

**THE BACK STORY OF THE  
ANGELINA COUNTY  
UNIT ROAD SYSTEM**



**BY ROBERT FLOURNOY**

## TABLE OF CONTENTS

1. Open letter from the Watchdogs
2. Something Is Rotten in Angelina County
3. Citizens Report on the Angelina County Tax Note
4. June 1<sup>st</sup> Report To Angelina County Citizens
5. Addendum to June 1<sup>st</sup> Report
6. Now For The Rest Of The Story
7. Essentials for the Operation of the Unit Road System
8. What Do We Expect?
9. Your Questions. The Answers
10. What's Next?
11. Timeline
12. How To Access the New Road Condition Report
13. How To Access Dolcefino's Investigative Reporting

## **OPEN LETTER TO ANGELINA COUNTY CITIZENS FROM ITS WATCHDOGS**

The Watchdog group in Angelina County has rented the Civic Center for August 29, 2023, for the purpose of receiving information and educating the public about the status of the Unit Road System and Angelina County roads and what citizens can do going forward. Every citizen and every county official, past and present, will be invited to attend and participate.

We must first admit that the old system of road governance by the County Commissioners was outdated and promoted incompetent and corrupt practices.

Our citizens recognized there was a serious problem with the old system and voted overwhelming, in 2020 to adopt a new system. That new system required a single road department under the direction of a professional engineer that would provide fair, adequate and non-political consideration to every road in the county.

Under the Unit Road System, with a professional engineer, the County Commissioners nor the County Judge would be directly involved with road repair, maintenance or construction, except in establishing a budget and protocol for the overall operation of the new system.

A professional engineer was mandated by the vote of Angelina County citizens, the State legislature and common sense.

We have a perfect example of the efficacy of an engineer at the City of Lufkin, which has one, that is not even required by state law or a mandate of the people. The only exception for Angelina County to refuse to hire an engineer is if the Commissioner's Court is "unable" to hire one. That means only if impossible, not just based on preference or even perceived affordability.

The citizens of our great County and the Commissioner's Court cannot move forward without an absolute commitment to immediately hire a professional engineer to manage the new road department. Also, to promise that the problems that have now been exposed with County road governance, will be emphatically addressed.

We must start by admitting that what has happened in the past is not the fault of the citizens (except perhaps past apathy), nor Keith Wright, nor newly elected Commissioners Kenneth Jeffrey and Kent Walker, nor Don Lymbery, nor ex-Commissioner Rodney Paulette, nor Chuck Walker, nor William Luckey, nor the Watchdogs, nor Robert L. Flournoy.

There also needs to be a public acknowledgement that the \$6,000,000 Tax Note was not properly initiated, administered or approved by the public. Along with that, there needs to be an independent audit to assure the public that the debt that they have to pay back, was simply mismanaged and not personally misappropriated by any Commissioner or employee.

After that, the balance remaining in the Tax Note funds should be applied to the principal due on the Note and the Tax Note balance be re-financed into a bond issue of some sort that could be approved by the public.

In the future, there should be full assurance that the Commissioner's Court will fully cooperate with the citizens, with regard to the disclosure of public information according to the law. Further, that the public be applauded for their concern and diligence in investigating and disclosing facts about the operation of their governmental entities.

Finally, in order that we be able to walk together, the truth of the factual allegations in Flournoy's June 1 report be acknowledged or disproved immediately. It is imperative that the citizens be able to draw their own conclusions about past and recent allegations of incompetency and misconduct. The truth is the only way that will be possible.

Whatever happens with regard to civil suits and criminal cases is in the hands of lawyers, judges and the District Attorney. That is beyond the ability of this County Judge or the Citizens to affect the outcome. Those chips will fall where they may.

**We must come together, pick up the ball and run with it as a community of citizens that love this place, we call home.**

If County Judge Wright and the new Commissioners can and will embrace this agenda, and we all get behind them with the support they need, they will be able to provide good and proper leadership. That is what we desperately need to be able to get beyond the debacle that grips our County government today. The only way forward is for the Citizens and the Commissioners Court to be on the same page with solutions.

The Answers to the following questions, will prove or disprove the ability and intention of Angelina County to put this dark day in our history, in the past and begin the healing process.

1. Does everyone understand that 76% of the citizens voted for a Unit Road System with a professional engineer? (Yes) (No)
2. Will the Unit Road System with an engineer provide more professionalism for road repair and construction? (Yes) (No)
3. Will the Unit Road System with a professional engineer provide more transparency? (Yes) (No)

4. Will the Unit Road System with a professional engineer provide more accountability? (Yes) (No)
5. Will the Unit Road System with a professional engineer take political decisions out of road repair? (Yes) (No)
6. Will the Unit Road System with a professional engineer provide better management of road construction practices? (Yes) (No)
7. Does the City of Lufkin have a successful form of Unit Road System? (Yes) (No)
8. Does the City of Lufkin have a professional engineer? (Yes) (No)
9. Is the City of Lufkin's system a good one without its Council members being involved in road repair and construction, except for budgeting? (Yes) (No)
10. Are Work Orders essential for proper road work implementation? (Yes) (No)
11. Should every road (paved and unpaved) in the county be professionally assessed and budgeted? (Yes) (No)
12. Is every citizen entitled to full transparency to every financial transaction throughout County government? (Yes) (No)
13. Will the Commissioners Court call for an audit of expenditures against the \$6,000,000 Tax Note? (Yes) (No)
14. Are the facts and timeline set out by Robert Flournoy in his June 1<sup>st</sup> Unit Road Report accurate? (Yes) (No)
15. If no, which ones and why not?

SOMETHING IS ROTTEN IN ANGELINA COUNTY  
*“Something Is Seriously Amiss; There Is A Smell Of Corruption”*  
*Hamlet by Shakespeare*

What really happened when Angelina County citizens spoke with one voice in the November 2020 election demanding professionalism and transparency in County Road governance? Nothing! It will soon be 3 years and still no professional engineer, no professionalism and no transparency.

How and why did the Commissioners defy the will of the voters?

What was it about the Unit Road System that the Commissioners did not want to see implemented?

Why were the citizens adamant about changing the old system of road governance?

Something had to change! The roads were terrible and had been for many years! The citizens were fed up. They honestly had no idea why the roads that they were paying taxes for were virtually impassable. The only people that were satisfied with the status quo on roads were some influential folks that had decent roads in front of their property and the mechanics and body repairmen that worked on everyone else's car.

Angelina County citizens only knew one thing – and that was the existing system wasn't working for them. When they heard that the Texas Legislature had provided for another system of road governance that would ensure professionalism and transparency to their roads, they jumped on it out of sheer desperation. They knew the old adage that “doing the same thing over and over and expecting different results is the height of ignorance”.

The new system was called a Unit Road System that required all roads in the County be placed under the management of a professional engineer rather than four nice but un-qualified Commissioners.

All the citizens had to do to get a new system of road governance was to secure 2,600 signatures on a petition (they got 3,500) and the Commissioners Court would be required to put the issue on the ballot in the November 2020 election.

The Commissioners had fought the adoption of the Unit Road System in 2005 and defeated it, but the roads continued to get worse. They fought it again in 2020 for no apparent reason. The truth is they knew the roads were terrible and this new system would cut their personal work load in half. What was their driving motivation to fight something that would obviously be good for the County? Only they knew!

By election day, the public did not care what the Commissioner's reasons were for opposing a new system. 76% of them voted to change systems. All they needed to know was that the new system would require professional management and complete transparency. Approximately 25,000 voters spoke loud and clear and it became the law in Angelina County and was to be implemented immediately.

The Commissioners should have acquiesced to the will of the people, but in fact began a campaign to stop the new system from ever becoming a reality. Why?

The Commissioners Court had an excellent engineer candidate that had run the street department successfully for the City of Lufkin for years, but the four Commissioners, Pitts, Kennedy, Harrison and Cheshire refused to hire him for 10 months. Why?

They claimed they did not like him and stated that they just did not need or want an engineer, even though the law required a professional engineer. Why would the Commissioners defy the law and the voice of the people? Their unexplained defiance aroused the curiosity and conviction of some of the public to investigate their motivation and to understand why.

After 10 months of contention and delay, County Judge Don Lymbery (who always favored the Unit Road System and a professional engineer) was able to appoint two new Commissioners, Paulette and Smith and break the two-to-two tie and hire the only engineer applicant and implement the Unit Road System. Pitts and Kennedy voted no. Still, you have to ask why they refused professional help. The citizens were willing to pay for it.

