

Law Offices

PALMOS, RUSS, McCULLOUGH & RUSS, L.L.P.

306 Cedar Street • P.O. Box 909

Hearne, Texas 77859

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www.palmosruss.com

HEARNE OFFICE
James H. McCullough
Bryan F. Russ, Jr.
Molly A. Hedrick

IN MEMORIAM
Bryan F. Russ (1925-1996)
Bill Palmos (1915-2007)

FRANKLIN OFFICE
Bryan F. Russ III

FACSIMILE TRANSMISSION COVER PAGE

DATE: August 21, 2013

TO: **Mr. Ty Clevenger** FAX NO.: **(979) 530-9523**

FROM: Mr. Bryan F. Russ, Jr. FAX NO.: (979) 279-3712

NUMBER OF PAGES (INCLUDING COVER PAGE): 10

RE: *Complaint of Ty Odell Clevenger Against Bryan F. Russ, Jr., James McCullough, Molly Hedrick and Bryan F. Russ, III*

MESSAGE: Letter to follow.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL:

FACSIMILE OPERATOR: **Kari** TELEPHONE NO.: **(979) 279-3456**

CONFIDENTIAL

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FRANKLIN OFFICE

Bryan F. Russ III

August 21, 2013

~~Mr. Chad Childers, Administrative Attorney
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 77811-2487~~

Re: *Complaint of Ty Odell Clevenger Against Bryan F. Russ, Jr., James McCullough,
Molly Hedrick and Bryan F. Russ, III*

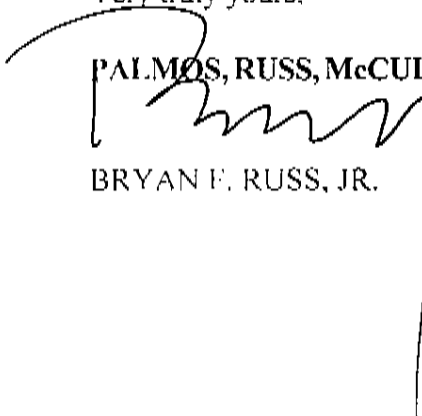
Dear Mr. Childers:

In connection with Mr. Clevenger's latest complaints against me, James McCullough, Molly Hedrick and Bryan F. Russ, III, with regard to our long time representation of municipal clients and other governmental organizations, I enclose for your consideration and file the following:

- 1) Affidavit of Mayor, Charles Ellison, on behalf of the City of Franklin;
- 2) Affidavit of Mayor, Marcus Greaves, on behalf of the City of Calvert;
- 3) Affidavit of County Judge, Jan Roe, on behalf of Robertson County, Texas;
- 4) Affidavit of Mayor, Ruben Gomez, on behalf of the City of Hearne; and
- 5) Affidavit of Alan Bristol, on behalf of Linebarger, Goggan, Blair & Sampson, LLP.

Very truly yours,

PALMOS, RUSS, McCULLOUGH & RUSS, L.L.P.


BRYAN F. RUSS, JR.

BFR,jr:kr

Enclosures

cc: Mr. Ty Clevenger ✓

CITY OF FRANKLIN		
A GENERAL LAW CITY		

CHARLES ELLISON
MAYOR

P.O. BOX 428
FRANKLIN, TEXAS 77856
PHONE (979) 828-3257
FAX (979) 828-3390

SHIRLEY SMITH
CITY SECRETARY

AFFIDAVIT OF CHARLES ELLISON

THE STATE OF TEXAS §

§

COUNTY OF ROBERTSON §

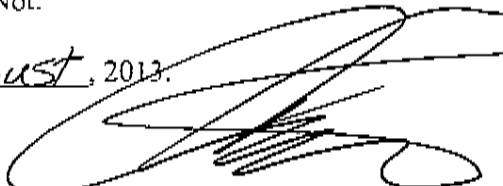
BEFORE ME, the undersigned authority on this date personally appeared Charles Ellison and after being duly sworn upon his oath testified as follows:

