

Assigned Case File No. _____

JEFF MASHBURN of]
HILL COUNTY, TEXAS]
Complainant]
]
VS.]
]
_____]
BRIAN BASSETT, SCHOOL BOARD]
PRESIDENT, ITASCA ISD]
Defendant]

CRIMINAL COMPLAINT
In the Name and Under Authority of the State of Texas and the
United States of America.

Jeff Mashburn a resident and homeowner residing in Hill County at 3336 FM 934, Itasca, Texas, the Complainant in this case, hereby states the following is true to the best of his knowledge and belief the defendant Brian Bassett in his acting position as the School Board President of the Itasca Independent School District (district) and the,

Amendment- (1)-Based on the recent failure of the Itasca Police Department, Hill County Sheriff’s Office, and the Hill County District Attorney to perform their duties as sworn public servants to uphold the rule of law(s) of the State of Texas and the United States of America. This complaint has been amended to include by name the following individuals; Richard Eakin Chief of Police Itasca, Bobby Grey Lieutenant Hill County Sheriff’s Office, Mark Pratt District Attorney of Hill County. This complaint has also been amended due to actions by the Itasca ISD to put forth a bond referendum and conduct a Town Hall meeting on February 20th, 2025 to promote a bond package for \$34,000,000.00 dollars, a 400% percent increase in debt, exceeding the 25% bond capacity cap by 17x the amount allowed as stated in Chapter 45 of the TEA code and Texas State Constitution, this amendment is to also highlight the fact the rights of Jeff Mashburn the complainant under the 5th and 14th Amendments of the US Constitution were violated and due process of law has been inhibited as demonstrated by actions of the Superintendent of Schools at the Itasca Independent School District. (Exhibits- “Y” and “W”),

Hill County Appraisal District (HCAD) and its co-conspirators including its Board of Directors comprised of Don Ford, Eugene Fulton, John Sawyer, Roberta Skelton, Craig Tipton, Chief Appraiser Mike McKibben, Assistant Chief Appraiser Julia Scott, Assistant Chief Appraiser Christy Turner, County Commissioner's Court Judge Lewis, Texas State Comptroller Glen Hegar, the Itasca Independent School District and its co-conspirators comprised of the Superintendent of Schools Tonya Harris, Board Members, Vice-President Susan Bason, Kelly Strona, Willie Jackson, Kendra Markwardt, Daniel Rodriguez and Matthew Dugan, Former Superintendents, Mark Parsons and Keith Boles, Texas Education Agency SUI Investigator Theresa Shutey all of whom are in violation of multiple State and Federal Laws ("co-conspirators") while acting, or purporting to act, under the color of an official capacity, has exerted an authority that is beyond the scope of his / her office and in the process denied Complainant and others similarly situated in the full and free access to, and/or enjoyment of, rights secured by the Constitution and laws of both the State of Texas and the United States of America.

Brian Bassett is the President of the Board of Trustees for the Itasca Independent School District in Hill County, Texas serving in a position of authority to represent the taxpayers fairly and in accordance with the rule of law and by a sworn oath to uphold, has no immunity...when violating a constitutional right(s) and who are therefore deemed to know the law." *Owens v Independence 100 S.C.T. 1398* Mr. Bassett knows that properly applying the facts to the law is NOT discretionary (*Walker v Packer, 827 S.W.2d 833, 840 (Tex. 1992)*) and misapplying the facts to the law in a matter is an abuse of discretion and constitutes Official Oppression.

Jeff Mashburn of Hill County has reason to believe and do believe the Itasca Independent School District in coercion with the Hill County Appraisal District and the Hill County Commissioners Court committed various crimes against the laws of the State of Texas, including but not limited to Official Misconduct, Official Oppression, Sedition of which facts and violations are listed herein as follows:

FACTUAL BACKGROUND

Based on the response letter (**Exhibit "Q"**) date May 20th, 2022, from District Attorney Mark Pratt of Hill County, in regard to the formal written request letter (**Exhibit "K"**) dated May 18th, 2022, sent by Jeff Mashburn the Complainant regarding multiple complaints filed against the Itasca ISD and board members this criminal complaint is being filed at the Itasca Police Department, Hill County Sheriff Office, and the Department of Justice.

1. As far back as 2013 HCAD has used a fraudulent system of property valuation based simply on speculation and perceived market values based on nothing more than an "educated" hunch. At no time from 2013 to 2024 was a physical inspection made on sight of the property

owned by Jeff Mashburn to validate any of the property valuations used to increase or decrease the year over year taxes levied on the property. Therefore, HCAD simply used a “typical” approach based on nothing more than averages and assumptions. The taxable valuations assessed by HCAD over the years stated above have been used to fund the annual school budgets of the Itasca ISD, the budgets that have been submitted by the board of trustees including board president Brian Bassett have not been certified and validated by ANY accounting firm using and following the TEA guidelines (**Exhibit “L”**) as required by statute. As stated in the annual financial report(s) from the accounting firm issuing the annual report *“the report is based on information provided by the school district,”* therefore the report is not based on actual facts and records that can be verified to be true and accurate. To date the Itasca ISD has refused to answer questions and to provide the data and information requested by formal written request under the “Open Record Act” provisions allowed by law for taxpayers, **See Exhibit “A” for the tax history from 2013 to 2024., Exhibit “L” TEA Guideline, FASRG-Financial Accountability System Resource Guide**

2. In April of 2024, HCAD sent out the 2024 Notice of Appraised Value to Hill County property owners regarding their Hill County properties. According to HCAD, those properties increased in market value by over **\$3.18 billion dollars** from 2022, representing more than a **52%** increase in value. See (**Exhibit “A”**) HCAD has been brazenly and recklessly increasing the value of Hill County properties for years, unchecked and without any accountability. According to HCAD’s own fraudulent valuations, HCAD is representing to the public that Hill County property values have doubled over the last 3 years, yet the parcel count of properties only increased by **.59%**. Id. In fact, HCAD’s valuations have quintupled the US inflation rate. Id. (**See Exhibit “B” HCAD 2024 Summary**)

Hill County property owners are facing the loss of their businesses, loss of their homes, and buyers are cancelling purchases because of this unprecedented and unconstitutional valuation upsurge. These numbers reflect a grim reality: HCAD is not following the law or any recognizable appraisal methods when appraising Hill County properties, but instead, are artificially and arbitrarily increasing property values so that the various taxing entities/units (**39** as of the date of this Complaint) can collect illegal and inflated property taxes.

Even worse, Hill County homeowners are being priced out of their homes as property taxes become unaffordable. See Exhibit B. Hill County 2024 Annual Report. In 2024, \$153,786.00 was the average market value of a home in Hill County. Id. However, the average working resident made \$63,189.00 in household income for 2024. Id. This unwarranted increase in property valuations by HCAD has put 38% of households at risk of losing their home, as HCAD’s property valuations continue to skyrocket. Id. (**Exhibit “B” HCAD Annual Report 2024**)

3. Appraisal districts are required to certify their tax rolls to the Texas Comptroller’s Office that the value for 95% of the respective district’s tax base has been fully resolved by July 25th of that tax year. In 2024, HCAD, through its chief appraiser at the time, Mike McKibben, and officers of HCAD falsified the tax rolls to the Comptroller’s Office. As early as January of 2014 McKibben were aware that the data HCAD were using to generate initial notice values resulted in grossly inflated values, which led to a surge of Hill County property owners protesting property values with the Appraisal Review Board.

On its face, HCAD’s valuations are not uniform and equal as required by the Texas Constitution as such an increase far exceeds the present fair market cash value of those properties as a whole. This has been the case at HCAD for years, yet every chief appraiser has either outright ignored this problem at best, or willingly violated the constitutional rights of property owners in Hill County at worst. Property owners are entitled to appraisals that comply with constitutional and statutory requirements. (**See Exhibit “B” HCAD 2024 Summary**)

4. Article 8, Section 1(a) of the Texas Constitution requires all taxable property to be taxed in an equal and uniform manner. Section 23.01(a) of the Texas Property Tax Code (“Tax Code”) requires all taxable property be appraised at its market value as of January 1 of the tax year. Section 23.01(b) of the Tax Code requires “each property shall be appraised based upon the individual characteristics that affect the property’s market value, and all available evidence that is specific to the value of the property shall be taken into account in determining the property’s market value.” Claimant contends that HCAD did not fulfill its mandatory obligation to base its appraisal upon the individual characteristics that affect the property’s market value and take into account all available evidence that is specific to the value of the property in determining the property’s market value.

5. Section 23.01(b) of the Tax Code requires that the “same or similar appraisal methods and techniques shall be used in appraising the same or similar kinds of property.” HCAD’s 2022 and 2024 appraisal records are replete with disparate valuations of similarly situated and comparable properties, which valuations could not have been derived by using similar appraisal methods and techniques. HCAD uses a computer mass appraisal system called PACS Appraisal. PACS Appraisal is the primary software used by HCAD to conduct property appraisals for Hill County. The PAC Appraisal has produced thousands of erroneous valuations, either through limitations in the software or manipulation by HCAD. As a matter of law, property tax on valuations that are greater than market value cannot be equal and uniform. (**See Exhibit “B” HCAD 2024 Summary**)

6. Complainant anticipates other Hill County property owners will join this Complaint given the egregious conduct by the Itasca ISD and HCAD.