During the battle over hiring a professional engineer according to the law, the public began to wake up and realize that it was not the Unit Road System but a professional Engineer that was the Commissioners' worst nightmare. All of their incompetence, mismanagement and corruption was about to be uncovered by a professional advocate for good roads. The Commissioners were not only going to lose control over their little precinct kingdoms, but they would have to watch roads get better from their jail cell. **(It is imperative that we all understand this paragraph in order to understand the rest of the story)**

Pitts and Kennedy were the last two Commissioners standing that opposed the engineer and they were desperate to keep him from becoming a whistleblower. At this point, Pitts and Kennedy could live with a Unit Road System, but not with a professional engineer. They knew that they could not control him and maintain their cover. They would have to get the Engineer to resign or destroy him and all those who supported him in order for them to be able to hire a non-engineer, that they could control and get to look the other way.

Their plight became more desperate as the engineer began looking at the books, records and roads. He was required to share his findings with the whole Commissioners Court. So, he had to be stopped immediately, and they got Smith to join them and fire the Engineer for no good reason, five months later.

You know the rest of the story, but you don't know what was hidden, why it was hidden and what the engineer discovered. (Be prepared to be shocked)

The **First** thing that the Engineer discovered was that there were no comprehensible records on the roads. Period! There was no history of what had been done to or for any roads and certainly not for all of them. There were four years of Road Condition Reports filed by the Commissioners, but the only thing correct in them was the name of the road and its length. Those reports were required by law, but they were false and a total farce and absolutely worthless.

**Second**, there were no written employee job descriptions.

**Third**, there were no daily sign-in sheets or time clocks for the employees.

**Fourth**, there were no daily work sheets for employees and machinery.

**Fifth**, there were no Work Orders advising the employees on what and how to perform a road repair or construction.

**Sixth**, there was no accurate current inventory on machinery or material. At least one-third of the 127 pieces of machinery was obsolete, dilapidated, duplicated or not on any list.

**Seventh**, there was no official County Road map adopted by the Commissioners Court as authorized under Section 258.002 of the Texas Transportation Code, that identified every road that the County has a legitimate interest in, so that the Commissioners, the Engineer or Road Administrator can know which roads the County is responsible for its upkeep.

**Eighth**, there is no classification of all County roads as required by Section 251.007 of the Texas Transportation Code into first class, second class, and third class roads based on size and use.

**Ninth**, there was no criteria established to independently and accurately determine the order and need of repairs, construction or reconstruction of roads in any precinct.

**Tenth**, there were no budget projections for each, all or any County road.

**Eleventh**, there were no county-wide construction practices or procedures for maintenance, repair, construction or re-construction.

**Twelfth**, there were no engineering policies, manuals or established construction practices for drainage issues or base failures.

**Thirteenth**, there were no safety manuals or training seminars for employees.

**Fourteenth**, there were no fuel tank card readers, cameras or other security measures to protect against theft of gasoline or diesel.

**Fifteenth**, there were no comprehensive budget projections or studies.

**Sixteenth**, no study packets for Commissioners agenda items were provided for the Engineer or for public consideration or consumption.

**Seventeenth**, the opportunity for public input at Commissioners' meetings was limited to three (3) minutes per person and they were not allowed to ask questions of the Commissioners, with expectation of any response.

**Eighteenth**, the individual precinct annual budget placed no constraints on how the Commissioners spent the tax money in their budget.

**Nineteenth**, the Auditor virtually authorized payment of every request of the Commissioners, without challenge.

**Twentieth**, the Auditor authorized tax note money to be paid on roads that were not authorized in the application to borrow the \$6,000,000.



Now comes the big WHY!

The Commissioners obviously liked the way the four individual road departments were set up. It meant that they could do anything they wanted to and get away with it. No records, no transparency. As long as the four Commissioners stuck together, the citizens would never know when or how they were taking personal advantage of the old, non-professional Commissioner system of road governance.

The question then became what were they covering up?

**Answer:**

1. Their utter incompetence in managing County roads;
2. Self-dealing; and
3. Official misconduct.

Individual citizens could never uncover the Commissioners' corruption and mismanagement, but the professional Engineer's job would require him to know and expose their felonious conduct.

County Judge Don Lymbery, came to the harsh realization, soon after he was elected, that the entire County road system was corruptible. There was no possibility of transparency because there were no records. No checks or balances. However, he could not do anything about it because he could only vote in case of a tie.

Paulette, as a long-time businessman, soon realized after he was appointed as a Commissioner that the entire road system was rotten to the core and that the other Commissioners did not want it to change and they could not tolerate a professional engineer to take charge of the roads and take away their gravy-train.

Respectfully submitted to the Angelina County Citizens

By: \_\_\_\_\_

Cc: Lufkin Daily News  
County Judge Keith Wright  
Commissioner Kenneth Jeffrey  
Commissioner Kent Walker

## CITIZEN REPORT ON THE 2020 ANGELINA COUNTY TAX NOTE

In June 2020, using false and unsubstantiated estimates, the four Angelina County Commissioners, Cheshire, Kennedy, Pitts and Harrison borrowed \$5,980,000.00 on a Tax Note. With no public knowledge or public approval, the four Commissioners alone, obligated the citizens of Angelina County to pay back the loan, with interest. The Commissioners assured the Citizens, the Lender and the State of Texas that the loan would be used to repair 158 specific roads in the County, in three years (ending on December 31, 2022).

That date has come and gone, and with recently obtained Public Information we discover that only \$2,427,890.00 has been spent on the designated roads. Only 81 roads, out of a 158 have received any of the Tax Note funds (see attached Exhibit "A").

There is \$1,881,000.00 loan proceeds balance. It appears there has been at least \$1,293,000.00 spent somewhere other than on the 158 designated roads.

The Commissioners also assured us and the State of Texas that the \$5,980,000.00 loan would resurface 155 miles of road. Since only 81 of the 158 designated roads had some resurfacing, we can assume that only 51% of the 155 miles was resurfaced, which is approximately 80 miles. Since there are no Work Orders, we cannot know how many miles were resurfaced or where the road surface material was actually applied, without extensive forensic measurements, at great cost.

The Commissioners spent the money where they wanted. We know that Ex-Commissioner Harrison estimated that \$45,000.00 worth of surface material would be required on the road in front of his house, but the records now reflect that the amount spent was actually \$191,000.00.

We also know that two (2) roads leading to the front and back of Ex-Commissioner Steve Smith's house were resurfaced in June, 2022 to the tune of \$108,000.00 (material only), paid for with Tax Note funds. His two (2) roads, Euel and Harrell Street were not on the 158 designated road list.

The County Auditor's responsibility is protecting these county funds for us Citizens, but she was not. She originally wrote a letter to the Commissioners Court (attached as Exhibit "B") stating that "The County Auditor has to give a recommendation before such a note can be issued since the Citizens of the County are unaware of the proposed debt". She also stated that "Only invoices for road materials to repair the proposed roads will be paid from the Tax Note". She disregarded her own admonition and opened the door for the Tax Note abuse. The Texas Attorney General approved the loan based on the Commissioners' and the Auditor's representations. (See letter from Texas Attorney General dated June 30, 2020, attached as Exhibit "C").

The County Engineer Chuck Walker, when hired, was required to assess the condition of all the roads in the County, which included information on what had been spent on specific roads and the money available for repair on others. When the Commissioners realized that he was, by necessity, going to uncover their corruption, they knew they had to get rid of him. The cover up, as it always does, made the plot thicken, the hole deeper and required the involvement of other public officials and even some high-up law enforcement.

Accountability has been completely lacking in our Commissioners Court and we know that lack of transparency is the beginning of corruption. As Ronald Reagan said, "We should trust, but always verify".

Thanks to the "Watchdog" group, this scandal is finally coming to light.

The Commissioner's Court has been requested to secure an independent audit of the Tax Note proceeds but they have flatly refused. This leaves the Citizens of Angelina with a huge debt they did not create, money that was squandered and a New Unit Road System that is not functional. In addition, two new County Commissioners, that took office on January 1, 2023 had no part in this scandal and have no knowledge of the actual facts and cannot fairly represent their constituents in cleaning up the mess.

Respectfully submitted,

Angelina County Citizen,  
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Lufkin, Texas 75902

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P. O. Box 12548  
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Glenn Hegar  
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Angelina County Commissioners Court  
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Lufkin, Texas 75902

Lufkin Daily News - Email

AN OPEN LETTER TO THE CITIZENS OF ANGELINA COUNTY  
June 1, 2023

This is intended as a preliminary report to the 24,539 citizens of Angelina County who voted for the Unit Road System. **Know this!** YOU are the victims of the biggest hoax ever perpetuated in our County's history. It is not as big as the Russia hoax in Washington D.C., but is eerily similar. It also involves "deep state" and county public officials from the top echelon on down. It had its origins in the criminal conduct of some county commissioners and has evolved into a conspiratorial coverup of those crimes. As we have always heard, "the coverup is worse than the crime itself".