“My name is Charles Ellison. I am above the age of eighteen. I am competent. I am the Mayor of the City of Franklin. The law firm of Palmos Russ, McCullough & Russ, LLP has represented the City of Franklin for over thirty years. Over the past thirty years, it has been our practice and arrangement with the attorneys of Palmos, Russ, McCullough & Russ, LLP for them to represent clients charged with criminal conduct in both County Court and District Court. The City of Franklin is not a party to such proceedings. Additionally, on occasion, the attorneys at Palmos, Russ, McCullough & Russ have other clients with delinquent ad valorem property issues and it has been our practice to allow these attorneys to additionally handle these matters. The City is represented by Alan Bristol of Linebarger, Goggan, Blair & Sampson, LLP in all ad valorem tax matters.”

“To the extent anyone believes that our practice creates a conflict for our City Attorney, then such conflict is waived. We have a good professional relationship with our lawyer and they do a good job for our city and we have no complaints about the lawyers at Palmos, Russ, McCullough & Russ, LLP.”

“The above stated facts are within my personal knowledge and they are true and correct. Further Affiant Sayeth Not.”

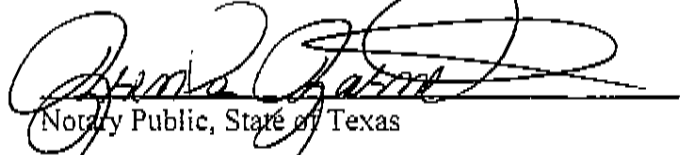
Signed this 20 day of August, 2013.



Charles Ellison

SUBSCRIBED AND SWORN TO before me by the said Charles Ellison on this 20 day of AUGUST, 2013, to certify which, witness my hand and seal of office.




Notary Public, State of Texas

CITY OF FRANKLIN

A GENERAL LAW CITY

CHARLES ELLISON

MAYOR

P.O. BOX 428**FRANKLIN, TEXAS 77856****PHONE (979) 828-3257****FAX (979) 828-3390****SHIRLEY SMITH**

CITY SECRETARY

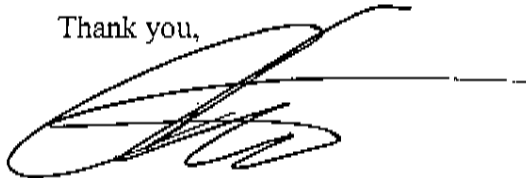
August 20, 2013

To Whom It May Concern:

Within this letter, I wish to express my personal opinion concerning the firm of Palmos, Russ, McCullough & Russ, L.L.P.

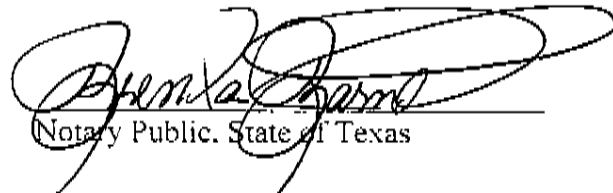
I have been with the Franklin, Texas City Council since 1979 both as a Council member and as Mayor since 1985. The firm of Palmos, Russ, McCullough and Russ, L.L.P. has represented the City of Franklin for over twenty-five years and has demonstrated nothing but impeccable work ethics. They have always proceeded in the best interest of Franklin and the citizens of Franklin with very little or "no charge" for their services.

Thank you,



Charles Ellison
Mayor
City of Franklin

SUBSCRIBED AND SWORN TO before me by the said Charles Ellison on this 20
day of August, 2013, to certify which, witness my hand and seal of office.



Notary Public, State of Texas

City of Calvert

PO Box 505
Marcus Greaves
Mayor

Phone: (979) 364-2881 Fax: (979) 364-2028
Kevin O'Carroll
City Administrator
email: cityofcalvert@txcyber.com

Calvert, Texas 77837
Rose Ann Jones, TRMC
City Secretary

August 20, 2013

AFFIDAVIT OF MARCUS GREAVES

THE STATE OF TEXAS §
 §
COUNTY OF ROBERTSON §

BEFORE ME, the undersigned authority on this date personally appeared Marcus Greaves and after being duly sworn upon his oath testified as follows:

“My name is Marcus Greaves. I am above the age of eighteen. I am competent. I am the duly elected mayor of the City of Calvert, Robertson County, Texas. Bryan Russ, Jr. and the law firm of Palmos, Russ, McCullough & Russ, LLP has represented the City of Calvert for more than thirty years. During that time, it has always been our practice that Mr. Russ and other members of the firm would not be prohibited from representing other clients charged with a crime by the State of Texas in County Court or District Court.”

