Houston city attorney. "That's just an invitation for disaster at the courthouse.'"

<https://www.texastribune.org/2020/10/22/texas-ken-paxton-whistleblower-bribery/>

Lacey Mase

Cute picture, Blake.

Ryan Vassar



From 2014. Pre lasik

Lacey Mase

Laughed at an image

Ryan Bangert

Handsome man

Ryan Vassar

<https://twitter.com/scottbraddock/status/1319412463260020736?s=20>

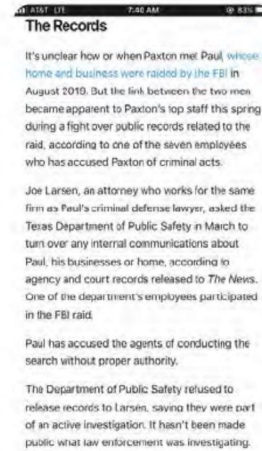
10/23/2020 7:38:03 AM

Texas Attorney General Ken Paxton intervened in donor's legal affairs multiple times this year

<https://www.dallasnews.com/news/politics/2020/10/23/texas-attorney-general-ken-paxton-intervened-in-donors-legal-affairs-multiple-times-this-year/>

Darren McCarty

Paywall



7:40 AM 83%
This year, Paxton has personally intervened at least four times on a range of legal matters before his agency that involved or helped Paul, including at least one previously unreported incident in early spring, *The News* has learned. Experts say that level of involvement from the attorney general, the state's top lawyer, is highly unusual and potentially unethical.

Some of Paxton's top deputies claim it is criminal.

Seven of the agency's most senior employees, including Mateer, have reported Paxton to law enforcement and accused him of serious crimes — bribery, abuse of office and improper influence. They said Paul is trying to use the attorney general's office for personal gain — and that Paxton is letting him.

The allegations spell more trouble for the embattled attorney general, who has been under indictment on separate securities fraud charges for five years. But despite calls to resign, the second-term Republican is refusing to step down.

7:40 AM 83%
Paxton has denied all wrongdoing, instead pointing the finger back at staff he said had gone rogue. His campaign spokesman, Ian Prior, defended Paxton's interventions, and said they were separate issues that "Mateer is deceptively conflating to help push his false narrative."



He did not answer other questions about Paxton and Paul's connections.

The Records

It's unclear how or when Paxton met Paul, whose home and business were raided by the FBI in

7:40 AM 83%
by Lauren McCaughy and Allie Morris
ALUSTIN — For years, Jeff Mateer served as Attorney General Ken Paxton's loyal second in command, handpicked to run the agency's daily operations. But this summer, Mateer began to have serious qualms about his boss' behavior.

Paxton appeared to be taking a special interest in Nate Paul, a Texas real estate developer and campaign donor who was under federal investigation. In July, Mateer said, he learned Paxton wanted to personally appear in court to argue a charity's lawsuit against Paul's businesses should be put on hold.

Attorneys general almost never show up for such lawsuits, and since the case involved a campaign donor, Mateer said he considered the circumstances suspect.

"I was shocked," Mateer told *The Dallas Morning News* in his first in-depth interview since he stepped down this month. "That, in my memory, no attorney general has ever done."

The incident was not isolated.

4:30 PM 2/18/2018 2:22 AM 2/18/2018

Paxton's interest in the issue was not out of the ordinary, his spokesman said.

"The Attorney General asks questions of his staff about a variety of issues, big and small, every single day and he will continue to do so," Prior told *The News*.

The Intervention

Then, in early June, Paxton waded into a legal battle between an Austin nonprofit and Paul-controlled entities, according to interviews and court records.

The attorney general's office can intervene in lawsuits involving disputes to protect the public interest. In this case, it seemed the Paxton's office was representing Paul, said the nonprofit's lawyer Ray Chester.

Ten agency attorneys pushed the Roy F. and Janet Cole Milne Foundation to settle a financial dispute with the Paul-controlled entities for "pennies on the dollar" compared to what the nonprofit was owed under an earlier \$50.5 million agreement, Chester said.

4:30 PM 2/18/2018 2:22 AM 2/18/2018

"It was very clear all along this was coming straight from Paxton," he added.

Paul's lawyer, Michael Wynne, said the Milne Foundation was misusing its charitable funds to keep litigating and refused to engage in any meaningful resolution.

Paxton seemed to agree. Prior, the campaign spokesman, told *The News* Thursday that the state agency's intervention was an effort to "encourage a settlement to stop the wasting of assets that were being diverted from charitable beneficiaries to lawyers."