I am actually addressing this report to every citizen, every tax payer, every voter and every public official in Angelina County. I have been investigating county road governance for years and I assure you that the facts, as I have laid them out, are true and correct to the best of my knowledge and experience. I have, and can produce a detailed time line of all that I intend to explain in this report.

If anyone knows, and can produce any facts that are contrary to the narrative that is the subject of this report, I beg you to produce them immediately. You nor I can "follow the money" because the records do not exist (by design), therefore we must "follow the narrative". Your knowledge and understanding of the truth is imperative to uncovering this terrible hoax that has plagued all of our lives since June, 2020.

In every coverup there is a hoax **narrative** with a devious **Purpose**, a **Protagonist**, an **Antagonist**, and a **Plan** or Scheme. The actual **narrative** in Angelina County is as follows:

(1) The **Purpose**, initially was to defeat the adoption of the Unit Road System with a Professional Engineer in the November 2020 election. When the Unit Road System was adopted and became the law, there was a requirement by the State Statute that the Commissioners Court must hire a professional engineer to manage the roads. Defeating that requirement became the alternate primary **Purpose** for the County Commissioners. And do you know why that was a problem for them?

There were three reasons:

- (a). They knew an engineer would invariably uncover all of their incompetence and public misconduct;
- (b). The commissioners would lose the ability to use roads as a way to get votes; and
- (c). The tax payers would expect the Commissioners to reduce their salaries and act more like city council members as budget overseers.

(2) The **Protagonist** (the leading character in any story or scheme) was the County Commissioners themselves (hereafter called they or them). The leading Protagonist Commissioners were Terry Pitts and Bobby Cheshire;

(3) The **Antagonist** is usually the one or ones that oppose the Protagonist (hereafter called us or you). That would be **you** specifically, Angelina County citizen. If the Protagonist could defeat you at the ballot box, they keep their old corrupt ways and never get exposed. If you win, you get a new system of county road governance that is transparent, efficient, and professional. That is what the Texas Legislature intended and provided for us. **And we chose it in a big way, 76% for the Antagonist (us), and only 24% for the Protagonist (them).**

Since the Commissioners lost the election, they had to go to their alternate scheme which was to stop the implementation of the Unit Road System. The scheme was:

- (1) Do not hire a professional, licensed engineer but get someone that the Commissioners could continue to control, a person without professional credentials or qualifications;
- (2) Get rid of the leader of the Antagonist who was the Angelina County Judge, Don Lymbery;
- (3) Try to ruin the reputation of any of the other public officials who would vote for a Professional Engineer. That would be primarily Commissioners Paulette and Smith, who voted to hire the engineer;
- (4) And finally, if an engineer was hired, destroy him at all costs, which is what they did! They maligned him unmercifully by slandering his character and reputation. They attempted to do that, in spite of the fact that he was college

educated, certified by the State of Texas as an Engineer, qualified by years of experience as head of the Street Department of the City of Lufkin, a wonderful family man, and an active community leader with no criminal history. He was available, capable and ready to set up and run the new road department.

Purely and simply, they could not allow any engineer to look at the books, or the roads. No one has ever done that with objective skepticism before. Pitts knew that the engineer would not be able to do his job without examining what had been done, or not done, to the roads and to see when and how the taxpayers' money had been spent.

In order to maintain control and keep the public deceived and in the dark, they first devised a **Plan** to create an illusion that the roads weren't so bad. They needed the public "not to believe their lying eyes". They needed you to believe that the horrible roads that were full of pot holes, did not really mean that the Commissioners were not doing their job. Their excuse had always been that they did not have enough money to fix the roads, and which excuse always seemed to cover up their incompetent governance.

The Commissioners figured that they could create an illusion that they were doing a good job on the roads if they could get their hands on \$6,000,000, without a bond issue or the public's consent, this would allow them to begin filling the innumerable pot holes before the election. In order to borrow the money however, they had to promise You, the Lender, the Texas Attorney General, the State Comptroller's Office and other county officials that they would be able to fix 157 specific roads in the County which would amount to 155 miles (out of 700 miles) with this "free" money and no tax increase.

They did, in fact, buy hundreds of thousands of dollars of asphalt to put on those specific roads, but about 50% of it did not go on the roads that they promised. **In fact, the Commissioners had no records to prove where it all went.** They never worried about transparency because they thought that the tax payers were too dumb and apathetic to find out. They guaranteed our ignorance by not maintaining any credible records, beyond the purchase of the material.

There is one document that would have allowed the Commissioners to prove, and us to know, where the material was applied. It would have been a Work Order on each job that the \$6,000,000 was applied to.

A Work Order is standard operating procedure in every industry to advise the work crew what, when, where, and how to perform the assigned work. That allows the work to be budgeted, scheduled, and completed. Then the Commissioners, and anyone else, can examine the work to see if it was done according to the Work Order and within budget.

Work Orders are always prepared before the job is scheduled to begin. The employees know what is expected of them and their work can be inspected to see if satisfactory. No legitimate Work Orders have been located on any of the roads that have been repaired with the \$6,000,000 tax note money. We have been looking and asking for them for almost three years and found none.

We do know, that according to the County's own records, they have only spent about 51% of the \$6,000,000 on the roads that they designated and promised that they would complete by the end of 2022. Why didn't they spend our money where they said they would? The most damning question is, where did the rest of it go? Did it go on their own roads, or friends and supporters' roads or was it just frittered away in other ways?

Without a forensic audit, we would never be able to "follow the money". The Commissioner's Court should be ready and willing to pay for such an audit, but when we asked, they refused.

This part of the **Plan**, "to put lipstick on the pig" seemed to work as planned, but the Citizens did not buy it, and instead, overwhelmingly voted for the Unit Road System with a professional engineer.

**Plan A** failed, so they went to **Plan B**, which was to keep the Unit Road System from ever being implemented, according to the Law. They did that by refusing to hire a professional engineer, which was mandated by the State Statute. An engineer should have been the first and most immediate thing for the Commissioners to do after the adoption of the Unit Road System, since the engineer had to set up an entire new road department, covering all the roads in Angelina County.

Then the first thing the engineer had to do was to be able to assess the condition of all the roads in the County. That had to be done specifically and physically since there were no County records that were useful or accessible.

The engineer was required to know the condition of each and every road before he could determine how many employees he needed. He would also need to determine what equipment would be required and what existing equipment was a duplicate or unusable.

Establishing a completely new road department was a monumental and daunting task, particularly with no real records and with constant agitation and opposition from some of the Commissioners.

After 10 months and the replacement of Bobby Cheshire (who was removed from office) and Commissioner Steve Allen (who had resigned), the County Judge appointed Rodney Paulette and Steve Smith. The Commissioners Court, by a vote of 3 to 2, then hired Charles (Chuck) Walker as the County Engineer in September, 2021. **Plan B** failed.

So then, Commissioners Pitts and Kennedy had to come up with **Plan C**. That Plan was to make it so difficult and miserable for the engineer to do his job, that he would resign and no other engineer would ever apply, and then they could hire a non-engineer. They harassed Walker for five months, but he hung in there doing his job. **Plan C** did not work for them because Walker refused to quit.

Then they went to **Plan D**, which was to get rid of Judge Lymbery, the engineer's biggest supporter and still County Judge.

Before they could get rid of Lymbery, Pitts and Kennedy needed a third Commissioner to vote with them, so they set out to change Commissioner Smith's mind and convince him that it would be beneficial for him to be on their side. You will understand why, later in the narrative.

Pitts concocted a false narrative that Smith, Paulette and Lymbery had a "meet and greet meeting" that violated the Open Meeting law. There was a meeting, a few hours after Smith was appointed by Judge Lymbery to fill Commissioner Cheshire's term (who was removed from office and went to prison). Pitts claimed that Lymbery, Paulette and Smith discussed some County business without it being posted as a public meeting. **Each of them denied, under oath that any such discussion ever happened.** Regardless, Pitts, with the help of his Texas Ranger friends, took charges to the District



Attorney and got Smith, Paulette and Lymbery indicted for a misdemeanor. These charges were outrageous and unwarranted and could have only occurred with Smith agreeing to testify against Lymbery and Paulette and with Pitts' help from the two local Texas Rangers. The Rangers were very close friends with Pitts' son, who is a highway patrolman and an office mate with them. None of them have ever denied this. The Rangers had an undeniable conflict of interest. If nothing else, it simply looks like a quid pro quo!

Lymbery was, within 24 hours of the indictment, removed from office by the State Ethics Office. How did that office even know about the indictment and why did they remove him without a conviction, trial or even discussion? Good question!