“Additionally, the City of Calvert is represented by Alan Bristol and the firm of Linebarger, Goggan, Blair & Sampson, LLP in tax cases and it has been our practice that on occasion Bryan Russ, Jr. and other members of Palmos, Russ, McCullough & Russ, LLP may from time to time have other clients with tax problems and the City has never objected to this practice.”

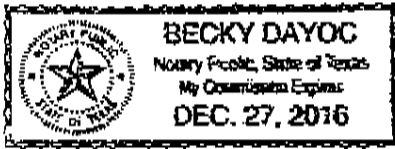
“While the City of Calvert has never thought there was any conflict of interest in the above practice, to the extent anyone believes there is, the City of Calvert waives any such potential conflict. The City of Calvert has no complaints against Bryan Russ, Jr. or any of the members of his firm and has enjoyed the professional relationship that has existed for over thirty years.”

“The above stated facts are within my personal knowledge and they are true and correct. Further Affiant Sayeth Not.”

Signed this 20th day of August, 2013.

Marcus Greaves
Marcus Greaves, Mayor

SUBSCRIBED AND SWORN TO before me by the said Marcus Greaves, Mayor, on this 20th day of August, 2013, to certify which, witness my hand and seal of office.



Becky Dayoc
Notary Public, State of Texas

ROBERTSON COUNTY



Jan A. Roe
County Judge

Michelle Haver
Administrative Assistant

102 E. Decherd, Rm 103
P. O. Box 427
Franklin, Texas 77856

(979) 828-3542
Fax: (979) 828-2944

AFFIDAVIT OF JAN ROE

THE STATE OF TEXAS §
 §
COUNTY OF ROBERTSON §

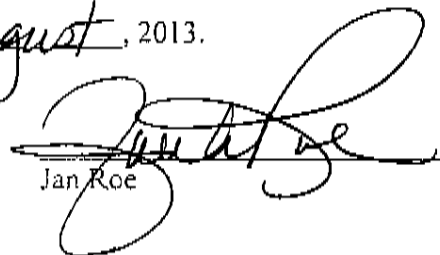
BEFORE ME, the undersigned authority on this date personally appeared Jan Roe and after being duly sworn upon her oath testified as follows:

“My name is Jan Roe. I am above the age of eighteen. I am competent. I am the County Judge for Robertson County, Texas. On occasion, Robertson County, Texas retains the legal services of Bryan Russ, Jr. and the firm of Palmos, Russ, McCullough & Russ, LLP in regard to a variety of legal issues. In this regard, it is recognized that the law firm of Palmos, Russ, McCullough & Russ has other cases and clients involving matters of criminal matters in both County Court and District Court. While the County has never believed this practice to be a conflict of interest, to the extent that some person or persons complains to the State Bar of Texas about this practice, any conflict, real or perceived, is waived.”

“Robertson County has a good attorney-client relationship with Palmos, Russ, McCullough & Russ, LLP and we have no complaints against our attorneys regarding our current practices.”

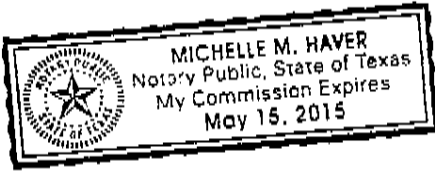
“The above stated facts are within my personal knowledge and they are true and correct. Further Affiant Sayeth Not.”

Signed this 20th day of August, 2013.



Jan Roe

SUBSCRIBED AND SWORN TO before me by the said Jan Roe on this 20 day of August, 2013, to certify which, witness my hand and seal of office.



