

April 10, 2018

Clerk, U.S. Court of Appeals for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130

Re: Amended Complaint of Misconduct against U.S. Bankruptcy Judge Ronald King, U.S. Bankruptcy Judge Craig Gargotta, U.S. Bankruptcy Judge Christopher Mott, Western District of Texas

To Whom It May Concern:

I am writing to you to call for an investigation into the mishandling of sexual misconduct of the former clerk of court and the preferential treatment he received by the named bankruptcy judges. All three judges had knowledge that George Prentice carried on an unethical, romantic relationship with a direct subordinate. This person was his administrative assistant, Nissa Kendall. After some time, it appears that the judges found out about the relationship because they forced both Mr. Prentice and Ms. Kendall to leave employment with the court. They both left a few months apart in early 2012. Also, it appears that George Prentice left without suffering any adverse action. He left to become the clerk of court for the Arizona bankruptcy court where he works today.

All of the judges violated multiple canons of the Code of Conduct for United States Judges in their attempts to cover up misconduct by their clerk. I have reluctantly included Judge Gargotta and Judge Mott in this complaint although I feel that Chief Judge King should be held more accountable. It is highly doubtful to think that the judges were unaware of this affair when it was widely known to many other court employees even in other offices across the state.

On March 22, 2018, I received a letter from the Fifth Circuit Court of Appeals requesting evidence in the above complaint. While preparing their request, I discovered that the bankruptcy court violated my rights by processing my EDR complaint under an outdated EDR plan. The correct and valid EDR plan was revised and adopted by the court in November of 2012. This revision extended whistleblower protections per Judicial Conference recommendations. My formal complaint was filed with the court on December 12, 2012. I submit that Chief Judge King failed in his due diligence to notify me of this pertinent fact. Furthermore, I submit to you evidence that the correct EDR Plan was fraudulently concealed by the court. This allegation constitutes legal malpractice and should be investigated swiftly and fully.

Thank you for your time and consideration.

Sincerely,

Alan Vest
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My evidence relating to misconduct concerning the former clerk is as follows:

- George Prentice was sued in a Bexar County court of law by Paul Kendall, then husband of Nissa Kendall for interfering in his marriage. (See exhibit 1a)
- It is inconceivable to suggest that Mr. Prentice would want to change his status quo. He had a dream job where he could pretend he was a rock star. In the years prior to his forced exit, the judges allowed him to travel extensively throughout the country to perform training sessions. (See YouTube link: <https://www.youtube.com/watch?v=nnsDUrtRBJs&feature=youtu.be>) He was putting the finishing touches on his second training course (see exhibit 1), which he was again planning to take on the road. It is laughable to anyone who worked at the bankruptcy court at the time to suggest that Mr. Prentice was eager to start over at a new court.
- I saw an exchange between Mr. Prentice and a court colleague on Facebook. The colleague asked him about his recent move from San Antonio to Phoenix and George replied that he was now in Arizona because Texas did not want him anymore. I no longer have access to this post due to Mr. Prentice's enhanced security settings.
- I had the bankruptcy HR Manager, Patty Nelson, disqualified as EDR Coordinator (see exhibit 2), due to her own unethical conduct in supporting Mr. Prentice's ongoing affair. I have unedited photos (see exhibits 3 - 9), that Ms. Nelson herself placed on a public website showing her, Mr. Prentice and Ms. Kendall partying after hours as they often did.
- On April 8, 2016, I was told personally by Lorre Kukla, Director of Human Resources for district court, that “it was an open secret” and “everybody knew about it”. Ms. Kukla was appointed as alternate EDR Coordinator and worked closely with Judge King. She offered her support and guidance to the judge well beyond her limited role as EDR Coordinator. She also worked well past the mediation phase which should have marked the end of her role as EDR Coordinator. (See exhibit 10) Additionally, she communicated with the U.S. Attorney's Office. (See exhibit 11)
- Mr. Prentice's relationship was in San Antonio where he could see Ms. Kendall every day. It is beyond any reasonable persons doubt that he would want to end that kind of access to his love interest (see exhibit 12), without being forced out by the judges.
- Mr. Prentice appears to have received a promotion to his new position as Clerk for the Arizona bankruptcy court. (See AZB court link: <http://azb.uscourts.gov>) The promotion is evidence that he left Texas Western Bankruptcy without any adverse action from the judges taken on his misconduct.
- During my entire EDR process, at no time did Judge King deny allegations that he had knowledge of the affair between Mr. Prentice and Ms. Kendall. In fact, Judge King went out of his way to NOT acknowledge the affair. When I had Patty Nelson disqualified, Judge King replied to my request by stating that Ms. Nelson had volunteered to step aside. (See exhibit 13) His non-admission to my written EDR claims is further evidence of an attempted cover up.
- I requested the judges recusal in presiding over my hearing using the same argument that got Ms. Nelson removed. (See exhibit 14) Judge King denied my request instead.