Lymbery, Paulette and Smith are still awaiting trial after a year and still insisting that they did nothing wrong. Apparently, Smith is not worried about his trial since he has supposedly turned States evidence against Lymbery and Paulette. Just keep looking for the quid pro quo.

Lymbery has since been indicted on 15 counts of failing to record some Executive Sessions of the Commissioners Court. These charges were also frivolous but added to the list of his indictments, so the District Attorney's office might persuade Lymbery to enter a plea bargain (which he refuses). His great reputation, before this all happened, has been damaged almost beyond repair. His innocence and restoration of good standing in the County absolutely depend on the truth being told.

Rodney Paulette has also been indicted on two counts of working on private property (with nothing in return to him). These charges are almost laughable, except they are viciously motivated by Pitts and used as a diversion from the numerous times that Pitts has worked on his friends' driveways and even a private boat ramp.

Paulette realizes that he is simply collateral damage in Pitts' **Plan** to avoid the Unit Road System and an Engineer. Like Don Lymbery, after he was elected County Judge, Paulette, after his appointment, began to see exactly how the system has failed to serve the people, with lack of transparency and massive incompetence. He realized that the Unit Road System with a professional engineer was the answer. Paulette is Pitts' worst nightmare because he is smart, loves his community, is a great businessman and because he knows things.

So, go back to the end of **Plan D** when Walker refused to resign in April 2022 and we see Pitts devise **Plan E**, which was to fire Walker as the Engineer.

Since, Pitts did not have any legitimate reason for firing Walker, he came up with another hoax to claim that Walker, along with his assistant, William Luckey falsified a time sheet. Before Luckey was hired, he had advised Walker that he would be taking a day off for a pre-planned and prepaid cruise out of Galveston on October 21, 2021. Part of his employment package provided that his pay would not be docked for that particular day off. Pitts says he should not have been paid. The absolute truth is that nothing was falsified or manipulated by Walker or Luckey and that Luckey was entitled to be paid. Pitts claimed otherwise, and with the help of his Ranger friends, he got Walker and Luckey indicted for a felony. They are still awaiting trial.

This was simply another one of several hoaxes that Pitts concocted to get rid of the Engineer and hire a non-engineer, which he finally pulled off. A new non-engineer road administrator was hired in July 2022. Lymbery, Walker, Paulette and Smith were collateral damage to the scandal that paved the way for him to become a non-engineer Road Administrator.

In order to be certain that Walker could never come back, Pitts and his Ranger co-conspirators took two more cases to the District Attorney for indictment. They were as much, or more frivolous than the time sheet hoax. Why would the District Attorney take the cases in the first place? We have to understand that the Texas Rangers have great influence on the District Attorney because they normally do good work and the District Attorney depends on them to prove any case against public officials. If the Rangers have a political agenda, they can act just like the FBI did with the Russia hoax. We know that a Grand Jury can be persuaded to indict a "ham sandwich", even when the charges are absurd and meritless, as here.

Walker is left with no choice but to prove his innocence against the bogus charges.

With Lymbery gone, Paulette indicted, and Smith persuaded to change his mind, Pitts became the County Judge Pro-Tem. The stage was set to fire Walker. Pitts himself made the motion, Kennedy and Smith agreed, and Paulette voted no. The three Commissioners thought that they had finally completed their purge of the Unit Road

System with a professional engineer, that you voted for, and the potential for Walker to become a “whistleblower”.

However, under the State Statute, the Engineer could not be removed until the Commissioners Court held a “public hearing” about his removal. They simply did not realize that Walker and the public had a right to have a say about all of this. So, Pitts needed a **Plan F** and he had to call a public hearing, which had to be held within 30 days. He called it but only allowed 30 minutes for the entire meeting. He also divided the 30 minutes by 10 people, limited to 3 minutes each. The biggest problem with the new Plan was that the three Commissioners, that voted to fire Walker, refused to tell the “public”, before, during or after the meeting, why Walker was fired. Everyone knows that it is impossible to have a meeting for the public, to learn about and to discuss the Engineer’s removal, without knowing why he was being removed by the Commissioners Court. A majority of the Commissioners were silent then and they continue to be closed mouth about it. Holding a sham public hearing should be a direct affront to the Citizens of Angelina County, as well as to Walker.

Then I came along, not as a lawyer, but appearing as a Citizen of Angelina County, so it was time for **Plan G**. I told the Commissioners Court, at the so-called “public meeting” that I needed more than 3 minutes to talk about Walker’s removal. Pitts immediately made a motion to not give me more time and it passed with 3 votes. When I exceeded their ridiculous 3-minute limit in a “public” hearing called for only one thing, (to learn and speak about the engineer’s removal), they voted to hold me in contempt and fine me. The Statute that allowed them to hold me in contempt also stipulated that they could keep me in jail until I paid my fine.

I told the Commissioners Court and the audience that I would not be paying the fine and that no one was authorized to pay it for me. I intended to appeal the decision and could not do so if my fine was paid.

Keith Wright, who had run against Don Lymbery for County Judge, was then appointed as interim County Judge, since Lymbery had been removed. Keith Wright held a contempt hearing, the next week after his appointment about my awful conduct. Two Commissioners, Smith and Kennedy voted to hold me in contempt. Paulette voted No and Pitts abstained. It was not an adequate vote, but Keith Wright declared it passed

and instructed the Commissioners that the Court should also file a grievance against me with the State Bar of Texas (which they voted to do but have never done).

Keith Wright, knowing that I could not appeal the Commissioners Court decision to hold me in contempt if I paid the fine, came up with **Plan H** and went immediately to the County Clerk's office and paid the fine in my name. He did so, without my consent and against my explicit instructions. He realized that I was prepared to go to jail and that it was not going to look good on him or the County.

Since the Commissioners Court never held a legitimate "public hearing" according to the Statute, Walker was removed but not legally terminated. We as Citizens were the ones entitled to a "public hearing" about Walker's removal because it was our vote in November 2020 that required an engineer be hired in the first place.

The Commissioners Court then removed Walker from the job and appointed Clint Caton, a foreman to be the acting road administrator (while they supposedly tried to hire another professional engineer – which also turned out to be a farce). Caton spent hundreds of thousands of dollars in the next two months for material and put most of it on dozens of roads in Pitts' Precinct 3 and Smith's Precinct 4. Two of those roads went directly to Commissioner Smith's house (at a cost of over \$108,000 in material alone). It looks like the quid pro quo bargain was met! All of these roads were charged to the \$6,000,000 tax note and none were pre-approved by the Commissioners Court and none were repaired with Work Orders.

After Walker was taken off the job, and virtually everyone who worked to get a county engineer hired, had been indicted and was fighting for their life and reputation, I may have been the last man standing who could uncover this insidious corruption. Holding me in contempt and threatening my law license simply emboldened me to keep fighting!

Early on, I filed a petition, as an Angelina County citizen, under the Local Government Code to Remove Commissioner Bobby Cheshire from Office for incompetence and official misconduct. He was removed in September 2021 and is now in prison.

In January, 2021, I filed a Petition, as an Angelina County Citizen, under the same Local Government Code to remove Commissioner Terry Pitts from office. Under that

particular Statute, any citizen can file a petition, but the County Attorney must actually prosecute the case to completion. It is strange, but the Citizen that files the case is not authorized to do anything else in the case after the petition is filed. It is the only statute of its kind that I am aware of.

The Angelina County Attorney said that he had a conflict of interest and could not prosecute the case (even though it was civil and not a criminal case). So, District Judge John Delaney from Brazos County ordered the Angelina County Attorney to find some other lawyer to prosecute the case to remove Pitts. The County Attorney suggested an Assistant Attorney General in Austin, named Kent Richardson to serve as County Attorney Pro-Tem and Judge Delaney appointed him.

I provided Mr. Richardson with all of the evidence that I had accumulated against Pitts and I even prepared motions and pleadings to help him to prosecute my case. I also gave him all of the information on criminal charges that I had filed with the Angelina County District Attorney against Pitts, but it was “crickets” from Mr. Richardson for four months. He completely failed and refused to do anything about prosecuting my case to remove Pitts.

On January 21, 2022, I filed criminal charges against Pitts but it was four months before our District Attorney sent a request to the Department of Public Safety, for investigation into Pitts’ criminal conduct. Guess which Ranger was assigned to do the investigation? It was Pitts’ son’s good friend, Ryan Clendennen.

On May 24, 2022, Clendennen wrote a short, but bogus reply to the Angelina County District Attorney saying “*After conducting a discrete and limited evaluation, I did not discover any reasonable suspicion that would lead to an investigation.*” His evaluation must have been very “limited” because he never even talked to me, the complainant. I can assume that he only talked to Pitts. Clendennen also said, “*...there is no indication that Commissioner Pitts violated any law or that he intentionally or knowingly did so.*”

Our District Attorney accepted the “limited” evaluation by Ranger Clendennen and refused to pursue any charges against Pitts. That is when **Plan H** was hatched.