The attorney general was so interested in the case that he planned to personally argue a motion in Travis County court, Mabeer said; senior staff talked Paxton out of it. But his plan was so concerning, Mabeer said, he met in person with Paxton on July 27 and asked him to not all files with Paul. He said Paxton agreed.

"I was hopeful that General Paxton was not going to have any further personal involvement with any matters that the office was handling that relate to Mr. Paul," Mabeer told *The News*.

4:30 PM 2/18/2018 2:22 AM 2/18/2018

The battle escalated to Paxton's agency, which makes decisions about what government documents are releasable to the public.

Paxton became personally interested in the lawsuit and began asking staff questions about the records request, according to one of the seven employees who accused Paxton of criminal acts and requested anonymity to speak about the incident.

Attorneys general rarely get directly involved in the thousands of records debates the agency settles every year, so his participation was curious, the individual said, and senior staff became concerned upon finding out that Paul contributed \$15,000 to Paxton's re-election campaign in 2018.

The attorney general's office deferred to the courts after Larsen sued the Department of Public Safety for the documents. There has been no movement in that lawsuit since June, court records show.

Larsen did not describe himself as Paul's attorney in court or public records filings. He did

AT&T 7:47 AM 79%

At Paxton's request, staff at the Travis County District Attorney's Office in May listened to Paul's complaints of misconduct by the FBI and Department of Public Safety. The staff determined they could not send it to either agency for investigation, so they referred Paul's request to the Office of the Attorney General on June 10.

Top staff there said they looked into the matter, but alleged Paul turned down requests to provide documents or other proof of his claims. Worried that Paul was trying to use the agency for his own personal and financial gain, they told Paxton about the businessman's refusal to cooperate and recommended not advancing the investigation.

But Paxton disagreed.

In early September, Paxton brought on an outside attorney to keep investigating Paul's complaint. It is unclear how Paxton decided to give the job to Brandon Cammack, a criminal defense attorney in Houston with five years experience, although he too has links to Paul. Cammack has served as of best one Houston

AT&T LTE 7:48 AM 80%

"I was hopeful that General Paxton was not going to have any further personal involvement with any matters that the office was handling that relate to Mr. Paul," Mateer told *The News*.



Mateer said it was a promise Paxton did not keep.



AT&T LTE 7:48 AM 79%

Less than two weeks later, Paxton directed a staff to rush a legal opinion in a move that raised red flags for employees and helped Paul avoid foreclosure sales on several properties in Texas, *The Austin American Statesman* reported.

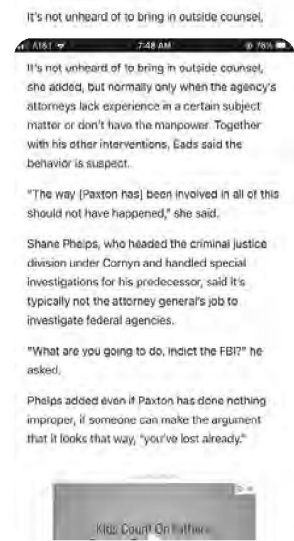
Paxton's spokesman said the attorney general was concerned about people having their properties foreclosed during the COVID-19 epidemic.

"They would not have an opportunity to get maximum value on their homes because of the rules put in place limiting the number of people that could attend a foreclosure due to COVID-19 restrictions." Prior told *The News*.

The Investigation

Meanwhile, throughout the summer, seven top staffers say Paxton was helping Paul go after the state and federal agencies investigating him. This would ultimately lead them to accuse their boss of serious crimes.





7:48 AM 70%

"The contention that the [agency's] intervention somehow benefitted my client is preposterous," Wynne told Paxton in an Oct. 11 letter. Its involvement, he added, "only served to create confusion, frustrate any resolution, and add to false media reporting about these events."



[Top GOP officials called the new allegations against Paxton concerning.](#)

Paxton already faces separate first-degree fraud charges stemming from accusations he misled investors in a North Texas tech startup before his time as attorney general. He also is charged with

7:47 AM 70%

In early September, Paxton brought on an outside attorney to keep investigating Paul's complaint. It is unclear how Paxton decided to give the job to Brandon Cammack, a criminal defense attorney in Houston with five years experience, although he too [has links to Paul](#). Cammack has served on at least one Houston organization with Wynne, Paul's lawyer.

Cammack began his work in September, drafting subpoenas, interviewing private investigators and preparing to question witnesses and suspects, according to an invoice obtained by *The News*.



7:48 AM 70%

Reacting to the uprising, Travis County District Attorney Margaret Moore questioned Paxton's handling of the investigation and said her office would have no further involvement. [Paul's agency dropped the inquiry the next day](#), saying it didn't have the authority to continue without the local prosecutor.

