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September 18, 2015

The Hon. Richard L. Durbin, Jr., U.S. Attorney
Western District of Texas
U.S. Department of Justice

Via Facsimile
(210) 384-7276

Re: City of Hearne / Robertson County

Mr. Durbin:

I request an investigation of financial crimes and public corruption in the City of Hearne. Robertson County District Attorney Coty Siegert already is investigating city officials, but some of the violations are likely federal, and the state investigation could benefit from the resources and expertise of the FBI.

I uploaded some of the evidence of financial crimes in the July 29, 2015 post on my blog, LawFlog.com, *e.g.*, the use of city funds to purchase football tickets for a city council member. Most of the amounts thus far are relatively small, but I suspect much larger amounts have been misappropriated via altered utility bills to city residents.

As the July 29 post explains, there have long been anecdotal reports of lower electric bills for friends of city hall, whereas those who criticize city officials may suddenly experience drastic increases in their electric bills. For example, the electric bill of one of my clients, Rodrick Jackson, inexplicably tripled after he publicly criticized city officials. Mr. Jackson subsequently filed a public information request for utility billing records, and within a matter of hours his electricity service was disconnected by the city. Thereafter, city officials flouted Texas Public Information Act, refusing to produce the records that Mr. Jackson requested.

City officials have since provided a very limited response to the information request, but those few records have nonetheless produced more questions than answers. The mayor's sister, for example, has written almost \$50,000 worth of hot checks for utility services since 2009, and her account is still thousands of dollars in arrears, yet her service has never been disconnected. By contrast, an average citizen would have had his or her service disconnected immediately. If the FBI obtained the city's financial records, I suspect it would find that the city has been mailing out altered utility bills for years, and I suspect the amount of fraudulently obtained funds could reach seven figures.

Other factors strongly favor a federal investigation. Last year, I sent a letter to your predecessor about the financial crimes of former Robertson County District

Attorney John Paschall, who has since been indicted on state charges. I have enclosed another copy the July 8, 2014 letter for your review, because I believe the financial shenanigans at city hall are just the tip of the iceberg.

Consider, for example, the theft of more than \$1 million worth of mineral interests by Hearne City Attorney Bryan F. “Rusty” Russ, Jr. and his law partner, James H. “Jimmie” McCullough. The evidence of that theft is indisputable, as is the participation of Robertson County District Judge Robert M. Stem. *See* BoogerCountyMafia.com (particularly the deposition transcripts and court documents). Around the same time Judge Stem was aiding and abetting the theft, he was receiving free legal services from Mr. Russ. Judge Stem and Mr. Russ hid that fact from the attorneys and parties who appeared opposite Mr. Russ in Judge Stem's court.

The financial irregularities at city hall (and elsewhere in the county) involve the same overlapping cast of characters, including Mr. Russ and Judge Stem, and it appears that this group is now circling the wagons. Earlier this week, Mr. Siegert served a search warrant on city hall, but two days later Judge Stem vacated the search warrant at the request of Mr. Russ. I suspect Judge Stem will also quash any state grand jury subpoenas at Mr. Russ's request.

I realize small-town corruption may not be as “sexy” for investigators as political corruption in Austin or San Antonio, but a lot of good people in Robertson County have suffered for too long because of its deeply-entrenched corruption, and someone at DOJ needs to demand action. After I copied the July 8, 2014 letter to the Secret Service and FDIC (among other agencies), a couple of agents expressed interest in the Paschall matter but then declined when they learned that the FBI might be investigating. I then met with an FBI agent in Waco who showed me multiple three-ring binders of information that he had already collected about Robertson County, and he told me that he was planning to present the information to prosecutors.

Thereafter, Senator John Cornyn wrote various state and federal officials to inquire about whether the political corruption in Robertson County was being investigated, and his staff even called state and federal investigators. On November 24, 2014, Deputy Assistant FBI Director Timothy J. Delaney sent a letter to Senator Cornyn claiming that the FBI agent who met with me in Waco had determined at the time that “no investigation was warranted.” That seems highly unlikely, however, because Mr. Delaney was referring to the same agent who showed me numerous three-ring binders and said he was planning to present the case to prosecutors. Furthermore, that agent later met with Assistant Attorney Shane Attaway in Austin to discuss some of the matters raised in my letter, and Mr. Attaway told the agent that he would consider prosecuting some of the offenders under state law if federal prosecutors were unwilling to take the case.

If there is an obstacle to investigating / prosecuting the political corruption in Robertson County, I don't think it lies with the FBI agents in Waco. I hope you will take

action on the evidence already gathered by the FBI and encourage the agency to investigate whether city officials have defrauded residents via altered utility bills.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger

cc: Mr. Christopher H. Combs, Special Agent in Charge
FBI San Antonio