7. In February of 2016, the Itasca Independent School District administration and board of trustees voted on and signed an Energy Conservation Contract with I-Deal Impact. The contract between the district and I-Deal Impact (vendor) was implemented to reduce energy cost in the district. The contract amounts for these types of projects may range in price from \$100,000.00 to over \$50,000,000.00 dollars. Guaranteed Energy Conservation Contracts (ESPC) and Shared Energy Savings Contracts have been under investigation for several years in Texas by the US Justice Department and found to be based on fraudulent claims stated in the contract documents and violate the Texas Constitution. The Itasca ISD has refused to turn over the contract documents as have been requested by multiple written requests as allowed by the “Open Records Act”. The district did have this information in 2023 and it was reviewed in person by Jeff Mashburn in the office of the current superintendent of schools at the time on a district owned computer. Michael Stevens the

superintendent had agreed to provide a hard copy of the contract and exhibits because of issues found and stated by the vendor. The district is in contempt of the law and the “Open Records Act”. Board President Brian Bassett has refused to cooperate and release the information to taxpayers and has used his position and authority to interfere with the law and a legal request using the “Open Records Act” and investigation by taxpayers regarding fraud and corruption by school administrators and board members. A formal written complaint by Jeff Mashburn the Complainant was sent by certified mail to District Attorney of Hill County Mark Pratt. **(Exhibit “K&Q”, Exhibits “M&N”-Letters to and from TASB Legal Counsel)**

8. The Itasca ISD violated the requirements of the TEA Code and Statutes as outlined in Chapter 44.01” Fiscal Management”, Subchapter “B” as it pertains to purchases and contracts. The statutes require school districts follow the requirements of competitive bidding for expenditures in excess of \$50,000.00. The Itasca ISD and vendor agreed to and used a system of pricing and invoicing known as “sequential purchases” that is prohibited in section 44.032, (a), 3 of the TEA code. Copies of multiple invoices were reviewed when the contract and exhibits were reviewed onsite on a laptop owned by the district. Brian Bassett has refused to cooperate with the request for information and inhibited taxpayers in the investigation into the district’s financial conduct. Multiple letters and requests or information and responses regarding the issues and concerns are on file regarding the attempts by Jeff Mashburn the Complainant to bring out to the public the fraud relating to the contract signed by the district with I-Deal Impact. There are ongoing investigations by the US Justice Department in Texas at this time that has exposed fraud and corruption stated and used in energy contracts with school districts dating back many years. Multiple Energy Service Companies (ESCOs) such as I-Deal Impact are involved in these investigations. Law firms and attorneys hired by school districts using taxpayer money to cover up and protect them from prosecution are being called in the legal challenges by taxpayers. The attempt by the Itasca ISD and the TEA and SUI investigators to try and suppress and ignore wrongdoing with the contract is now the center of further complaints and investigations by taxpayers not only regarding the Itasca ISD multiple school districts in Texas that have tried to hide the problems and poor decisions made by school officials. The list of problems and deliberate actions by the Itasca ISD, I-Deal Impact, and the TEA to cover up what has transpired is extensive. A letter was sent to the Texas Association of School Board’s (TASB) legal counsel Mrs. Sedora Jefferson for assistance and to make them aware of the issues pertaining to the contract executed between the Itasca ISD and I-Deal Impact. Mrs. Jefferson refused to take action in response to the written request made. **(Exhibits “M&N”-Letters TASB Legal Counsel, Exhibit-”C”- TEA Chapter 44 Fiscal Management, Exhibit “R” TEA Closure Notice, Exhibit “S” Response Letter Keith Boles, Exhibit “T” TEA PIR Request by SUI Investigator Theresa Shutey, Exhibit “U” Request for Information to Itasca ISD and Copied to the TEA.)**
9. Since February 2020, the Itasca ISD has signed and executed (3) Chapter 313 Agreements with solar farm owner/operators in Hill County with a total contract value of **\$964,600,000.00**. The district has refused to release and provide information pertaining to the agreements as requested formally in writing under the “Open Records Act”. The district and board president Brian Bassett has stated and refused to cooperate with taxpayers regarding information important to taxpayers in the district. The district entered into these agreements during behind doors in closed session meetings and without taxpayer input or vote. There are serious issues that have been

found with Chapter 313 Agreements signed by several school districts in Texas including the Itasca ISD. The Itasca ISD is the taxing entity that sets for the tax rate required to support the budget of the district and is required by law to administer fairly and justly the equal burden among the taxpayers within the taxing jurisdiction of the district. As a result of the (3) Chapter 313 Agreements executed a system and method was used that resulted in a blatant use of authority to relieve owner/operators of solar farms of their fair share of the tax burden as applied to all residence within the Itasca ISD boundaries within Hill County. The Chapter 313 Agreements have also allowed landowners that have leased land rights to solar farm owner/operators to benefit from lucrative land-lease agreements but also directly benefit from Agriculture Exemption benefits that are a clear violation of the provisions allowed in Chapter 313 Agreements. These claims and circumstances are part of the public record in Hill County at HCAD. Based on the data and information that has been exposed it is the deliberate intent by design of the Itasca ISD and HCAD to levy an unfair and oppressive system of illegal taxation on the residents living within the Itasca ISD boundaries within which (3) solar farm projects exist. The district and Brian Bassett by deliberate intent and design have failed to cooperate with taxpayers. The financial impact to taxpayers in the district is causing many to lose their homes due to very poor decisions made by the district. The Itasca ISD and HCAD has refused to turnover and release the information. It is a criminal offense to interfere with an investigation involving public funds. **(Exhibits “D, E and F”. Chapter 313 Agreements, Exhibit “V” Letter to HCAD Mike McKibben)**

10. The Itasca ISD and board members including board president Brian Bassett has failed to release information pertaining to the tax receipts as agreed to in the (3) Chapter 313 Agreements. The BPL Files Solar LLC, solar farm has been in operation and completed since 2023. There are serious discrepancies with the information used during the application process with the State Comptrollers Office, Itasca ISD and what is recorded at HCAD and part of the public record. The Itasca ISD and Brian Bassett by deliberate design and intent is in contempt of the law and the “Open Records Act”.
11. The Itasca ISD and board members including Brian Bassett forfeited **\$85,000,000.00** dollars of available tax revenues that should flow into the district based on the terms and conditions as stated in the Chapter 313 Agreements. The Itasca ISD and board members including Brian Bassett agreed to use available taxable receipts to subsidize the solar farm projects in a time of economic distress in the County. As stated in the provisions and statutes governing school districts and Chapter 313 Agreements set forth by the State of Texas school districts have full authority to decline a Chapter 313 Agreement or bargain for higher taxable valuations for solar farm projects resulting in higher tax receipts and providing for additional tax relief for taxpayers in the district. The district has not released information to verify tax receipts and any assumed benefits to taxpayers. The district has not released or provided and data, information, or a check register of how tax receipts from solar companies has been spent by the district. The district has deliberately and by intent committed fraud and corruption by not disclosing public information to taxpayers.
12. In 2022 the Itasca ISD put forth a bond referendum before the taxpayers without a single solid source of detailed drawings, plans, specifications or bid documents to validate the REAL cost of the bond program to taxpayers. The Itasca ISD and board members including Brian Bassett

advertised for a \$20,000,000.00 bond program without a bond payout schedule and cost of the entire bond program with principal and interest. The district and board members stated in the advertisement for the bond program the district would receive 39% of the bond principal payment from the BPL Files Solar Farm project which had just broken ground at the time. The projected tax revenues from Chapter 313 Agreements are not bonded or guaranteed with any security or performance bond from a reputable financial institution. This violates the rights of taxpayers because taxpayers did not have the opportunity to vote on the added debt to the district. The Itasca ISD has failed to use common sense and caution when it comes to the financial impact on the taxpayers of the district. Advertising for a bond program without a complete financial analysis and study with REAL cost including financing is a criminal offense under the law. The actions and financial conduct of the Itasca ISD and Brian Bassett the board president represent deliberate intent to commit fraud and corruption against the taxpayers of the Itasca ISD and Hill County. **(Exhibit “G”- 2022 Bond Package)**

13. On February 3rd, the Itasca ISD voted to put forth a bond referendum before the taxpayers without a single solid source of detailed drawings, plans, specifications or bid documents to validate the REAL cost of the bond program to taxpayers. The Itasca ISD and board members including Brian Bassett have put forth a bond referendum for \$34,000,000.00. This bond program will increase the debt of taxpayers within the district by more than 400 percent NOT including the interest on bonds issued by the district if taxpayers passed the measure. The district currently has \$8,255,000.00 in debt NOT including interest on the debt. The current bonds were issued in 2014 and the district has not retired these bonds. The Itasca ISD and board members have refused to release and provide bond payment schedules, payment history with notes and details to find out where taxpayer has been spent since 2014. The Itasca ISD has used legal counsel to hide and protect the district from scrutiny regarding how the taxpayer’s money has been used. At this time the Itasca ISD and board members including Brian Bassett are in contempt of the law and formal written request made under the “Open Records Act”. **(Exhibit “H” – 2025 Bond Package)**

14. **Argument Added in Amendment No. 1-** On February 20th, 2025, the Itasca ISD and its board of trustees held a townhall meeting in an open forum setting on campus of the High School to present the taxpayers of Itasca with the bond referendum being put forward by the board of trustees and superintendent of schools. On February 3rd, 2025, the board of trustees voted unanimously to put forward a bond referendum in the amount of \$34,000,000.00 dollars. The dollar amount of the proposed bond referendum exceeds the bond capacity cap of 25% as stated in the Texas Education Code Chapter 45, Section 45.001, (c), d., (1), (A) and (B) by a factor of 17x the allowed amount based on the total aggregate value of existing debt of \$8,275,000.00 dollars. The superintendent of schools and the board of trustees has knowingly and by design committed fraud and is in direct violation of the law. This has been the normal practice of the Itasca ISD as recorded in the 2022 Bond referendum. This actions of the Itasca ISD as described in this formal complaint have been ignored by local law enforcement, the Hill County Sheriff’s Office, and the District Attorney’s Office of Hill County. The failure of public servants elected to office and law enforcement in the State of Texas warrants the intervention of the Department of Justice at the Federal level to hold everyone named in this complaint accountable to the rule of law and all applicable penalties as warranted and levied by the court(s). **(Exhibit- “Y” Texas Education Code Chapter 45)**