The bogus report by the Ranger mysteriously appeared in the hands of Mr. Richardson in Austin. In June 2022, when I called to discuss my case to remove Pitts

with him, he advised me that he was going to dismiss my suit because of the Ranger's report and he did not think that he should submit my case to the District Judge because it did not have merit. I was helpless to do anything except beg him not to dismiss it, but he would not consider my plea.

When I asked him what he was going to do about my investigation into the, approximately \$250,000 worth of Pitts' missing asphalt, Mr. Richardson inadvertently told me that he knew what happened to the asphalt. I insisted he tell me because I did not know. He said he had a copy of the seven (7) Work Orders for the 7 jobs that Pitts did in 2020. Richardson said the Work Orders showed him that it all went where it was supposed to. That was very strange and intriguing to me because the County Engineer, Walker had never found any Work Orders since he was hired. I had also requested any Work Orders that existed in a Public Information Request and none were provided.

The immediate question was, how did Mr. Richardson get them? Pitts later testified **under oath** that he did not give them to Mr. Richardson and he did not know who did. That is, in my opinion, just another lie by Pitts. Are we to believe Richardson just found them on the side of the road? Obviously, the Work Orders are fictitious and prepared by Pitts with the help of his foreman, long after the work was done in 2020, and they were prepared for Richardson's eyes only.

There is absolutely no doubt, in my opinion, that the Ranger's report and the Work Orders were manufactured by Pitts for the specific purpose of presenting them to the District Attorney and the County Attorney Pro-Tem to shut down my investigation into Pitts' conduct. It worked, because the District Attorney immediately refused my criminal charges and Mr. Richardson dismissed my civil case to remove Pitts. They hoped that I would go away and stop investigating the corruption in our County. Not so!

As of now, no one in authority in our County is willing to investigate Commissioner Pitts' conduct, past, present or future. There seems to be no end to his cunning ruthlessness or ability to capture so many innocent people in his web of deceit. So many good and well-meaning people have been hurt.

Sadly, the beat goes on and on, - - at least the cover up does. As late as the date of this writing in May, 2023, a perfect example has come to light. On May 17, 2023, Tracy Pinkerton, a faithful Watchdog Citizen made a Public Information request of our

County Judge Keith Wright (who is over all departments and records in the County) about Gibsonville Road near Huntington. Mrs. Pinkerton simply asked for the records on that road. It has been an awful road for many years. It is about a mile long and intersects with U.S. Highway 69. Shortly after Chuck Walker was removed, about a quarter mile of the road was paved and looked good and encouraging. Then, about a few months later, another portion was paved but it stopped at the edge of the black community. That was almost a year ago and all of their road remains exactly as it has been for years, which is unsafe for human traffic.

Mrs. Pinkerton wanted to know when the County did the paving work, how much it cost, what account it was charged to, (tax note or road and bridge account), and who was the foreman on the job. Without records, it seems obvious why they stopped paving where they did.

Twenty-three minutes later, the County Judge answered her request and said, *"I do not have anything responsive to the request. You will need to request the information from the Commissioner of Precinct 3, the County Road Administrator or the County Auditor. Thanks."*

So, on May 17, 2023, she sent the same request to County Commissioner Terry Pitts, who answered, *"I do not have any records responsive to any of your requests pertaining to Gibsonville Road,"*

On May 17, 2023, Mrs. Pinkerton sent the same request to the Angelina County Auditor who answered on May 25, 2023, to the following questions with her answers:

1. Provide a copy of each and every Work Order that relates to Gibsonville Road in Pct. 3 on the north side of Huntington, Texas, since January 1, 2013.

*I am not the custodian of the workorders pertaining to road work. You might check with the county road and bridge department.*

2. Provide a copy of the record of each and every expenditure for manpower, material or equipment on Gibsonville Road since January 1, 2013.

*I have no knowledge of any specific expenditure pertaining to Gibsonville Rd.*

3. Provide the dates on which the work was done on Gibsonville Road since January 1, 2013.

*I am not the custodian of this information. Please check with the county road and bridge department.*

4. Provide the record that reflects what tax fund or account the road work on Gibsonville Road was paid from.

*I have no knowledge of any expenditures related to Gibsonville Rd, but if there have been any, the expense would have been charged to the appropriate Precinct 3 or Unit Road expense account.*

5. Provide the name of the road foreman that oversaw each instance of work on Gibsonville Road.

*I have no knowledge of this information.*

6. Provide a record of each instance in which any matter concerning Gibsonville Road was on the agenda or discussed at the Angelina County Commissioners Court.

*I have no knowledge of this information.*

Coverups are easy to maintain where no records exist or the responsible parties keep passing the buck but every cover up eventually comes to light. All of the bullying of the less powerful and influential will come to naught. The advantage that Pitts has taken of the tax payers will soon be over. We must accept the fact that it takes us standing together as a community for righteousness against official corruption and incompetence to stop this constant erosion of trust in our government. We the People must become Watchdogs. It is our privilege and responsibility to do so, for ourselves and our posterity.

It seems that our only avenue left for genuine justice is the Federal Justice Department. I am cautiously hopeful that our local FBI agents can't be persuaded to do a "discrete and limited evaluation" but at least look into the financial improprieties.

Let's acknowledge that one good thing has come from this sad, despicable and scandalous debacle in our County and that is that we can expect an enlightened and



energized citizenry to subscribe to the fact that we can only trust if we can verify. That is the hope of democracy everywhere.

All that is required of us, is to remember that we are Americans and we should be bold, courageous and demand complete transparency, accountability and fair representation, whether you are as Hispanic as Arturo Mendoza, black as Lucinda Hale or white as I am. This is our Country and our County. Always demand your voice be heard!

Respectfully submitted,

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AN ADDENDUM TO THE JUNE 1<sup>ST</sup> REPORT  
June 9, 2023

A significant report has been published since my report was issued on June 1, 2023. A study commissioned by the present Commissioner's Court has now been completed. It is an actual Road Condition Report that rates the roads in the County. The independent professional study only looked at the 495 miles of road that had asphalt or hot sand surface. There are an additional 230 miles that have no hard surface, only sand, mud or some rock, and they were not studied or rated.

The study found that 48% (239 miles) of the roads were Very Poor, 28.4% (141.4 miles) were Poor; 10.9% (54.3 miles) were only Marginal, 4.3% (21.4 miles) were Fair, 4.1% (20.4 miles) were Good, 3.6% (18 miles) were Very Good and .5% (2.5 miles) were Excellent. That report says that 87.3% of all the roads with hard surface are less than fair and most of those are poor to very poor. In other words, most of the roads are exactly like the citizens knew they were, horrible and unacceptable. Also, makes you wonder where the Good, Very Good or Excellent roads are located.

The County Judge suggests that it would cost the taxpayers at least another \$15,000,000 to bring our road surfaces up to an acceptable standard.

The Angelina County Citizens knew in 2020, that the only way to bring the roads up to an acceptable standard was to institute a new system of governance that would demand transparency and professionalism. That was the Unit Road System with an engineer to manage it, as sanctioned by the State Legislature.

However, that system would be a death knell to the Commissioners' control and open door to corruption. All of their incompetence and self-dealing would be exposed. Obviously, the Commissioners felt that they had to stop the adoption and the implementation of the new system, if Angelina County voters approved it, regardless of the cost to lives and reputations. Remember, corruption knows no bounds. Seventy-six percent (76%) of the citizens voted for the Unit Road System. The scandalous battle described in my June 1<sup>st</sup> report began at that time and sadly continues today, even though the new Road Condition Report is a step in the right direction.

So, What's Next?