On Thursday, Prior questioned why Mateer was "so unwilling" to investigate Paul's complaint. He said the attorney general brought Cammack on to look into whether Paul's constitutional rights and other state laws were violated "based on a search and seizure that led to no criminal charges."

It's not clear whether the FBI is still investigating Paul, but the agency has brought no charges to date.

Wynne maintains [Paul was mistreated by Paul's staff](#), including being "berated and insulted" by the agency's director of law enforcement. He said the agency was ultimately unhelpful.

"The contention that the [agency's] intervention

AT&T 7:43 AM 75%

Claire Bow, a lawyer who led another state agency, said she had not seen any attorney general behave like Paxton in her nearly three decades of government service.

"I can't think of any legitimate purpose for what he's done," said Bow, who served a decade as an assistant attorney general. "He seems to have crossed all the lines and put himself out on a limb."

All three said Paxton should be investigated by an independent, outside party.

"You need to clear the air by bringing somebody in who is really respected to investigate what happened and to issue a clean bill of health," Eads said, "or an indictment."



The end. Quotes at end are good

David Maxwell

It gets deeper and deeper for KP

10/23/2020 10:11:02 AM

Ryan Vassar

<https://www.texastribune.org/2020/10/23/texas-ken-paxton-whistleblowers-fired/>

Ryan Vassar

Deputy Attorney General for Legal Counsel Ryan Vassar was put on leave on Monday, according to a former senior official with the agency who had knowledge about the leave but did not want to be named for fear of repercussions.

Prior said Friday that "one of the reasons that Lacey Mase was separated from the agency was for violating office policy, specifically mistreatment of subordinates" and Brickman "was insubordinate and violated other policies."

Prior confirmed Vassar had been placed on leave and said he could not comment further on why.

Lacey Mase

Yep

Lacey Mase

I am horrified and crushed

Ryan Bangert

I'm heartbroken for you, Lacey. This is slanderous.

David Maxwell

I agree! It will all come back on them n hopefully soon. I think it was targeted at your campaign.

10/23/2020 4:20:13 PM

Darren McCarty

<https://www.politico.com/news/2020/10/23/turbulence-in-texas-ags-office-to-delay-google-ad-suit-431854>

Wait, I thought it was business as usual?

Lacey Mase

Things should be even better now that the abusive Deputy is gone.

Ryan Vassar

I thought we were seeking "reconciliation" in all of our relationships to continue the "good" work that we have been doing... but I "clearly missed something."

https://www.statesman.com/business/20201023/nate-paul-companies-alleged-to-have-defaulted-on-258m-in-debt?template=ampart&utm_source=SND&utm_medium=Twitter&utm_campaign=statesman&__twitter_impression=true

10/23/2020 6:59:41 PM

Ryan Vassar

"Amplify Credit Union, which held notes on three Paul-controlled properties and had planned to put them up for auction on Tuesday, Aug. 4, halted its proceedings because of Paxton's opinion, Amplify CEO Kendall Garrison told the Statesman. The opinion was 'provided to us by (an attorney for World Class) that Monday,' Garrison said."

Obviously just a coincidence, right?

LOL

And then he had the audacity to thank the office publicly at deputies meeting later that week for stopping foreclosure on individual homes. The man is a pathological liar

Darren McCarty

All about the people

David Maxwell

All about himself.

10/23/2020 8:18:47 PM

<https://whistleblower.org/press-release/press-statement-government-accountability-project-condemns-whistleblower-retaliation-in-texas-attorney-general-office/>

Ryan Vassar

Liked "<https://whistleblower.org/press-release/press-statement-government-accountability-project-condemns-whistleblower-retaliation-in-texas-attorney-general-office/>"

Lacey Mase

Loved "<https://whistleblower.org/press-release/press-statement-government-accountability-project-condemns-whistleblower-retaliation-in-texas-attorney-general-office/>"

That is a very legit group

10/26/2020 3:24:01 PM

Another staffer who accused Texas Attorney General Ken Paxton of crimes leaves the agency

<https://www.dallasnews.com/news/politics/2020/10/26/another-staffer-who-accused-texas-attorney-general-ken-paxton-of-crimes-leaves-the-agency/>

Ryan Bangert

Paywall 🙄



David Maxwell

Darren you will be missed! It is definitely the OAG loss.