15. On August 26th, 2024, the Itasca ISD and board members including Brian Bassett adopted and passed the annual budget for the 2024-2025 school year. The revised annual budget increase from the previous 2023-2024 school year cannot be validated for accuracy and with full understanding of how the **10.8%** increase was justified. The **10.8%** increase is well above what the national inflation rate at during a time economic distress. At times in the district the student to teacher ratio has been well below the 22 to 1 state recommendation. Multiple Request for Information have been sent to the district requesting data and information to break down the annual budget by class level and categories to obtain a better understanding of the actual annual cost per student. After meeting in person with the superintendent of schools and board president Brian Bassett at the new administration building, I was told by the superintendent that a form I provided to the district would be provided with information that was requested. After waiting for three weeks the district refused to complete the form that breaks down the cost by class level. When I met with the superintendent to pick up the information, I was told that board president Brian Bassett said the district was not going to cooperate with my request any longer. A Memorandum of Understanding was forwarded to the district to inform the district taxpayers will take the necessary legal actions to access the information and will hold everyone accountable for their actions. The Itasca ISD is in contempt of the rule of law and has inhibited taxpayers from receiving information legally and rightfully the taxpayers. The Itasca ISD and board president Brian Bassett have demonstrated a deliberate intent to commit fraud and corruption against the taxpayers of the Itasca ISD and Hill County and interfere with a public investigation by taxpayers. The Itasca ISD adopted and revised annual 2024-2025 budget is by design a deliberate intent to defraud the taxpayers without the data and information needed to the validate budget. All information received by the district will be submitted and vetted by a forensic audit from a creditable accounting firm. **(Exhibit “I” Memorandum of Understanding, Exhibit “X” 2024-2025 Annual Budget)**
16. On February 4th, 2024, an email was received from Stu Madison and attorney representing the Itasca ISD. The email was in reference to multiple request made by Jeff Mashburn to the Itasca ISD as allowed by the “Open Records Act” to obtain information and records pertaining to meetings held behind doors in closed session meetings with board members including board president Brian Bassett and representatives for the solar farm companies. These meetings were held onsite at the Itasca ISD and attended by lawyers and consultants responsible for the data and information submitted in the Chapter 313 Applications filed with State Comptrollers Office. Board members representing the Itasca ISD also attended these meetings. A record of attendance and the votes cast in favor or against was requested in formal written request per the “Open Records Act”. The Itasca ISD and board president Brian Bassett is in contempt of the law and in deliberate intent and design to prevent taxpayers from access to records that are public information and allowed by law.

The email received from Stu Madison the attorney for Itasca ISD indicated all the information requested was available on the Itasca ISD in Hill County, Texas was available on the district’s website. The request for information were very specific in nature and referenced in detail the (3) Chapter 313 Agreements by contract numbers issued by the State of Texas Comptroller’s Office. The information and responses detailed in the email by Mr. Madison was in reference to the Itasca ISD located in the State of Illinois. This obvious is an indication of the level and lack of competence and moral integrity that taxpayers have been exposed to from the school officials at the Itasca ISD including board president Brian Bassett since 2020.

The actions and conduct of the Itasca ISD since 2020 have demonstrated without a reasonable doubt the Itasca ISD and its board members have no regard to the rule of law, morals and ethics that should otherwise be normal for public officials elected to serve the public. Due to the amount of money and financial impact to the taxpayers of the district in regard to the failure of the district and its elected board members to demonstrate fairness and equity among the taxpayers within the taxing jurisdiction of the district that the court hold all individuals involved in contempt of the laws that govern matters of public entities in the State of Texas including school districts such as the Itasca Independent School District. **(Exhibit “J”- Email Correspondence Received from Stu Madison, Leasor Crass P.C.)**

ULTRA VIRES ACTS OF BRIAN BASSETT

1. Each of the foregoing paragraphs are incorporated and reasserted herein by reference.

2. Appraisal districts are required to certify their tax rolls to the Texas Comptroller’s Office that the value for 95% of the respective district’s tax base has been fully resolved by July 25th of the tax year. Since 2013 through year 2024, HCAD, through its chief appraiser at the time falsified the tax rolls to the Comptroller’s Office. HCAD has been guilty for many years of inflating property values to meet annual budgets of local taxing entities with annual budgets that have not be validated and audited by a true forensic audit process following the required guidelines i.e., Texas Education Agency for school districts. HCAD does not follow the requirements of USPAP and the Texas State Constitution. HCAD or any other government agency has performed due diligence in regard to how local taxing entities annual budgets are derived therefore HCAD and its officers have committed fraud and corruption against taxpayers in Hill County. The financial harm and irrevocable damage have caused many individuals to lose their homes or forced to sell due to the inflated property values and resulting increase in property taxes.

3. Complainant seeks a declaratory judgment and prosecution of Brian Bassett in that Mr. Bassett in his role and duties as a public servant committed ultra vires acts in connection with the following violations of the law(s), statutes, and guidelines,
 - a. Failure to certify the adopted annual school budgets of the Itasca ISD for multiple years by forensic audit of a certified fraud examiner and accounting firm with the qualifications required to perform a complete un-biased audit based on certified and verifiable documents in regard to the collection, use and expenditures of public funds.

 - b. In a unified and deliberate effort work in unison to put forth the annual school budget(s) over multiple years to HCAD and its officers for the intention and design to require HCAD to illegally raise property tax valuations above what is fair and equitable using normal standards and practices such as the Uniform Standards of Professional Appraisal Practices and the Texas State Constitution.

- c. Putting forth multiple bond referendums (2022, 2025) before the taxpayers without the REAL costs, data and information needed to verify the validity and overall cost of the bond program(s) during the bond term and period. Documents such as; plans, drawings and renderings, construction drawings, specifications and certified bid documents needed to determine the actual cost of the proposed bond program(s). Asking the taxpayers to vote on a bond(s) referendum without the required due diligence needed to protect the taxpayers from over taxation and costs due to the lack of competence, responsibility and respect for the wealth and welfare of the taxpayers is a criminal offense and subject to the full penalty of the law.
- d. Failure to provide the data and information required to validate and perform a forensic audit of the district's annual operating costs as published in the adopted annual school budget documents and posted on the district's website. Mr. Bassett has refused to release the information requested by taxpayers in formal written request.
- e. The Itasca ISD and board members have hidden behind legal counsel to hide and shield the district from cooperating with a legal investigation by taxpayers in regard to the financial conduct and actions of the Itasca ISD. Any legal counsel or law firm and its attorneys that work in unison with elected public servants to interfere with the efforts to expose fraud and corruption is punishable by law.
- f. The Itasca ISD and board members including board president Brian Bassett have refused to release information requested in formal writing and in accordance with the "Open Records Act" pertaining to the bond(s) issued by the district in 2014. Bond payment schedules with notes and details that clearly explain how the district has used taxpayer funds to pay off the bond debt on the books since 2014. All attempts to inhibit taxpayers from information regarding taxpayer funds used to pay off bond debt is a criminal offense and will be pursued as such under the fullest extent of the law(s) that govern public entities such as school districts like the Itasca Independent School District.
- g. The Itasca ISD and board members since February of 2020 have refused to release and turn over important information regarding an Energy Conservation Contract between the district and I-Deal Impact. The district violated multiple tenants of the TEA code and requirements that govern how school districts are to spend taxpayer funds. Information in the contract and supporting documentation are not only relevant to the agreement between Itasca ISD and the vendor but also contain information that is beneficial to current contracts with districts in the area. The information requested was in possession of the district in late April and early May of 2023 and was reviewed onsite on a computer in the superintendent's office at that time. Preventing the access to public information that is legally allowed by

taxpayers for the intent and purpose to expose fraud and corruption is a criminal offense and punishable by law.

- h. The Itasca ISD and board members including Brian Bassett forfeited **\$85,000,000.00** dollars of available tax revenues that should flow into the district based on the terms and conditions as stated in the Chapter 313 Agreements. The Itasca ISD and board members including Brian Bassett agreed to use available taxable receipts to subsidize the solar farm projects in a time of economic distress in the County. As stated in the provisions and statutes governing school districts and Chapter 313 Agreements set forth by the State of Texas school districts have full authority to decline a Chapter 313 Agreement or bargain for higher taxable valuations for solar farm projects resulting in higher tax receipts and providing for additional tax relief for taxpayers in the district. The district has not released information to verify tax receipts and any assumed benefits to taxpayers. The district has not released or provided and data, information, or a check register of how tax receipts from solar companies has been spent by the district. The district has deliberately and by intent committed fraud and corruption by not disclosing public information to taxpayers.

Evidence Supporting Arguments- Part of the Public Record

(Control Click to Access Link)

Exhibits to Support Arguments in Complaint Filed with DOJ	
Bond Fraud	Exhibit ID
<u>Complaint Filed February 18th, 2025-Perpetuating the Fraud, Failure to Pay Off Bond Debt</u>	A
<u>Violation of Texas Constitution and TEA Code Chapter 45-25% Percent Bond Cap, Two Bond Referendums</u>	01_2025
<u>Failure to Produce Bond Payment History, Schedules, Uses and Notes</u>	I
<u>Deliberate Acts of Bond Referendum Promotion and Advertisement 2022</u>	G
<u>Deliberate Acts of Bond Referendum Promotion and Advertisement 2025</u>	H
<u>Request for Information (PIR) Dated November 19th, 2024-Stu Madison</u>	01_2024

Email Received from Legal Counsel - Refers to Wrong ISD in a Different State	J
2023 Financial Report-Itasca ISD	01_2023
2024 Financial Report-Itasca ISD	07_2024
Hill County Appraisal District- Summary of 2013 to 2024 Property Valuations	B
2024-2025 Annual Budget Information UnAmendend	03_2024
School Board Meeting Notes May 9th, 2022- Regarding 2022 Bond Referendum	02_2022
Ken Paxton Letter August 2024-Second Letter	04_2024
Ken Paxton Supplemental Information Requested July 29 2024 Exhibit 06 2024	06_2024
Ken Paxton Letter 2021 ESPC Contracts	01_2021
Letter to DA Mark Pratt February 27, 2025-Failed to Take Action, Blatant Refusal to Perform Job	02_2025
Falsifying Annual School Budget 2024-2025 Budget	
Failure to produce data and documentation to validate budget. Itasca Memorandum of Understanding	I
Collaboration with Hill County Appraisal District to Increase Property Values and Taxes, Failure to Follow USPAP	V
Letter-Taxpayers Final Statement and Position-Itasca ISD	02_2024
Itasca ISD_PIR July 15 2024	08_2024
Itasca ISD_PIR July 30 2024	09_2024
Itasca ISD -Cease and Desist Letter- Based on the Fraud and Corruption by the Itasca ISD	03_2023
Itasca ISD-Response to Cease and Desist Letter	05_2023
Letter to DA Mark Pratt February 27, 2025-Failed to Take Action, Blatant Refusal to Perform Job	02_2025
Chapter 313 Agreements & Energy Contract Procurement Fraud	
Complaint Filed February 18, 2025	A