1. Be sure that **all** citizens have the opportunity to review and know the truth about the Unit Road Report that I prepared over the last 2 years; and
2. For all citizens to see the recent Road Condition Report prepared for the Commissioner's Court and reported in the Lufkin Daily News on June 7, 2023;
3. For all citizens to understand that the Road Condition Report verifies the fact that the county roads are still in terrible condition, even after the Commissioners borrowed \$6,000,000 in June 2020 to fix them; and

4. For all citizens to understand that 76% of them voted for the Unit Road System with a professional engineer and that the Commissioners Court has kept it from being implemented since it became the Law in November 2020;
5. That Commissioner Pitts has been the author of the scandalous hoax that has kept the Unit Road System from bringing transparency and professionalism to all of us; and
6. That another lawsuit to Remove Commissioner Pitts from Office will be immediately filed if he does not resign; and
7. The Watchdog group has rented the Civic Center for a July 11, 2023 Town Hall Meeting to discuss everything that has been uncovered and all that will be happening in the future regarding Angelina County and its roads.
8. Since all of the good and honest officials are being persecuted and the wrongdoers going scott free, we will be asking the FBI to investigate the entire hoax.
9. The Inspector General of Texas has advised us that they will be performing an internal affairs investigation into the local Texas Rangers' conduct regarding Commissioner Pitts.
10. The Watchdogs will continue seeking public information until the complete truth about our public officials is disclosed and the public is aware of how they are spending our tax dollars and managing our roads, until:
  - a. The Unit Road System with a professional engineer is fully implemented;
  - b. Terry Pitts is removed from office and a good and honest person is appointed to fill his place;
  - c. The names and reputation of Don Lymbery, Rodney Paulette, Chuck Walker and William Luckey are fully restored;
  - d. An independent audit of the \$6,000,000 Tax Note is performed; and
  - e. The fraudulently induced \$6,000,000 Tax Note, that became a slush fund is paid off or refinanced into a bond issue that requires public consent.

Respectfully submitted,

Robert L. Flournoy

## AND NOW FOR THE REST OF THE STORY...

July 10, 2023

After Don Lymbery's bogus indictment and trial and some of the reporting that attempts to make him a criminal rather than a hero (which he really is), I feel compelled to tell the rest of the real reason behind the Angelina County scandal that affects us all. So, the rest of the story is only understandable if you start at the beginning.

Here goes:

When Don Lymbery was elected County Judge in November 2018, he had high expectations that he could provide positive leadership for our county road governance.

The roads were the worst they had ever been and the public was virtually up in arms about it.

Soon after Judge Lymbery arrived on the scene, the harsh reality hit him that the system of government for maintaining roads, that had been in place for years could not be fixed. It had to be changed to a different form of governance, from the ground up. The old system was corrupted beyond repair, fostered incompetence and insured its own longevity without paper work and with obscure recordkeeping.

The old system was doomed to failure because roads had become a pawn for the Commissioners' re-election campaigns. It was an insidious but simple plan, "I will fix your road as long as you agree to support my campaign". Only a few folks got good roads while 90% of the roads went to hell in a hand basket. Most of the people living on county roads simply had to be satisfied with the same old cliché "we just don't have enough money". That argument was lame but it was their story and the Commissioners were sticking to it. It was impossible to disprove, since there was no transparency or accountability. It was their story by design.

The four Commissioners, long ago, realized that they could only remain in control of their own little precinct kingdom if they stuck together and scratched each other's back. That

way, they could control every aspect of the county government, since they were the only members of the Commissioners Court that could vote. The county Judge was not allowed to vote except in case of a tie. Each Commissioner ran his own precinct with an iron fist. He helped those he wanted, bought what he wanted, and hired who he wanted and there was nothing anybody could do about it, including the County Judge (as long as the Commissioners stuck together).

The old system provided its own cover for the Commissioners' incompetence and corruption. It had become a crime syndicate that operated in the dark.

The other failure of the system, to correct itself, was that the Commissioners set their own salary and were not going to vote against their own interest. Either they hung together or they would hang separately. Most of the Commissioners were not idiots, they just liked the system the way it was. They had a lock on control and nobody, except the four of them had a key.

Sadly, good roads for everybody was never the plan, just a select few. Professionalism was not compatible with what the old system had become, so the Commissioners were not about to change.

Soon after Lymbery took office, he realized he was powerless to fix the problem because he did not even have one vote. Clearly, the system itself was the 800-pound gorilla in the room. It had to be changed in its entirety before professionalism and transparency would ever come to road conditions in Angelina County.

The Texas Legislature had recognized the problem years earlier with the old system of road maintenance and passed a law allowing counties to adopt, by election, a different system of road governance that would insure professional and fair attention to all roads in the county. It was called a Unit Road System and it required a single road department covering every road in the county and managed by a professional engineer.

That was the perfect solution and Lymbery realized it was the only solution for the Angelina County roads. However, he was alone in his support for the change. The Commissioners would have nothing of it and refused to voluntarily adopt it. So, all Lymbery could do was take it to the people in an election for that specific purpose. The people were so frustrated and disgusted with years of terrible roads and no hope of it getting better, that Lymbery felt he could promote an election for a Unit Road System with a professional engineer and see it become law.

Even though the Commissioners fought it tooth and nail, the public spoke loud and clear. Seventy-six percent, almost 25,000 citizens voted to adopt the Unit Road System in November 2020.

Since Don Lymbery was leader of the coalition for the Unit Road System with a professional engineer and for the election, he realized he was enemy number one for the other four Commissioners.

Since the public mandate, by election, for another form of governance for roads left the Commissioners with no alternative but to accept it, they had to figure a way to prevent its intended implementation.

Knowing that they could not control a professional engineer and realizing that an engineer would necessarily uncover all of their incompetence and corruption, they had to prevent any engineer from being hired. They knew that the state statute and the election required a professional engineer be hired, but they also knew there was a provision that said that if they were "unable" to hire an engineer, they could hire a non-engineer (someone they could select that they could continue to control and keep their old ways). That is what they wanted and set out to make happen but,

Lymbery was still standing in their way demanding that they hire an engineer, but he had no vote and only one ally on the Court, who was Commissioner Rodney Paulette. Paulette was

appointed by Lymbery and he was very much in favor of the engineer applicant, Chuck Walker. With Paulette as only one vote, Commissioner Pitts, Kennedy and Cheshire refused to hire the only engineer applicant for 10 more months.

Finally, in July 19, 2021, Cheshire was removed from office for malfeasance and went to prison. Lymbery appointed Steve Smith to Cheshire's position and finally Lymbery had two votes to implement the Unit Road System with an engineer. Pitts and Kennedy still voted no and Lymbery voted yes to break the tie and the engineer was hired in September 2021.

Walker was perfectly qualified for the job and began the monumental task of creating a unit road department from scratch, since there were no records. As expected, the engineer became Pitts' (who was the ring leader of the opposition) worst nightmare, uncovering years of corruption and incompetence.

Pitts could not stand the heat, so he began a campaign of harassment and noncooperation with Walker to force him to resign so they would have an excuse to hire a non-engineer. Pitts, Kennedy, and eventually Smith, harassed the engineer unmercifully, but he refused to quit.

Since that would not work, Pitts came up with another scheme. He would enlist the help of his Texas Ranger friends and accuse Walker of manipulating a time sheet so that his employee William Luckey could get a days' pay without working for it. The problem was that it was a lie and that nothing was manipulated. Getting paid for the day off was a condition of Luckey's employment. Nevertheless, Walker and Luckey were indicted for a felony, so Pitts would have an excuse to fire Walker.

The only obstacle left was Lymbery. He, as the County Judge, was onto their hoax and was opposed to firing Walker. So, Pitts in his desperation, decided that he had to get rid of Lymbery. Again, with the help of his Ranger friends, he claimed Lymbery, Paulette and Smith had an illegal public meeting. They all three denied that they discussed County business, but finally Smith was persuaded to change his story in order to get immunity from prosecution and

get two free paved roads to his house. So, Pitts and his friends convinced the District Attorney to push for a grand jury indictment for a misdemeanor against Lymbery. It is extremely rare in Texas for a misdemeanor to go to a grand jury about open meetings, but this one did because Pitts and the D.A. knew that if they could get Lymbery indicted, even for a misdemeanor, the Judicial Ethics Commission would automatically remove him from office. And, so they did remove the County Judge. That only left Paulette as opposition to firing Walker.

With Lymbery gone, Pitts became County Judge Pro Tem and he made a motion to fire Walker. Kennedy and Smith voted yes and Paulette no. They never said publicly, and refused to say privately, why they fired Walker because they knew that it was a hoax.

Then Walker filed a Whistleblower Suit against the County. In order to discredit Walker further, Pitts persuaded the District Attorney to indict Walker for two more cases. Both were several years old when he worked for the City of Lufkin, and were extremely frivolous, with no criminal merit.

Since the District Attorney screwed up the first indictment against Lymbery, she came back and re-indicted him on the open meetings claim with the help of Commissioner Pitts and his Ranger friends and added twenty-one new indictments on failing to record executive sessions.

Even though the law about recording executive sessions provided that everyone that participated in those meetings, including the County Attorney would have been guilty, none of them were charged except Lymbery.

Then later, the District Attorney realized that eight of the charges were not in executive sessions and dismissed them. The other 13 were prosecuted by her at Lymbery's trial, along with the open meetings claim but the District Judge found him not guilty on all 13 indictments about recording executive sessions.

Even though, the District Judge found Lymbery guilty of the open meetings misdemeanor violation, he essentially found it frivolous and suspended all penalty except 35 hours of



community services (which Lymbery has done every day for years), and put him on probation for 90 days. Lymbery is appealing that ruling.