Ryan Vassar

<https://twitter.com/lmccaughy/status/1320819316737101824?s=20>

Ryan Vassar

#solesurvivor

10/26/2020 5:55:35 PM

Ryan Bangert

Yep

Ryan Bangert

BW just dropped by my office to inform me of an "org chart change" — I will no longer be overseeing Special Litigation because it will now report directly to him.

Ryan Vassar

What a joke.

David Maxwell

😂. That's a train wreck waiting to happen!

Ryan Bangert

Let him have it.

He is a joke

Ryan Bangert

It will run itself. My fear is that he will force them to do crazy shit.

Lacey Mase

I find that absolutely hilarious.

Darren McCarty

Perfect! I've been trying to figure out how to get Patrick and Disher to join my new law firm.

Ryan Bangert

Maybe Aaron can help. I'm sure Patrick and Dish will love being managed by a failed prosecutor and a third year lawyer.

Ryan Bangert

Liked "Perfect! I've been trying to figure out how to get Patrick and Disher to join my new law firm. "

Ryan Vassar

Patrick and Dish will need to start using smaller words in their pleadings.

10/26/2020 7:27:05 PM

The agency is going to fall apart and that is one persons fault and one person only: KP

10/26/2020 8:43:32 PM

Lacey Mase

Laughed at "Patrick and Dish will need to start using smaller words in their pleadings."

Lacey Mase

I would LOVE to be a fly in the wall during the special lit meetings. Can you even imagine?! 🤔🤔🤔🤔

Ryan Vassar

<https://www.amazon.com/Going-Rouge-Sarah-Coloring-Activity/dp/0615332773>

Ryan Vassar

They might need some activities to keep the kids entertained.

Lacey Mase

HAHAHAHA

David Maxwell



10/27/2020 3:22:50 PM

David Maxwell

My phone conference with Margaret Moore and her team went well well today. They are excited about pursuing this investigation and will coordinate their efforts with the US Attorney Office so that both pursuits compliment each other. They obviously want to move quickly as they have time constraints. They are not going to wait on the Feds.

10/28/2020 11:26:48 AM

Ryan Bangert

So you know, I tendered my resignation today. Effective Nov 4

Darren McCarty

Thanks for letting us know

David Maxwell

No I didn't. Just got done at FBI. Went great. I'm staying until he fires me. Will keep y'all post on progress.

10/28/2020 3:18:38 PM

<https://apnews.com/article/business-ken-paxton-crime-austin-texas-ceb2fa0682125069467b184f06930178>

This is about alleged second complaint. Interesting

The first complaint was sent to Paxton's office because it involved allegations against the state and federal investigators, who would normally handle such a case. The second was sent to Cammack because he was already looking into Paul's allegations and it dealt with a federal judge, Moore told AP.

10/30/2020 5:54:48 PM

David Maxwell

It looks like Mark and I are going to be fired Monday at 9:00 am.

Ryan Vassar

I have not heard anything from HR yet about my leave, which is supposed to end on the same day.

David Maxwell

If they do Ryan ask them for a copy of the investigation. They won't have anything. Then make a PIC request for all emails between Paxton, Nate Paul, Webster etc every thing related to the rogue employees.

Being fired will make you a cool kid.

David Maxwell



Ryan Bangert

Brent told me today that he was "completing his investigation." He said it's all based on the documents he's reviewed.

Ryan Bangert

I told him the cold documents may tell one story, but ten months of loved experience tell the rest of the story.

Ryan Bangert

*lived

Darren McCarty

Definitely not loved 😞

Ryan Bangert

He also asked me how soon it was after RV received the signed Cammack contract that Jeff and I learned about it.

Ryan Bangert

He said that was one missing piece of his "investigation."

Lacey Mase

He's the worst

Ryan Bangert



David Maxwell

I never created any documents. He wanted me to conduct an illegal investigation.

Ryan Vassar



David Maxwell



Lacey Mase

So, another candidate in Wilco came up to me yesterday and said, "so, I understand you're acquainted with Brent Webster. Let me tell you about Mr. Webster. He's lazy and he's a liar. I'm glad you don't have to work for him." 😂😂😂 And then she walked away.

Ryan Vassar

That's awesome

Darren McCarty

Wow. Ringing endorsement

David Maxwell

No surprise there. That office was a disaster during his time there. We know that office lost over 200,000 in seizures because he didn't fill out the paperwork.

Ryan Bangert

Emphasized "So, another candidate in Wilco came up to me yesterday and said, "so, I understand you're acquainted with Brent Webster. Let me tell you about Mr. Webster. He's lazy and he's a liar. I'm glad you don't have to work for him." 😂😂😂 And then she walked away."