Failure to Follow TEA Statutes Regarding Competitive Bidding	C
Refusal to Cooperate with Open Records Act	02_2021
Refusal to Cooperate with Open Records Act	03_2021
Refusal to Cooperate with Open Records Act	02_2022
Refusal to Cooperate with Open Records Act	03_2022
Letter to DA Mark Pratt May 18, 2022-Failed to Take Action	K
Itasca ISD-Board Meeting Minutes Vote on Energy Contract Unanimous-Cannot Produce Hard Copy of Contract	02_2016
Letter to DA Mark Pratt February 27, 2025-Failed to Take Action, Blatant Refusal to Perform Job	02_2025
Complaint Filed February 18, 2025	A
Refusal to Cooperate with Open Records Act	02_2022
Letter to Itasca ISD-Legal Challenges for Violations of Citizens Rights	02_2023
Questions to Itasca ISD-Regarding Their Lack of Knowledge and Experience with Chapter 313 Agreements	04_2023
TEA PIR Email Theresa Shutey- In Regard to Complaint Filed- TEA Punted and failed to take action	T
Email Correspondence with Tonya Harris Pertaining to Chapter 313 Agreements, Failed to Produce Information	10_2024
Refusal to Cooperate with Open Records Act-PIR Itasca ISD	08_2024
Refusal to Cooperate with Open Records Act-PIR Itasca ISD	09_2024
Letter to DA Mark Pratt February 27, 2025-Failed to Take Action, Blatant Refusal to Perform Job	02_2025
BPL Files Solar, LLC-Application with the State Comptroller's Office-Failure to Perform Due Diligence	D
Hill Solar I, LLC - Application with the State Comptroller's Office- Failure to Perform Due Diligence	E
Hill Solar II, LLC - Application with the State Comptroller's Office- Failure to Perform Due Diligence	F
Letter to State Comptroller's Office-Chapter 313 Agreement Tax Receipts Verification	03_2025

Response from State Comptroller-Chapter 313 Agreements - Failed to Respond and take Responsibility	04_2025
TEA FASRG19-Module 1 Guidelines	L
Letter to Texas Association of School Boards (TASB)-Legal Counsel Sedora Jefferson- ESPC Contract Fraud	M
Response from TASB_Sedora Jefferson - Failed to take Responsibility	N
Itasca ISD- Annual Financial Report December 2024	O
Complaint Filed May 2022 Itasca Police Department- Failed to Take Responsibility	P
Response Letter from Mark Pratt DA Hill County May 20th, 2022	Q
Texas Education Agency Response July 2024	R
Itasca ISD Response to TEA from Keith Boiles, attempt to try and cover up what happened	S
Itasca ISD_Notice and Request for Information_May 2022	U
Letter to Hill County Appraisal District-Clarification Regarding AG Exempt Status and Land Leases to Solar Farms	V
Email Correspondence Tonya Harris Superintendent March 3rd, 2025	W
Itasca ISD 2024-2025 Adopted Budget August 26, 2024, Unamended Budget	X
Texas Education Code Chapter 45 School Bond Capacity Limit 25% of Existing Debt	Y
Other Supporting Documents, Background and History Support the Complaint Filed	
La Joya ISD RFI12.10.2020	
La Joya ISD Terminates M&V Contract	
La Joya ISD Revised RFI June 2021	
La Joya ISD Closing Arguments-TEA Case	
La Joya ISD_ODC First Response RFI 4.19.2021	
La Joya ISD ODC Response RFI 7.29.2021	

La Joya ISD ODC Response RFI 6.3.2021	
La Joya ISD ODC Letter August 2021	
La Joya ISD Ken Paxton Response to ODC November 2021	
La ISD Ken Paxton Response Page (2) to ODC November 2021	
La Joya ISD US Southern District Release January 6th, 2022	
Paris ISD Response to EBW October 2021	
Paris ISD RFI December 2020	
Sheldon ISD Notice and RFI December 2020	
Sheldon ISD Letter to KBS August 2021	
Sheldon ISD Letter to KBS October 2021	
Texas State Comptroller February 2007 Meeting to Discuss ESPC in Texas	
Plainview ISD Follow Up Letter Filed February 2007 ESPC Problems in Texas	
Plainview ISD First Letter Filed February 2007 ESPC Problems in Texas	
Texas State Auditors Office Notes for Initial Meeting June 2006	
Texas Attorney General Gregg Abbott First Letter February 2007 No Response	
Testimony Before the Senate Business and Finance Committee April 2023	
Email Correspondence SCO Pamela Smith 2007	

SUMMARY OF FACTUAL BACKGROUND

The actions of Defendant(s) and or its co-conspirators, by ignoring USPAP a requirement under the Texas Property Tax Code, have voided the existence of USPAP, Texas Property Tax Code and the Texas Constitution which required Uniform and Equal and USPAP. Thus Defendant(s) have participated, knowingly, and with intent to defraud the real estate taxpayers and property owners of Hill County and the State of Texas and stripped the Constitutional protections of those

Citizens found under both the Texas Constitution and The Constitution to the United States of America. The Defendant(s) and or its co-conspirators have violated the public trust of taxpayers in the Itasca ISD taxing jurisdiction by not adhering to the rule(s), law(s) and statutes in the TEA Code Chapter 44.01 in regard to the collection and use of taxpayer funds. The actions and conduct of the Defendants are clear and without question a deliberate intent and design to commit fraud and corruption regarding taxpayer funds collected from taxpayers and homeowners of Hill County and the State of Texas.

HCAD violates Texas Property Tax Code, Chapter 23, Appraisal Methods & Procedures, Sec 23.01(b) by not following these four procedural directives...

- market value of property shall be determined by application of generally accepted appraisal methods & techniques
- if appraisal district determines appraised value of property using mass appraisal standards, **the mass appraisal standards must comply with USPAP (USPAP Professional Standards, Standards 1 & 2, & Standards 5 & 6)**
- same or similar appraisal methods & techniques shall be used in appraising the same or similar kinds of property
- **however, each property shall be appraised based on the individual characteristics that affect the property's market value, and all available evidence that is specific to the value of property shall be taken into account in determining the property's market value.**

HCAD & staff violate USPAP Standards 1, 2, 5, 6 & USPAP Professional Standards

HCAD violates Texas Property Tax Code, Chapter 23, Appraisal Methods & Procedures, Sec 23.01(e) every time the chief appraiser (CAD) issues a notice of appraisal with a higher value than the prior years' protest/appeal reduced value, when there is no evidence to support value increase or when there is no evidence of change to property that would result in a value increase.

- Law says that **if property value was reduced** by Subtitle F (protest, appeal, etc.), then "in **the next tax year** in which the property is appraised, the **chief appraiser may not increase the appraisal value** of the property **unless the increase by the chief appraiser is reasonably supported by clear and convincing evidence** when all of the reliable and probative evidence in the record is considered as a whole."

HCAD violates Texas Property Tax Code, Chapter 23, Appraisal Methods & Procedures, Sec 23.012 for Income Method of Appraisal when they insert improper or fake data into their analysis. An example being the Income Calculation Worksheet that HCAD manipulates for the income approach on income/commercial property valuations. This violates the rules of 23.012 that state the chief appraiser shall:

- Analyze comparable **rental data available** or potential earning capacity, or both
- Analyze comparable **operating expense data available**
- Analyze comparable **data available to estimate capitalization rates**

- **Base projections** of rent or income potential & expenses **on reasonably clear & appropriate evidence**
- **In developing income & expense statements** and cash flow statements, shall consider
 - **historical information**
 - current supply & demand factors affecting trends
 - anticipated events, such as competitors and similar new construction

HCAD violates Texas Property Tax Code, Chapter 23, Appraisal Methods & Procedures, Sec 23.01(f) & Sec 23.013(a)

by NOT using true comparable properties in analysis to render value based on how a property compares with local like-kind properties' equitable value (uniform and equal) or how it compares with like-kind properties' sales value.

HCAD violates Texas Property Code Chapter 42, Sec 42.26, Remedy for Unequal Appraisal

by issuing value(s), and or not reducing value(s) in the protest hearing, within 10% of the median level of market value (mv/sq ft) of a group of comparable properties.

HCAD violated Texas Property Tax Code, Chapter 26, Section 26.01

- “By July 25, the chief appraiser shall prepare and certify to the assessor for each taxing unit participating in the district that part of the appraisal roll for the district that lists the property taxable by the unit.” And per paragraph c, if the ARB has not approved a property record, (i.e., protest hearing has not occurred or ARB has not approved value determined in hearing), the chief appraiser must prepare list of properties still under protest & therefore not included on the roll approved by the ARB or certified by the chief appraiser. **In 2021, HCAD falsely included properties as certified, when they were in fact still under protest.**

Texas Property Tax Code, Chapter 5, Section 5.01 - State is charged with responsibility for property tax administration, “Comptroller shall appoint the property tax administration advisory board to advise the comptroller with respect to the division or divisions within the office of the comptroller with primary responsibility for state administration of property taxation and state oversight of appraisal districts...”

State has not taken responsibility for appraisal district(s) who failed to follow law in property tax appraisal process.