This conviction of Lymbery for an open meeting violation is the only one that we could find in the entire State of Texas in the last 15 years, under a law that had been on the books for many years. In the 2019 case of *State v. Doyle*, the concurring Judge stated *“that criminal penalties, particularly imprisonment are not necessary to the proper and effective functioning of open meeting laws”*.

Paulette is yet to be tried.

Pitts seems to have won against the citizens of Angelina County and prevented professionalism and transparency for our roads. He has come through it all unscathed and his Ranger friends have given him a clean bill of health. Ranger Clendennen said *“After conducting a discrete and limited evaluation, I did not discover any reasonable suspicion that would lead to an investigation.”* Clendennen also said *“...there is no indication that Commissioner Pitts violated any law or that he intentionally or knowingly did so.”*

Pitts, Kennedy and Smith fired Walker and hires a non-engineer as road administrator and now have maintained their cover and control, so they think. The citizens are mad and beginning to come forward with examples of corruption and arrogant leadership.

I am privy to one such example; Pitts, while County Judge Pro Tem, made a motion to appoint his good friend Keith Wright as acting County Judge to fill Lymbery's place. Keith Wright and Terry Pitts were seen by me and several witnesses meeting with another Commissioner on April 28, 2022 in the Angelina County Courthouse where they were speaking with each other. That clearly constituted a violation of the open meetings law since it was not posted. When I asked the three of them if their meeting was posted, Keith Wright became outraged and called me a liar and threatened to sue me. It happened in the District Courtroom after a hearing about County affairs was adjourned. So, their meeting was clearly about County

business. Since there were numerous witnesses, I think Keith Wright and the Commissioners will admit they were there together at the same time talking to each other. Their conduct was clearer and more egregious than that of Don Lymbery and Rod Paulette, but anger and arrogance seemed to justify Wright's own conduct.

I feel certain the D.A. will not be willing to investigate or prosecute this example because we clearly have a two-tiered system of justice. Dare I even ask the D.A. to take Keith Wright and Terry Pitts' violation of the Open Meetings Act to a grand jury and to seek a full Ranger investigation of the violations?

Meanwhile, the scandal grows and Pitts' web expands.

Sir Walter Scott was right in 1808 when he wrote, "*Oh what a tangled web we weave when we first set out to deceive.*" Pitts started it, but look at all those who have been caught up in his web today and all the damage he has done to good and honorable people and to our county's reputation and efficient operation of road governance.

The sad reality of this entire debacle is that the coverup, as usual, required a conspiracy. Pitts could never had pulled off his con job on the public without the complicity of key law enforcement officials and other county commissioners.

Truth, supported by proof is the only hope for our recovery. That is the determined goal of a newly formed group called "**We The Watchdogs**". Together, the citizens will not stop uncovering corruption and incompetence in all of our public entities.

Since the media has failed to cover this story, the Watchdogs are planning a county wide town hall meeting at the Lufkin Civic Center to expose all that has been uncovered to date, and seek full community support to finish the job of fully implementing the Unit Road System.

If we the public, continue to ignore the truth behind the Angelina County scandal, then our ignorance will be responsible for perpetuating our terrible roads and corrupt management of them.

## **ESSENTIALS FOR THE OPERATION OF THE UNIT ROAD SYSTEM**

1. The County must hire a Civil Engineer to set up and manage a single road department for all roads in the County.
2. The Commissioners must give up individual control of the roads in the County.
3. The Engineer should begin by developing a history on each road in the County.
4. The Engineer must immediately make a thorough assessment of the condition of each road in the County.
5. The Engineer must evaluate his work force to determine if it is adequate.
6. The Engineer must do a complete assessment of the equipment owned or leased by the County, to determine if it is operational and adequate.
7. The Engineer must develop a budget for each road in the County to be presented to the Commissioner's Court for modification, adoption or rejection.
8. The Engineer must recommend the hiring or firing of individual employees to the Commissioner's Court for ultimate approval or disapproval.
9. The Commissioner's Court shall give oversight to the Road Department but individual Commissioners shall not give direction to individual employees of the department.
10. The Engineer is to establish criteria for the construction, improvement, or reconstruction of roads and roadways, considering condition and usage. The criteria is related to the budget and should be approved by the Commissioner's Court.
11. The Engineer should make a comprehensive monthly report of the department's activities and expenses to the Commissioner's Court. The report should be made available to the public.
12. The Engineer should develop a digital log of each complaint and timely response thereto.
13. The Engineer should prepare a comprehensive inventory of equipment and make recommendations to the Commissioner's Court for acquisition or disposition of equipment, within budget constraints.

14. The Commissioner's Court should develop a policy for the operation of the Unit Road Department without private or personal influence by individual Commissioners.

15. The Commissioner's Court must insure that any and all funds expended by the Road Department are used legally and procedurally in Angelina County for Angelina County citizens.

WHAT DO WE EXPECT IN ANGELINA COUNTY WHEN  
THE WHOLE TRUTH FINALLY COMES OUT

1. PLAN

- a. We expect what we voted for, which is an efficient and functional Unit Road System with a civil engineer.
- b. A comprehensive statement of exactly how the Unit Road System is to work and be enforced. A detailed organizational chart is essential.
- c. That the condition of all roads be professionally determined.
- d. That all "public" roads, that have never been designated as "county roads", be studied and then considered for adoption by the Commissioners Court after a public hearing.
- e. That every road be designated by signs and accurate maps that show "County" roads on which public funds can be expended and private roads "for 911 purposes" that cannot receive public funds.

2. FINANCE

- a. That a comprehensive budget be adopted annually, considering realistic statistics and projections for each road.
- b. That a criteria for application of public money be professionally established and enforced.
- c. That every expenditure of time, material, manpower with purpose and provision, maintenance and repair of equipment, be electronically recorded.
- d. That adequate funds be allocated immediately to hire the personnel and equipment, beyond the engineer, to assess the roads and establish a budget for the full operation of a new Unit Road Department.
- e. That the \$1,800,000 balance on the Tax Note funds be paid on the debt and the needed funds for roads be legally obtained.

3. **OPERATIONS**

- a. That every road have an electronic file showing the date of its origin, adoption, use and subsequent history.
- b. That the County Engineer provide a monthly comprehensive report to the Commissioner's Court of all activity and expenditures, by category for the previous month.
- c. That the County establish a central barn closing all but one in the north and one in the south, with limited equipment and machinery.
- d. Sell all outdated, unusable and duplicate equipment.
- e. That safety manuals and training be established and monitored by, on and for all employees.
- f. That the Commissioners Court establish and provide a time and procedure for public comment and complaints that have not been satisfactorily addressed by the County Engineer.
- g. That the County Auditor, audit in the future.
- h. That the County create an ombudsman position to review, consolidate and advocate citizen road complaints.

4. **LEGAL**

- a. That the legitimate engineer, Chuck Walker be reinstated (if he will take it after resolution of his Whistleblower suit) and the County acknowledge that he was never legally fired because the "public hearing" was illegal and was a violation of Walker's and the Citizens' rights.
- b. That County Commissioner Pitts, County Commissioner Kennedy and County Road employee Caton be removed from Angelina County's payroll and be punished according to the law.
- c. That former County Judge Lymbery, former County Commissioner Paulette and former Unit Road Engineer Walker's criminal history be expunged and the County officially apologizes to them.
- d. That former County Commissioner Smith reimburse the County for the \$108,000 spent on Euell and Harrell Roads.

**YOUR QUESTIONS.      THE ANSWERS.**

1.    **Why are we meeting here today?**
  - a.    To share information about our County government;
  - b.    We can do more together than separately.
  
2.    **Why do we care?**
  - a.    It is our government;
  - b.    It is our right;
  - c.    It is our responsibility;
  - d.    It is funded by our tax dollars;
  - e.    These are our roads;
  - f.    Our roads are controlled by four County Commissioners;
  - g.    Our roads are terrible;
  - h.    We don't know how our money is being spent;
  - i.    There is no transparency nor accountability.
  
3.    **Why do we have terrible roads?**
  - a.    Bad management by the County Commissioners;
  - b.    Corruption by the County Commissioners;
  - c.    Incompetence by the County Commissioners;
  - d.    Apathy and ignorance on our part.
  
4.    **Why have we allowed terrible roads to continue for years?**
  - a.    The Commissioners' illegal conduct has been intentionally covered up;
  - b.    We have been lied to by and about the Commissioners' conduct;
  - c.    We have been blamed for not giving them enough money;

- d. We have been told that we cannot afford professionalism;
- e. We have been told that we can have professionalism without professional management.
- f. We have been told that if we borrow \$6,000,000 it would fix the road problem;
- g. We have been told to just trust the Commissioners and we won't need to verify what they do or don't do;
- h. We have been told "I am your Commissioner and I am looking out for your interest and if you aren't satisfied, wait four more years and vote for someone else".