Loved "So, another candidate in Wilco came up to me yesterday and said, "so, I understand you're acquainted with Brent Webster. Let me tell you about Mr. Webster. He's lazy and he's a liar. I'm glad you don't have to work for him." 😂😂😂 And then she walked away."

11/2/2020 8:12:40 AM

Ryan Bangert

So David and Mark, [REDACTED] that BW is firing you guys this morning. 😂

Ryan Vassar

Disliked "So David and Mark, [REDACTED] that BW is firing you guys this morning. 😂"

Darren McCarty

Breakfast tacos?

David Maxwell

Yes

Lacey Mase

I'm so sorry, guys. This is just one giant crap show, which I know goes without saying. Y'all are two of my heroes, and I'm proud of you.

Lacey Mase

On the positive side, you'll be in good company. 😊😊

Darren McCarty

Please don't take my response as frivolous, just cynical. I too am sorry. Talk soon.

Ryan Bangert

Mark in 8th floor conference room with BW right now. Armed security standing outside door.

David Maxwell

I'm here waiting.

Darren McCarty

Salute when you go by

Mark Penley

I'm waiting too.

Ryan Bangert

Where?

Lacey Mase

The whole armed security thing is infuriating to me

Mark Penley

In 8th floor conference room

Lacey Mase

Loved "Salute when you go by"

Mark Penley

Thanks, Lacey!

Ryan Bangert

Make sure you find out why they're firing you

Lacey Mase

Don't worry, he'll give them a list of made up reasons.

Mark Penley

Will do.

David Maxwell

Still waiting. NW is still a no show.

Lacey Mase

Henry is probably coaching him on what to say

David Maxwell



David Maxwell

They told me not to wear my pistol in violation of 3006 and policy. I have a LTC license as well as peace officer.

Lacey Mase

How would that be a violation of policy?!?

They told you that today?

Lacey Mase

OAG policy allows employees to carry

Ryan Bangert

They keep making mistakes.

Lacey Mase

Mark, are you still there waiting?

David Maxwell

Our policy does not allow you to prevent a LTC from carrying it our building.

Lacey Mase

Exactly

David Maxwell

I hear they are the way over here. We enforce 3006 and have sued the City of Austin for it.

Lacey Mase

Yes, we have a whole team of 30.06 lawyers for that very purpose. Lord have mercy. 🙏🙏

David Maxwell

I intend to put them on notice and file a complaint with the team.

Lacey Mase

Wish we could be a fly on the wall

So they are 1 hour late to your 9:00?

David Maxwell

I will be professional. Yes they are. Mark went long.

Lacey Mase

You're waiting in HR?

David Maxwell

Yes in the training room.

David Maxwell

Still not here!

What happened to Mark?

David Maxwell

I haven't heard. I was told their meeting went long.

David Maxwell

He is still with Mark and he is interviewing him!

Lacey Mase

Oh gosh

Ryan Bangert

Yes.

Ryan Bangert



Ryan Bangert



David Maxwell

Crazy!

Mark Penley

Stop texting

Lacey Mase

Okay

iMessage
8/10/2020 10:21:54 AM

Jordan Berry



Jordan Berry

This is Facebook version



Jeff Mateer

Great

Jordan Berry

Big 10 and Pac 12 just voted to not have football this year.

iMessage
6/27/2020 8:18:09 AM

Jordan Berry

Wow. Watch this K Wall ad

Jordan Berry

<https://twitter.com/patricksvitek/status/1276699879490928640?s=21>

6/27/2020 1:22:56 PM

Jordan Berry



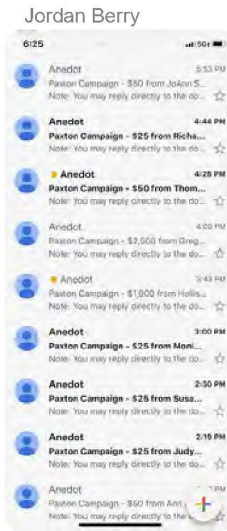
Jeff Mateer

Looks good

Jordan Berry

Liked "Looks good"

6/27/2020 6:25:35 PM



Jordan Berry

Since email went out



Ken Paxton

Nice

6/29/2020 1:25:03 PM

Jordan Berry

DMN asking me about the fundraiser tonight. Are masks required? How big is attendance? In addition, asking me about other clients events

Not sure we should respond. Cynthia sent an email out to those coming. Masks not mentioned. Here is relevant part:

"First, in the spirit of celebrating the Attorney General, while still following appropriate safety guidelines, we will be hosting the event outdoors. The dress will be business attire while keeping the warm weather in mind."

Best estimate is about 50 in attendance (definitely less than 100)