Texas Property Tax Code, Chapter 5, Section 5.041 - State is charged with providing at least 4 hours (**VERY MINIMAL TRAINING**) of training & curricula for appraisal review board panel members, where curricula materials “must include”:

- (1) the cost, income, and market data comparison methods of appraising property;
- (2) the appraisal of business personal property;
- (3) the determination of capitalization rates for property appraisal purposes;
- (4) the duties of an appraisal review board;
- (5) the requirements regarding the independence of an appraisal review board from the board of directors and the chief appraiser and other employees of the appraisal district;
- (6) the prohibitions against ex parte communications applicable to appraisal review board members;
- (7) the **Uniform Standards of Professional Appraisal Practice**;

- (8) the duty of the appraisal district to substantiate the district's determination of the value of property;
 - (9) the requirements regarding the equal and uniform appraisal of property;
 - (10) the right of a property owner to protest the appraisal of the property as provided by Chapter [41](#); and
 - (11) a detailed explanation of each of the actions described by Sections [25.25](#), [41.41\(a\)](#), [41.411](#), [41.412](#), [41.413](#), [41.42](#), and [41.43](#)
- so that members are fully aware of each of the grounds on which a property appraisal can be appealed.

Texas Property Tax Code, Chapter 5, Section 5.04 - State delegates responsibility to TDLR to certify tax professionals and set standards for & approve training & education; state may also contract others to sponsor training programs. **Neither the state nor TDLR has taken responsibility for failed training or failed application of professional & legal standards (laws).**

HCAD violated Texas Constitution, Article 8, Section 1(a) – “Taxation shall be equal and uniform.”

HCAD violated Texas Constitution, Article 8, Section 20 – “No property of any kind in this State shall ever be assessed for ad valorem taxes at a greater value than its fair cash market value nor shall and Board of Equalization of any government or political subdivision or taxing district within this State fix the value of any property for tax purposes at more than its fair cash market value...”

Appraisal District Board of Director’s Primary Duty & Responsibility

- Primary Duty to appoint Chief Appraiser, the chief administrator of Appraisal District
- Chief Appraiser serves at pleasure of the Board
- Board is responsible for Chief Appraiser’s performance of Appraisal Duties

Oath of Office violated (State of Texas Form 2204)

- individuals who took an oath of office includes Chief Appraiser, Deputy Appraisers, Board Members, Tax Assessor Collector, Attorney General, ARB Panel Members
- individuals solemnly swear to faithfully execute duties of their elected or appointed office & to preserve, protect and defend the Constitution & laws of U.S. and State of Texas

ARB Hearings “Sworn Testimony”

- Appraisal District representatives, Property Owners, & Property Owner representatives all take an oath immediately before protest hearing starts, sworn to tell the truth when presenting evidence to support appraisal market value.

Co-Conspirator:

- Person or organization that is engaged in a conspiracy with another, or others; an associate, collaborator, accomplice, supporter, etc.

Co-Conspirators to Failed Property Tax Appraisal Process & Fraudulent Property Tax Valuations:

Appraisal District Licensed & Certified Individuals, Chief Appraiser, Deputy Chiefs, Board

Members, ARB Members, Taxing Entities, County Leaders, City Leaders, ISD Leaders, Professional Organizations, TDLR & TALCB, State Comptroller & more.

Violations of USPAP's Professional Appraisal Practice Rules by Individual Appraisers & HCAD itself

<u>Records Keeping Rule:</u>	Did not retain/archive analysis and data documents utilized while working values.
<u>Ethics General Rule:</u>	Have not promoted & preserved public trust inherent in appraisal practice.
<u>Ethics Rule of Conduct:</u>	Have willfully & knowingly violating Record Keeping Rule. Have not performed assignments with impartial, objective, & independence or without accommodation of personal interests.
<u>Rule of Management:</u>	Failure to comply with appraisal rules leads to this question... Have the individual appraisers (and HCAD) received, and not disclosed, a fee, commission or thing of value awarded in connection with appraisal/assignment? Performed an assignment & issued Notices of Appraisal where the opinion of value was based on a predetermined result.
<u>Rule of Confidentiality:</u>	Have not acted in good faith with regard to the legitimate interests of the client(s) (taxpayers & tax jurisdictions) in use of confidential information and in communication of assignment results. Did not take reasonable steps to safeguard access to confidential information and assignment (appraisal) results that was in electronic form.
<u>Competency Rule:</u>	Do not possess the knowledge & experience to complete appraisal competently , or they are willfully not using proper appraisal knowledge & skills to complete appraisals. Have not recognized or complied with laws & regulations that apply to appraisal practice.
<u>Scope of Work Rule:</u>	Have not demonstrated that scope of work is sufficient to produce credible result (value). Have used improper research, applied improper research & techniques, used improper analysis applied to arrive at opinion or conclusion (value).

Violations of USPAP, Standard Rules 1 & 2 (Real Property Appraisal: Development & Reporting)

1. **Standards Rule 1-1, General Development Requirements, violated:**
 - Fail to employ methods or techniques to produce credible appraisals
 - Committed substantial errors that significantly affect appraisals
 - Rendered appraisal in a negligent manner, affecting results of values across Hill County
2. **Standards Rule 1-2, Problem Identification, subsections e & h, violated:**
 - Did not identify characteristics of property that are relevant to type & definition of value
 - Failed to use reliable information when available (even when in physical possession of it)
 - Did not determine scope of work to produce credible assignment results
3. **Standards Rule 1-4, Approaches to Value, violated:**
 - Have not analyzed or utilized actual data provided year after year to produce a credible assignment result (appraisal) on the Income Approach for commercial property valuations
 - Have not consistently used comparable properties for sales comparison approach or the equity (equal & uniform) approach
4. **Standards Rule 1-6, Reconciliation, Subsection a violated:**
 - Have not used all the “quality” data (all the actual data) in analysis or valuation approaches
 - Have not reviewed or tested proposed values & data to verify accuracy for values on Notices of Appraisal
5. **Standards Rule 2-1, General Reporting Requirements, Subsections a & c violated:**
 - Failed by misleading taxpayers on Notices of Appraisal (evidenced by volume of protests & appeals)
 - Claimed extraordinary assumptions for most, or all, taxpayers, by issuing high values on Notices of Appraisal without proper comparable (uniform & equal) evidence, or proper support of increased value due to higher/enhanced “economic characteristics.”
(SPECIFIC VIOLATION, sec 23.01(e) of Property Tax Code)
6. **Standards Rule 2-2, Content of Real Property Appraisal Report, violated:**
 - Violated content rule by misleading taxpayers with the value issued on the Notice of Appraisal.
7. **Standards Rule 2-3, Certification, violated:**
 - Provided values based on inaccurate analysis, manipulation & bias; completed appraisals contingent on predetermined results
 - Failed to conform with USPAP throughout appraisal process, resulting in the issuance of inflated values on Appraisal Notices
8. **Standards Rule 2-4, Oral Appraisal Report, violated:**
 - HCAD is in violation of USPAP rules with Notice of Appraisal issued and reports provided in protest hearing, making their verbal testimony of value with the taxpayer, the ARB panel members, or any other informal communication also a violation.

Violations of USPAP Mass Appraisal Standards (USPAP Standards 5 & 6)

1. **Violated Records Keeping** Rule when conducting mass appraisal.
2. **Violated Ethics Rule by violating Records Keeping Rule.**
3. **Violated** Rule 5-1(a) by **not correctly employing recognized techniques to produce a credible mass appraisal.**
4. **Violated** Rule 5-1(b) by **committing substantial errors of omission and commission** that significantly affected mass appraisal conducted by HCAD.
5. **Violated** Rule 5-1(c) by **rendering mass appraisal in careless or negligent manner.**
6. **Violated** Rule 5-2 (e)(iii) by **failing to consider location & economic characteristics** when conducting mass appraisal.
7. **Violated** Rule 5-2 (k) by **failing to determine scope of work to produce credible assignment results** (values).
8. **Violated** Rule 5-4(b) by **failing to develop mathematical models that w/ reasonable certainty**, represent relationship between property value and supply and demand factors as represented by quantitative & qualitative approaches to value for mass appraisal.
9. **Violated** Rule 5-4(b) by **failing to employ recognized techniques for specifying property valuation models used.**
10. **Violated** Rule 5-4(c) by **failing to employ recognized techniques for calibrating the mass appraisal models used.**
11. **Violated** Rule 5-7(a) by **failing to reconcile the quality and quantity of data available** and analyze within the approaches used and the applicability and relevance of the approaches, methods & techniques used in mass appraisal.
12. **Violated** Rule 5-7(b) by **failing to use or implement appraisal testing procedures and techniques** to ensure that standards of accuracy are maintained for mass appraisal.
13. **Violated** Rule 6 by **reporting the results of HCAD mass appraisal in a manner that is misleading.**

TDLR Violations (Texas Admin. Code, Title 16 - Economic Reg., Part 4 - Texas Dept of Licensing & Reg., Chap. 94 – Property Tax Professionals)

HCAD and its employees have FAILED many, if not all, requirements under the Texas Department of Licensing and Regulation aka TDLR!

94.70 – responsibilities of a registrant – general

- Registrants cannot violate any provision. **(FAILED)**
- Registrants must not violate property tax professional code of ethics. **(FAILED)**
- Registrants must not engage in any practices that constitute improper influence, conflict of interest, unfair treatment, discrimination, abuse of power or misuse of titles. **(FAILED)**

94.71 – responsibilities of a registrant – equal & fair treatment

- Registrants must apply equally & fairly any appraisal or assessment according to USPAP & generally accepted appraisal or assessment practices applicable. **(FAILED)**
- Registrant must not knowingly testify falsely or withhold any information, or influence someone to do so, in any investigation or proceeding. **(FAILED)**
- Registrant must not knowingly mislead any member of the public who makes reasonable inquiry or request on tax matters. **(FAILED)**
- Registrant must not predetermine the value or value range of a property or properties and then manipulate data to arrive to a predetermined conclusion (value). **(FAILED)**

94.72 – responsibilities of a registrant – conflicts of interest

- Registrant must disclose in writing to appraisal district or taxing entity any financial interest in any private business or real property subject to appraisal district or taxing entity where he/she is employed. **(FAILED)**
- Registrant must not use any agency resources for personal benefit. **(FAILED)**

94.100 – code of ethics

- Registrant must be guided by principal that property taxation **should be fair and uniform, and apply all laws, rules, methods, procedures, in a uniform manner, to all taxpayers.** **(FAILED)**
- Registrant must not accept or solicit any gift, favor or service that might reasonably tend to influence registrant in the discharge of official duties. **(FAILED)**
- Registrant **must not engage in an official act that is dishonest, misleading, fraudulent, deceptive, or in violation of law.** **(FAILED)**
- Registrant must not conduct their professional duties in a manner that could reasonably be expected to create the appearance of impropriety. **(FAILED)**

TALCB & TALCB Violations

Texas Appraiser Licensing and Certification Board is the licensing division responsible for licensing Appraisers. The Texas Legislature established the Texas Appraiser Licensing & Certification Board (TALCB) to safeguard consumers in matters of real property appraisal services. TALCB provides education and licensing services, as well as regulation and enforcement of state and federal laws and requirements that govern real property appraisals.