- Employee turnover is extremely low. (See exhibit 15) It is a highly unusual circumstance to have two people leave employment with the court, especially in the same year, months apart.

My evidence relating to misconduct concerning fraud in my EDR process is as follows:

- On March 28, 2018, I sent an email to the courts requesting that they retain my EDR records. (See exhibit 16)
- On April 3, 2018, I received a email from my EDR Coordinator, Lorre Kukla, confirming that she did in fact have my file and offered to send a copy to me. (See exhibit 17) My records arrived via email the next day.
- During my initial, informal EDR process, the court was following the correct plan at the time. That EDR plan was signed by all of the judges by administrative order on September 29, 2010. The order states, "It is further ORDERED that this revised plan will apply to any complaint filed on or after **October 1, 2010.**" (See exhibit 18)
- In September 2012, The Judicial Conference of the United States adopted a recommendation from it's Committee on Judicial Resources to extend whistleblower protections.
- In mid-November 2012, the bankruptcy court adopted the recommendations in a revised plan that states, "**Effective for Complaints Filed on or after October 1, 2010 (revised 11/2012)**". (See TXWB website link: http://www.txwb.uscourts.gov/sites/txwbcoop/files/2010%20EDR%20Plan%20WDTX%20revised%2011_2012.pdf)
- On December 12, 2012, I emailed my formal complaint to Lorre Kukla. This is verified by her email forwarding my complaint to Judge King and Yvette Taylor, Clerk of Court for the bankruptcy court. (See exhibit 19)
- At the end of the counseling phase of my original EDP proceedings, Lorre Kukla, EDR Coordinator, concluded her investigation and submitted her Report of Findings on September 14, 2012. (See exhibit 20) This court negligently omitted posting requirements as mandated in EDR/EEO Plan language. The act of purposefully concealing the EDR/EEO Plan from the internet website and thus the public is gross negligence and solely intended to disenfranchise former employees, like myself, and applicants from filing valid complaints against the court.
- On October 6, 2010, 6 days after being signed and adopted by all of the judges, Patty Nelson sent an email to all bankruptcy employees notifying them that a "Revised EDR Plan" had been placed on the court's internal website. (See exhibit 21) This investigation should obtain Patty Nelson's email notifying all employees of the November 2012 revised plan.
- On April 5, 2018, I sent an email to Patty Nelson and Yvette Taylor asking them to provide me a copy of the judges' order adopting the EDR Plan revised 11/2012. (See exhibit 22) Patty Nelson refused my request. I request a copy of this order be emailed to me immediately.

- I utilized the internet website Wayback Machine in order to view archived versions of the bankruptcy court's website. This service holds historical versions of www.txwb.uscourts.gov from 1998 to the present day. (See exhibit 23) The information obtained shows that the first time that the court's November 2012 revised plan appears on the internet is March 22, 2013. (See exhibit 24) It also shows no EDR/EEO plans for the bankruptcy court prior to March 22, 2013 on its external website.