Michelle M. Haver
Notary Public, State of Texas

City of Hearne



AFFIDAVIT OF RUBEN GOMEZ

THE STATE OF TEXAS §
 §
COUNTY OF ROBERTSON §

BEFORE ME, the undersigned authority on this date personally appeared Ruben Gomez and after being duly sworn upon his oath testified as follows:

“My name is Ruben Gomez. I am above the age of eighteen. I am competent. I am the Mayor of the City of Hearne. The City named Bryan Russ, Jr. and his firm of Palmos, Russ, McCullough & Russ, LLP as City Attorney in 2002. They have faithfully represented the City since that time. It has been our practice and understanding that the firm of Palmos, Russ, McCullough & Russ, LLP would represent other clients charged with criminal conduct by the State of Texas in County Court and District Court. Additionally, the City retains other attorneys to handle the collection of ad valorem property taxes and on occasion, the lawyers of Palmos, Russ, McCullough & Russ, LLP have other clients with tax issues and it has been our long standing practice to allow them to represent these clients.”

“To the extent anyone believes that our practice creates a conflict for our City Attorney, it is waived. We have an excellent relationship with the law firm of Palmos, Russ, McCullough & Russ, LLP and the City has no complaints or objections against our attorneys.”

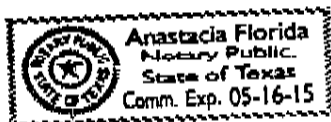
“The above stated facts are within my personal knowledge and they are true and correct. Further Affiant Sayeth Not.”

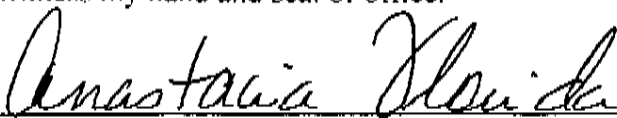
Signed this 20 day of August, 2013.



Ruben Gomez

SUBSCRIBED AND SWORN TO before me by the said Ruben Gomez on this 20 day of August, 2013, to certify which, witness my hand and seal of office.





Notary Public, State of Texas

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
1501 NORTHWOOD BOULEVARD
P.O. BOX 1916
CORSIANA, TEXAS 75151-1916

(903) 872-3096
FAX: (903) 874-5007

AFFIDAVIT OF ALAN BRISTOL

THE STATE OF TEXAS §
 §
COUNTY OF ROBERTSON §

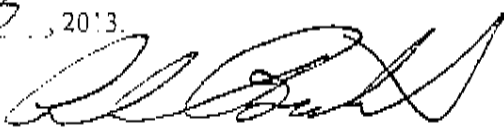
BEFORE ME, the undersigned authority on this date personally appeared Alan Bristol and after being duly sworn upon his oath testified as follows:

“My name is Alan Bristol. I am above the age of eighteen. I am competent. I am an attorney with the law firm of Linebarger, Goggan, Blair & Sampson, LLP. I represent the cities of Hearne, Franklin, Calvert and Bremond in the collection of ad valorem property taxes. I am personally familiar with Bryan Russ, Jr. and the other members of the law firm of Palmos, Russ, McCullough & Russ, LLP. I am aware they represent the cities of Hearne, Franklin, Calvert and Bremond in non-tax matters. On occasion, a member of the law firm of Palmos, Russ, McCullough & Russ, LLP will have a client with delinquent ad valorem property tax issues. In each occasion, to the extent anyone may believe there is a conflict, the conflict is waived on behalf of my clients and no objection is made. In fact, in each instance, we have been able to amicably resolve the ad valorem issues to the benefit of my clients.”

“I have known Bryan Russ, Jr. and the other members of the law firm of Palmos, Russ, McCullough & Russ, LLP for many years and there is no objection from my clients regarding any involvement in ad valorem tax matters.”

“The above stated facts are within my personal knowledge and they are true and correct. Further Affiant Sayeth Not.”

Signed this 20 day of August, 2013.



Alan Bristol

SUBSCRIBED AND SWORN TO before me by the said Alan Bristol on this 20th day of August, 2013, to certify which, witness my hand and seal of office.

Robbie L. Darden
Notary Public, State of Texas