Section 153.8 Scope of Practice

- (a) License holders are bound by the USPAP edition in effect at the time of the appraisal.
(FAILED)

Section 153.15 Experience (and Adherence) Required for Licensing

Any one or a combination of the following categories may be acceptable for satisfying the applicable experience requirement:

1. An appraisal or appraisal analysis when performed in accordance with Standards 1 and 2 and other provisions of the USPAP edition in effect at the time of the appraisal or appraisal analysis. **(FAILED)**
2. Mass appraisal, including ad valorem tax appraisal that:
 - a. conforms to USPAP Standards 5 and 6; **(FAILED)** and
 - b. demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standard 1. **(FAILED)**
3. Appraisal review that:
 - a. conforms to USPAP Standards 3 and 4; **(FAILED)** and
 - b. demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standard 1. **(FAILED)**
4. Appraisal consulting services, including market analysis, cash flow and/or investment analysis, highest and best use analysis, and feasibility analysis when it demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standards 1 and 2 and using appropriate methods and techniques applicable to appraisal consulting. **(FAILED)**
5. "Practical Applications of Real Estate Appraisal" (PAREA) programs approved by the AQB. **(FAILED)**

Texas & U.S. Administrative Procedures Act

- State of Texas has failed to “adopt by reference” USPAP; there is no evidence that mandatory adoption procedures have been followed, and USPAP is updated yearly by the Appraisal Standards Board.
- A political subdivision (including Hill CAD) must comply with the Administrative Procedure Act or Title 1 of the Texas Administrative Code. Section 91.40 requires state agency adopting by reference (ABR) a document into law to “note the revision date of the ABR information” and to “amend the rule to adopt a newer version of the ABR information.”

Texas Penal Code 37.11, Defaulting on Oath

Defaulting of duties & obligations is equivalent to impersonating a public officer.... any elected or appointed official or Attorney refusing to honor an acceptance of their Oath is simply impersonating a public official, thus violating the Texas Penal Code 37.11 law regarding

Impersonating a Public Servant, which is a 3rd degree felony.

Texas Penal Code 7.01, Assisting in Commission of Crime or Failed to Report Crime

Texas law says that a person may be held legally responsible for another person's criminal activity or conduct if he or she assisted in the commission of the crime as "party to the offense."

Person may also be held liable for:

- failure to report
- accessory after the fact
- harboring a fugitive
- aiding/abetting a fugitive

Title 42 U.S. Code Section 1986, Knowledge of Wrongful Act & Power to Prevent

Person with knowledge that a wrongful act is about to be committed and having the power to prevent the commission of such wrong neglects or refuses so to do, is liable to the party injured for all damages caused by the wrongful act.

- Person need not have participated in the conspiracy or the commission of the act, just having knowledge of it implies guilt.
- Any number of persons guilty of wrongful neglect or refusal may be joined as defendants in a § 1986 action

Title 18 U.S. Code Section 1512(c)(1) & (2), Corruptly Alter, Destroy, Conceal - or - Obstruct, Influence, Impede

"(c) Whoever corruptly (1) alters, destroys, mutilates, or conceals a record, document or other object, or attempts to do so, with the intent to impair the object's integrity or availability for the use in an official proceeding; or (2) otherwise obstructs, influences or impedes any official proceedings or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."

Title 18 U.S. Code Section 1621, Perjury Defined

Perjury can be summarized as any untrue testimony, declaration, deposition or certification that is made under oath, whoever...

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or
- (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under [section 1746 of title 28](#), United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

US Constitution, 1st Amendment, summarized:

The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.

US Constitution, 5th Amendment summarized:

Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids “double jeopardy,” and protects against self-incrimination. **It also requires that “due process of law” be part of any proceeding that denies a citizen “life, liberty or property” and requires the government to compensate citizens when it takes private property for public use.**

US Constitution, 14th Amendment, summarized:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

US Constitution, 16th Amendment:

- 16th Amendment as summarized says that Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.
- Taxing property before it is sold at a value in excess of what was paid at purchase, is essentially a tax on unrealized gains. It is not a tax on income and therefore should not be permitted by law.
- Unrealized gain may be stated on paper, but it is not cash in hand/bank.
- Income (or loss) cannot exist unless currency (\$\$) or other asset has been received or traded creating an actual realized gain or loss.

CONSTITUTIONAL CASE LAW

Given that HCAD and its co-conspirators as well as the State of Texas have done an end run around the Texas Constitution and The Constitution of the United States of America, as shown in the evidence and as seen above, +7

A.) demand that if Defendant(s) have any evidence that any statement or statements made herein or any government created document, video, transcript, audio, testimony under threat of perjury is inaccurate, to provide such evidence within 15 days of this filing or to substantiate their abuse of the aforementioned Constitutions as legitimate, and

B.) for the benefit and enlightenment of those who dare show contempt for the Texas Constitution and The Constitution of the United States of America, we now outline a portion of the Constitutional Case Law that we will be using in upcoming Court hearings and this Criminal Complaint:

CASE LAW

Bennett v. Boggs, 1 Baldw 60, “Statutes that violate the plain and obvious principles of common right and common reason are null and void”. Would we not say that these judicial decisions are straight to the point --that there is no lawful method for government to put restrictions or limitations on rights belonging to the people? Other cases are even more straight forward: “The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of practice.”

Davis v. Wechsler , 263 US 22, 24. “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”

Miranda v. Arizona, 384 US 436, 491. “The claim and exercise of a constitutional right cannot be converted into a crime.”

Miller v. US, 230 F 486, 489. “There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights.”

Sherer v. Cullen , 481 F 946. We could go on, quoting court decision after court decision, however, the Constitution itself answers our question □ Can a government legally put restrictions on the rights of the American people at any time, for any reason? The answer is found in Article Six of the U.S. Constitution: **Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603** "Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them."

Norton v. Shelby County, 118 U.S. 425 p. 442

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Sherar v. Cullen, 481 F. 2d 946 (1973)

"There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights."

Simmons v. United States, 390 U.S. 377 (1968)

"The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law".

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Note: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.

The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it". See also In Re **Sawyer, 124 U.S. 200 (188)**; **U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980)**; **Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821)**.

Hoffsomer v. Hayes, 92 Okla 32, 227 F. 417 "The courts are not bound by an officer's interpretation of the law under which he presumes to act."

Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803)

"... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution

is void, and that courts, as well as other departments, are bound by that instrument." "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". "All law (rules and practices) which are repugnant to the Constitution are VOID". Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional.

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). **When a judge acts as a trespasser of the law**, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect. The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

Miller v. U.S., 230 F. 2d. 486, 490; 42

"There can be no sanction or penalty imposed upon one, because of his exercise of constitutional rights."

Murdock v. Pennsylvania, 319 U.S. 105

"No state shall convert a liberty into a license and charge a fee therefore."

Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262

"If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity."

Draper v. U.S. (1959)

Probable cause is where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a man of reasonable caution in the belief that a crime has been or is being committed. *Reasonable man definition*; common textbook definition; comes from this case.

Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v.

Alabama, 375 U.S. 449 "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

Elmore v. McCammon (1986) 640 F. Supp. 905

"... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

Haines v. Kerner, 404 U.S. 519 (1972)

"Allegations such as those asserted by petitioner, however in artfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings drafted by lawyers."

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals

The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)

It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section).

Sims v. Aherns, 271 SW 720 (1925) "The practice of law is an occupation of common right." "Because of what appears to be a lawful command on the surface, many Citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights due to ignorance."

US v Minker, 350 US 179 at 187(1956)

Supreme Court of the United States 1795 "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no governments as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."

S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall.

54), "The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial."

Donnelly v. Dechristoforo, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974) McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307 Fraud in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, and if he deliberately conceals material information from them, he is guilty of fraud.

Hagans v Lavine 415 U. S. 533. "A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity."

Sramek v. Sramek, 17 Kan. App 2d 573, 576-7, 840 P. 2d 553 (1992) rev. denied 252 Kan. 1093(1993) "The law provides that once State and Federal jurisdiction has been challenged, it must be proven."

Main v Thiboutot, 100 S Ct. 2502(1980) "Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided."

Basso v. Utah Power & Light Co. 395 F 2d 906, 910

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist."

Stock v. Medical Examiners 94 Ca 2d 751. 211 P2d 289 In Interest of M.V., 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) "Where a court's power to act is controlled by statute, the court is governed by the rules of limited jurisdiction, and courts exercising jurisdiction over such matters must proceed within the structures of the statute." "The state citizen is immune from any and all government attacks and procedure, absent contract." see, **Dred Scott vs. Sanford, 60 U.S. (19 How.) 393** or as the Supreme Court has stated clearly, "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent."

CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70 "Corpus delicti consists of a showing of "1) the occurrence of the specific kind of injury and 2) someone's criminal act as the cause of the injury."

Johnson v. State, 653 N.E.2d 478, 479 (Ind. 1995). "State must produce corroborating evidence of "corpus delicti," showing that injury or harm constituting crime occurred and that injury or harm was caused by someone's criminal activity."

Jorgensen v. State, 567 N.E.2d 113, 121. "To establish the corpus delicti, independent evidence must be presented showing the occurrence of a specific kind of injury and that a criminal act was the cause of the injury."

Porter v. State, 391 N.E.2d 801, 808-809. "When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation" -- **U.S. v. Burr, 309 U.S. 242 See: 22 U.S.C.A.286e, Bank of U.S. vs. Planters Bank of Georgia, 6L, Ed. (9 Wheat) 244; 22 U.S.C.A. 286 et seq., C.R.S. 11-60-103**

Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." "The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individual's rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed."

Redfield v Fisher, 292 P 813, at 819 [1930] "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..."

70 Am. Jur. 2nd Sec. 50, VII Civil Liability

"Fraud destroys the validity of everything into which it enters,"

Nudd v. Burrows, 91 U.S 426. "Fraud vitiates everything"

Boyce v. Grundy, 3 Pet. 210 "Fraud vitiates the most solemn contracts, documents and even judgments."

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges have no immunity (See, **Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21**; officials and judges are deemed to know the law and sworn to uphold the law;

officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or otherwise, in matters of rights secured by the Constitution for the United States of America. See: **Title 42 U.S.C. Sec. 1983**. "When lawsuits are brought against federal officials, they must be brought against them in their "individual" capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so *ultra vires* (beyond the powers) and lose the shield of immunity."

Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991).

"It is the duty of all officials whether legislative, judicial, executive, administrative, or ministerial to so perform every official act as not to violate constitutional provisions."

Montgomery v state 55 Fla. 97-45S0.879

a. "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible the legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."

S.C.R. 1795, Penhallow v. Doane's Administrators 3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54; and,

b. "the contracts between them" involve U.S. citizens, which are deemed as Corporate Entities:

c. "Therefore, the U.S. citizens residing in one of the states of the union, are classified as property and franchises of the federal government as an "individual entity"", **Wheeling Steel Corp. v. Fox, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773**

Alexander v. Bothsworth, 1915. "Party cannot be bound by contract that he has not made or authorized. Free consent is an indispensable element in making valid contracts."

HALE v. HENKEL 201 U.S. 43 at 89 (1906) Hale v. Henkel was decided by the United States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. He is entitled to carry on his "private" business in his own way. "His power to contract is unlimited." He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. "His rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State" and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights."

HALE V. HENKEL 201 U.S. 43 at 89 (1906) Hale v. Henkel is binding on all the courts of the United States of America until another Supreme Court case says it isn't. No other Supreme Court case has ever overturned Hale v. Henkel None of the various issues of Hale v. Henkel has ever been overruled since 1906, Hale v. Henkel has been cited by the Federal and State Appellate Court systems over 1,600 times! In nearly every instance when a case is cited, it has an impact on precedent authority of the cited case. Compared with other previously decided Supreme Court cases, no other case has surpassed Hale v. Henkel in the number of times it has been cited by the courts. "The rights

of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government."

Privileges and Immunities:

(a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws. Due process means that anybody wishing to restrain property or file a protest against property of another, be it land, livestock, etc. must first put up a Bond to indemnify the lawful owner(s) for the takings, THEN go through the process of having the matter decided by a jury.

Article VI, Clause 2:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

RICO

Under RICO, it is a crime for an individual to belong to an "enterprise" that is involved in a pattern of racketeering, even if the racketeering was committed by other members. Specifically, Section 1962 of RICO prohibits "any person" from: (a) **using income received from a pattern of racketeering activity or from the collection of an unlawful debt** to acquire an interest in an enterprise affecting interstate commerce; (b) **acquiring or maintaining through a pattern of racketeering activity or through collection of an unlawful debt** an interest in an enterprise affecting interstate commerce; (c) **conducting or participating in the conduct of the affairs of an enterprise affecting interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt;** or (d) **conspiring to participate in any of these activities.**

a. 18 U.S.C. § 1962(a)

Under section 1962(a), it is a crime to "use or invest" any income derived from "a pattern of racketeering activity" or through "collection of an unlawful debt" to establish, acquire an interest in, or operate "any enterprise" engaged in or affecting interstate commerce.⁷ To establish an offense under section 1962(a), the government must show that the defendant had derived income from a pattern of racketeering or collection of unlawful debt, and then used or invested some part of that income in the establishment and operation of an enterprise, which was engaged in or its activities affected commerce.⁸ An example of a violation of section 1962(a) is a drug dealer using the proceeds of a pattern of drug trafficking crimes to invest in or operate a legitimate business.⁹

b. 18 U.S.C. § 1962(b)

Section 1962(b) prohibits acquiring or maintaining an interest in, or control of, any enterprise that is engaged in or affects interstate commerce "through a pattern of racketeering activity or through collection of an unlawful debt."¹⁰ This provision essentially makes it unlawful to take over an enterprise that affects interstate commerce through a pattern of racketeering activity or collection

of unlawful debt. An example of a section 1962(b) violation is an organized crime figure taking over a legitimate business through a pattern of extortionate and loansharking acts designed to intimidate the owners into selling the business to him.¹¹

c. 18 U.S.C. § 1962(c)

Section 1962(c) makes it unlawful for any person “employed by or associated with any enterprise engaged in” or affecting interstate or foreign commerce “to conduct or participate, directly or indirectly, in the conduct of such enterprise’s affairs through a pattern of racketeering activity or collection of unlawful debt.”¹²

⁷ *Id.* § 1962(a).

⁸ *See, e.g.*, *United States v. Vogt*, 910 F.2d 1184, 1194 (4th Cir. 1990); *United States v. Carlock*, 806 F.2d 535, 547 (5th Cir. 1986); *United States v. Robertson*, 73 F.3d 249, 251 (9th Cir. 1996) (“Unlike § 1962(c), § 1962(a) prohibits not the engagement in racketeering acts to conduct an enterprise affecting interstate commerce, but rather the *use or investment of the proceeds* of racketeering acts to acquire, establish or operate such an enterprise.”) (emphasis in original).

⁹ *See, e.g.*, *United States v. Robertson*, 514 U.S. 669 (1995) (defendant convicted of narcotic offenses and of violating section 1962(a) by investing the proceeds of those unlawful activities in a gold mine).

¹⁰ 18 U.S.C. § 1962(b).

¹¹ *See, e.g.*, *United States v. Biasucci*, 786 F.2d 504, 506–07 (2d Cir. 1986) (acquisition of interests in and control over businesses through loansharking activities involving collection of unlawful debt); *see also* *United States v. Jacobson*, 691 F.2d 110, 112 (2d Cir. 1982) (acquisition of bakery’s lease as security for usurious loan).

¹² 18 U.S.C. § 1962(c).

d. 18 U.S.C. § 1962(d)

Section 1962(d) provides that “[i]t shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.”²⁰ Unlike the general conspiracy statute applicable to federal crimes, which requires proof that at least one of the conspirators committed an “act to effect the object of the conspiracy,”²¹ there is no requirement under section 1962(d) that an “overt act” or specific act be committed in furtherance of a RICO conspiracy.²²

¹³ *See* *United States v. Alkins*, 925 F.2d 541, 551–53 (2d Cir. 1991).

¹⁴ *See* *Cedric Kushner Promotions, Ltd. v. King*, 533 U.S. 158, 161 (2001).

¹⁵ *See* *Reves v. Ernst & Young*, 507 U.S. 170, 185 (1993).

¹⁶ *See* *Cedric Kushner Promotions, Ltd.*, 533 U.S. at 163 (“After all, incorporation’s basic purpose is to create a distinct legal entity, with legal rights, obligations, powers, and privileges different from those of the natural individuals who created it, who own it, or whom it employs.”).

¹⁷ *United States v. Turkette*, 452 U.S. 576, 583 (1981).

¹⁸ *Id.*

¹⁹ *Boyle v. United States*, 556 U.S. 938, 947 (2009) (citing *Turkette*, 452 U.S. at 583).

²⁰ 18 U.S.C. § 1962(d).

²¹ *See id.* § 371.

²² *See id.* § 1962(d); *see also* *Salinas v. United States*, 522 U.S. 52, 63 (1997) (“There is no requirement of some overt act or specific act in the [RICO statute], unlike the general conspiracy provision applicable to federal crimes, which requires that at least one of the conspirators have committed an ‘act to effect the object of the conspiracy.’”).

²³ *Salinas*, 522 U.S. at 65–66 (explaining that a defendant can violate section 1962(d) without “himself commit[ting] or agree[ing] to commit two or more” acts of racketeering activity); *see* *United States v.*

Fernandez, 388 F.3d 1199, 1230 (9th Cir. 2004) (holding after *Salinas* that a defendant is guilty of conspiracy to violate § 1962(c) if he knowingly agreed to facilitate a scheme which includes the operation or management of a RICO enterprise, regardless of whether he actually conspired to operate or manage the enterprise himself).

²⁴ See, e.g., *Boyle v. United States*, 556 U.S. 938 (2009).

²⁵ *RJR Nabisco, Inc. v. European Cmty.*, 136 S. Ct. 2090, 2102-03 (2016) (“To give a[n] example, a violation of § 1962 could be premised on a pattern of killings of Americans abroad in violation of § 2332(a)—a predicate that all agree applies extraterritorially—whether or not any domestic predicates are also alleged.”).

²⁶ 18 U.S.C. § 1961(1)(A).

²⁷ See, e.g., *United States v. Kirsch*, 903 F.3d 213, 225 (2d Cir. 2018); *United States v. Adams*, 722 F.3d 788, 802 (6th Cir. 2013); *United States v. Ferriero*, 866 F.3d 107, 115 (3d Cir. 2017).

²⁸ See, e.g., *United States v. Licavoli*, 725 F.2d 1040, 1045-47 (6th Cir. 1984); *United States v. Malatesta*, 583 F.2d 748, 757 (5th Cir. 1978); *United States v. Forsythe*, 560 F.2d 1127, 1134-35 (3d Cir. 1977) (fact that former state bribery statute was recodified to provide for a term of imprisonment not exceeding one year did not preclude prosecution under RICO for conduct prior to enactment of the subsequent bribery statute).

²⁹ 18 U.S.C. § 1961(1)(B), (C), (E), (F), and (G) (listing specific federal statutes constituting racketeering acts). Notably, subdivision G describes racketeering activity as any act indictable under any provision listed in section 2332b(g)(5)(B) of title 18, which adds approximately 50 terrorism-related offenses to the list of racketeering acts. See 18 U.S.C. § 2332b (Acts of terrorism transcending national boundaries).

³⁰ See 18 U.S.C. § 1961(1)(B), (C), (E), (F), and (G).

³¹ See *id.* § 1951.

³² See *id.* § 1951(a) (“Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do . . .”).

³³ 18 U.S.C. § 1961(1)(D).

³⁴ See, e.g., *United States v. Darden*, 70 F.3d 1507, 1524-25 (8th Cir. 1995) (conspiracy to distribute and possession with intent to distribute controlled substances constitute RICO predicate acts, but simple possession of cocaine does not); *United States v. Echeverri*, 854 F.2d 638 (3d Cir. 1988) (conspiracy to possess and distribute a controlled substance constitute RICO predicate acts); *United States v. Weisman*, 624 F.2d 1118, 1123-24 (2d Cir. 1980) (conspiracy to commit offense involving bankruptcy fraud or securities fraud is a RICO predicate act) (*abrogation on other grounds recognized by Ianniello v. United States*, 10 F.3d 59, 62 (2d Cir. 1993)).

³⁵ 18 U.S.C. § 1961(5).

³⁶ See *id.* (excluding any period of imprisonment from the ten-year limitations period).

³⁷ See *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 240 (1989) (“RICO’s legislative history tells us . . . that the relatedness of racketeering activities is not alone enough to satisfy § 1962’s pattern element. To establish a RICO pattern, it must also be shown that the predicate themselves amount to, or that they otherwise constitute a threat of, *continuing* racketeering activity.”) (emphasis in original); *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 n.14 (1985).

³⁸ 18 U.S.C. § 1961(6).

³⁹ *Goldenstein v. Repossessors, Inc.*, 815 F.3d 142, 148 (3d Cir. 2016).

⁴⁰ *United States v. Weiner*, 3 F.3d 17, 24 (1st Cir. 1993) (citations omitted) (holding that “a single collection of an unlawful debt satisfies section 1962(c)’s ‘collection of unlawful debt’ requirement”); *United States v. Giovanelli*, 945 F.2d 479, 490 (2d Cir. 1991) (“Unlike a ‘pattern of racketeering activity’ which requires proof of two or more predicate acts, to satisfy RICO’s ‘collection of unlawful debt’ definition the government need only demonstrate a single collection.”); *United States v. Vastola*, 899 F.2d 211, 228 n.21 (3d Cir. 1990), *vacated and remanded on other grounds*, 497 U.S. 1001 (1990); *United States v. Pepe*, 747 F.2d 632, 645 (11th Cir. 1984); see also *H.J. Inc.*, 492 U.S. at 232 (stating that “[e]ach prohibited activity is defined in 18 U.S.C. § 1962 to include, as one necessary element, proof either of ‘a pattern of racketeering activity’ or of ‘collection of an unlawful debt’”).

⁴¹ 18 U.S.C. § 1961(3).

⁴² See *id.* § 1961(4); *United States v. Turkette*, 452 U.S. 576, 580 (1981).

⁴³ *Id.*

⁴⁴ See *Boyle v. United States*, 556 U.S. 938, 945 (2009).

⁴⁵ *Turkette*, 452 U.S. at 584-85 (“There is no inconsistency or anomaly in recognizing that § 1962 applies to both legitimate and illegitimate enterprises.”).

⁴⁶ 18 U.S.C. § 1962(a), (b).

⁴⁷ *See id.* § 1962(c).

⁴⁸ *See Cedric Kushner Promotions, Ltd. v. King*, 533 U.S. 158, 164–65 (2001) (quoting *Turkette*, 452 U.S. at 591).

⁴⁹ If the government seeks a sentence exceeding the 20-year statutory maximum, a jury must find beyond a reasonable doubt (or the defendant must have admitted in pleading guilty) that the defendant committed a racketeering act for which the maximum penalty includes life imprisonment. *See United States v. Nguyen*, 255 F.3d 1335, 1343–44 (11th Cir. 2001) (holding that RICO defendants' sentences ran afoul of *Apprendi* because they were sentenced to a term greater than 20 years, but the jury did not find the defendants committed a racketeering act carrying a potential life sentence); *see also Apprendi v. New Jersey*, 530 U.S. 466 (2000).

⁵⁰ 18 U.S.C. § 1963(a)(1).

⁵¹ *See id.* § 1963(a)(2)(A)–(D).

⁵² *See id.* § 1963(a)(3).

⁵³ *See id.* § 1963(b).

⁵⁴ *See id.* § 1963(c).

⁵⁵ *See id.* § 1963(d)–(m).

⁵⁶ *See id.* § 1963(a).

⁵⁷ *Libretti v. United States*, 516 U.S. 29, 39 (1995) (“Congress plainly intended forfeiture of assets to operate as punishment for criminal conduct in violation of the federal drug and racketeering laws, not as a separate substantive offense.”). Indeed, the Supreme Court observed that criminal forfeiture as authorized by the RICO statute “is clearly a form of monetary punishment no different, for Eighth Amendment purposes, from a traditional fine,” and, therefore, is subject to the Eighth Amendment’s prohibition against “cruel and unusual punishment” or “excessive fines.” *Alexander v. United States*, 509 U.S. 544, 558 (1993).

⁵⁸ *See United States v. Ursery*, 518 U.S. 267, 273 (1996).

⁵⁹ *See Blockburger v. United States*, 284 U.S. 299, 304 (1932).

⁶⁰ *Iannelli v. United States*, 420 U.S. 770, 777–78 (1975).

⁶¹ *See, e.g., United States v. Marino*, 277 F.3d 11, 39 (1st Cir. 2002); *United States v. Sessa*, 125 F.3d 68, 71 (2d Cir. 1997); *United States v. Rone*, 598 F.2d 564, 569–71 (9th Cir. 1979).

⁶² *See, e.g., United States v. Masters*, 978 F.2d 281, 285 (7th Cir. 1992) (rejecting the defendant’s argument that cumulative terms for racketeering and racketeering conspiracy violate the Double Jeopardy Clause); *United States v. Pungitore*, 910 F.2d 1084, 1105–07 (3d Cir. 1990) (double jeopardy does not preclude prosecution for RICO offenses charging predicate acts for which the defendant was previously tried and acquitted or previously convicted); *United States v. Ciancaglini*, 858 F.2d 923, 928 (3d Cir. 1988) (defendant’s prior RICO conviction did not bar on double jeopardy grounds instant successive prosecution for RICO conspiracy and substantive RICO offense involving same enterprise as prior conviction because successive indictment alleged different pattern of racketeering activity); *United States v. Grayson*, 795 F.2d 278, 282 (3d Cir. 1986) (“The language and legislative history of RICO indicates little doubt that Congress, in enacting RICO, sought to allow separate prosecution and punishment of predicate offenses and a subsequent RICO offense.”).

⁶³ *See, e.g., United States v. Zemlyansky*, 908 F.3d 1, 10–11 (2d Cir. 2018) (defendant’s prior acquittal on substantive counts of insurance-related mail fraud and money laundering did not preclude government from predicating his RICO conspiracy charge on conduct mirroring those same counts in subsequent trial); *United States v. Burden*, 600 F.3d 204, 228–29 (2d Cir. 2010) (acquittal on state murder charge did not bar its use as a predicate racketeering act for RICO violation under the dual sovereignty principle); *United States v. Licavoli*, 725 F.2d 1040, 1047 (6th Cir. 1984) (same); *United States v. Malatesta*, 583 F.2d 748, 757 (5th Cir. 1978) (same); *United States v. Frumento*, 563 F.2d 1083, 1086–89 (3d Cir. 1977) (same).

⁶⁴ *Zemlyansky*, 908 F.3d at 11.

⁶⁵ *Id.* at 11–12.

Deprivation Of Rights Under Color of Law

42 U.S. Code § 1983 - Civil action for deprivation of rights makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 42, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status, or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

42 U.S. Code § 1983

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Res Ipsa Loquitur – The Evidence Speaks for Itself.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Partial List of Exhibits Supporting Arguments in the Complaint

Exhibit- "A"- Tax Records 2013-2024

Exhibit- "B" – HCAD 2024 Annual Summary

Exhibit- "C"- Texas Education Code Chapter 44.01- Fiscal Management

Exhibit-"D" – BPL Files Solar, LLC Chapter 313 Agreement

Exhibit-"E"- Hill Solar I, LLC Chapter 313 Agreement

Exhibit-"F"- Hill Solar II, LLC Chapter 313 Agreement

Exhibit-"G" – 2022 Itasca ISD Bond Package

Exhibit- "H"- 2025 Itasca ISD Bond Package

Exhibit-"I"- Memorandum of Understanding- Itasca ISD

Exhibit-"J"- Email Correspondence- Itasca ISD Legal Counsel (In reference to wrong school district in another state)

Exhibit- "K"- Complaint Letter Submitted to DA_Mark Pratt-Itasca ISD_5/18/2022

Exhibit- "L"- Texas Education Agency Accounting Guideline-FASRG

Exhibit- "M &N"- Letters Texas School Board Association (TASB) Legal Counsel

Exhibit- "O"- Itasca ISD 2024-2025 Adopted Annual Budget

Exhibit- "P"- Itasca Police Department Complaint Letter Filed 5/12/2022

Exhibit- "Q"- Response Letter from Mark Pratt_DA_Hill County_5.20.2022

Exhibit- "R"- TEA Closure Notice_Theresa Shutey_SIU Investigator

Exhibit- "S"- Response Letter Keith Boles to TEA_July_31_2023

Exhibit- "T"- TEA PIR Request_Email_Theresa Shutey

Exhibit- "U"- Information Request to Itasca ISD_Copied to TEA_May_11_2022

Exhibit- "V"- Letter to HCAD Mike McKibben for Clarification Regarding 313 Agreements

Exhibit- "W"- Email Correspondence, Itasca ISD, Tonya Harris March 3rd, 2025.

Exhibit- "X" – 2024-2025 Annual Budget Adopted August 26, 2024, Unamended

Exhibit- "Y" – TEA Code Chapter 45-School Finance and Fiscal Management