**5. Why is the Unit Road System, with a professional engineer, the best option to bring good roads to Angelina County?**

- a. It will bring professionalism to road construction and repair;
- b. It will bring transparency to cost, construction practices and equal treatment for every road in the County, regardless of precinct or who resides there;
- c. Road conditions will not depend on the competence or integrity of any single Commissioner;
- d. It will require a genuine and complete budget for each road, not just based on mileage;
- e. It still allows Commissioners to set the overall budget for road construction and repair and salary for the Engineer;
- f. It allows the Commissioners to reduce their own salaries because the Unit Road System will cut their work load in half.

**6. Why have the Commissioners fought the will of the people in the adoption of the Unit Road System with a professional engineer?**

- a. They have to give up control of the roads in their individual precincts;
- b. Their incompetence and corruption would necessarily come to light;
- c. The Texas Legislature has given the people the right to demand professionalism and transparency;



d. They know that the citizens have a right, under the law to remove them from office for their “incompetence or official misconduct” without waiting for the next election;

e. They know that they could no longer lie, excuse or manipulate the records about roads in the county;

f. They know they may be expected to reduce their salary because of their reduced work load.

**7. Why have the Commissioners fought the implementation of the Unit Road System since November 2020?**

a. Because they did not want a professional engineer looking at their roads, books, or records;

b. They did not want to give up the opportunity to do favors for their special friends;

c. They did not want to have to answer for terrible roads;

d. They could no longer control the flow of public information that supported their future election plans;

e. They did not want to be removed from office for obvious incompetence;

f. They did not want to go to jail for self-serving malfeasance in office;

g. An engineer was their worse nightmare.

**8. Why was the Engineer indicted for a fabricated crime that he did not commit?**

a. Pitts and his cohorts wanted some reason to fire the Engineer, without any evidence or a trial;

b. Pitts, with the direct assistance of his son’s two local Texas Ranger friends made up a hoax and they presented it to the District Attorney and the Grand Jury;

c. Even though Pitts, Kennedy and Smith voted to fire the Engineer, they refused to say why and they wanted the public to assume it was because of the indictment;

d. The Engineer was charged with falsifying a government document (an entry on a time sheet for his employee William Luckey). It was a complete hoax.

**9. Why did the Commissioner's Court call for a "Public Hearing about the termination of the Engineer and then limit the entire hearing to 30 minutes, with no one to speak longer than 3 minutes?"**

a. The three Commissioners that voted to fire the Engineer did not want the public to know why they were attempting to fire him;

b. They knew the citizens had voted overwhelmingly to require them to hire an Engineer;

c. They were desperate to get rid of the Engineer so they could hire a non-engineer that they could control;

d. They did not want anyone to question their action in firing him;

e. They held a called public hearing because the law required them to. They technically held a public hearing but it was a total sham.

**10. Why did the three Commissioners that voted to fire the Engineer refuse to tell the public why they voted to fire him?**

a. The three Commissioners that voted to fire the Engineer did not want the public to know why they were attempting to fire him;

b. They knew the citizens had voted overwhelmingly to require them to hire an Engineer;

c. They were desperate to get rid of the Engineer so they could hire a non-engineer that they could control;

d. They did not want anyone to question their action in firing him;

e. They held a called public hearing because the law required them to. They technically held a public hearing but it was a total sham.

**11. Why did the Commissioners refuse to allow Bob Flournoy more than 3 minutes to talk at the "Public Hearing"?**

a. They knew that he had been in active support of hiring an engineer since before the election of November 2020;

b. They knew that he knew their vote to fire the engineer was based on a hoax;

c. They knew that he would ask them to answer some significant questions at the public hearing that they could not answer or their hoax would fall apart.

**12. Why would the three Commissioners hold citizen Flournoy in contempt of Court for talking longer than 3 minutes in a public hearing about the Engineer's termination when the citizens voted overwhelmingly to have an engineer?**

- a. Flournoy was virtually the only citizen standing up against them publicly;
- b. The three Commissioners knew that they had to shut Flournoy up or the public would find out the truth;
- c. Flournoy knew "where all the bodies were buried" and he was privy to the incompetence of the Commissioners, that the engineer had uncovered;
- d. They knew if they could get past the public hearing requirement without having to explain why they were firing the engineer, they would be home free and their golden parachute had landed. The engineer would be gone and they could hire a non-engineer that they could control.

**13. Why would Pitts and his Ranger friends seek an indictment against Judge Lymbery for a misdemeanor violation of the Open Meetings Law?**

- a. They knew that if they could influence the District Attorney and the Grand Jury to indict him, they could report it to the Texas Judicial Ethics Commission and get him immediately removed from office without a trial or evidence;
- b. They knew that Lymbery was the biggest proponent of the Unit Road System with an engineer and would oppose the firing of the engineer that had been hired 5 months earlier;
- c. They knew that they needed to get rid of Lymbery before they voted to fire the engineer;
- d. They knew Lymbery would vote against them if the vote was a tie.

**14. Why did Commissioner Smith join Pitts' scheme, after he had voted to hire the engineer?**

- a. Smith was indicted, along with Lymbery and Paulette for violating the Open Meetings Act. They could not get away with just indicting Lymbery, so they indicted Smith and then offered him a plea deal to turn States evidence against Lymbery;
- b. Smith told the newspaper, the Sheriff and several others that he, Lymbery and Paulette did not speak about County business and he then testified that he changed his story when confronted by Pitts two Ranger friends;

c. Smith then mysteriously got two roads paved to his house, to the tune of \$108,000 for material alone and an equivalent amount of labor and equipment. The \$216,000 was obviously quid pro quo.

**15. Why did Pitts, with the help of his aggressive Ranger friends, the District Attorney and the Grand Jury re-indict Lymbery, Paulette and Walker for other fictitious and frivolous charges?**

a. They wanted to stack cases on each of them to scare them into a plea deal and go away quietly;

b. They did not stack cases on Smith because they planned to give him immunity for his perjured testimony against Don Lymbery;

c. The other indictments were issued to make the public think that everybody that was for the Unit Road System with an engineer was a bad guy;

d. The engineer was the object of Pitts' scorn and scheme to remove him as the director of the Unit Road Department and install a non-engineer.

e. Lymbery was in the way and Paulette was simply collateral damage.

**16. Why did the District Attorney refuse to take felony charges, made by Flournoy against Pitts?**

a. Because the Rangers reported, in response to the District Attorney's request to investigate Pitts, that Flournoy's charges against him had no merit and that they would not even investigate the case against him. However, they stated unequivocally, without an investigation, that there was no "reasonable suspicion that Pitts had done anything wrong". They cannot have it both ways. On the one hand, refuse to investigate, but on the other hand make a positive finding that Pitts did nothing wrong. The Rangers got caught up in Pitts scheme and violated their own rules of ethics.

**17. Why did the Rangers refuse to investigate Pitts, but went after Walker, Lymbery and Paulette with a vengeance over frivolous charges?**

a. The Rangers should never have inserted themselves in Pitts political plan to get rid of the engineer. Their involvement from the beginning was an obvious conflict of interest because of their friendship and working relationship with Commissioner Pitts' son, who is a highway patrolman and once an office mate with them;

b. Pitts future depended on getting rid of the engineer, that would by necessity, become a whistleblower about Pitts' incompetence and corruption;

c. Pitts also had to get rid of Lymbery before he could get rid of the engineer;

d. Pitts could never have pulled off his plan without the assistance of the Rangers.

**18. Why did Flournoy file a petition to remove Pitts from office?**

a. Because the Rangers refused to investigate Pitts;

b. Because the District Attorney refused to prosecute Pitts, because of the Ranger's report;

c. Because the Local Government Code provided a way for a citizen to bring a civil suit to remove a public official for incompetence and/or official misconduct. Such a lawsuit required the County Attorney to prosecute the citizen's civil case but he refused and he recommended Kent Richardson, a lawyer with the Texas Attorney General's Office to be appointed as County Attorney Pro Tem;

d. Because Flournoy had become aware of this statute and used it to remove Bobby Cheshire from office earlier.

**19. Why was Flournoy's Citizen's petition to remove Pitts from office dismissed by the County Attorney Pro Tem?**

a. Because Pitts presented the Rangers' false report about Pitts innocence to the County Attorney Pro Tem, Kent Richardson. Richardson told Flournoy that he was convinced, by the report of the Rangers, to dismiss his civil case to remove Pitts from office;

b. Because Pitts prepared, and gave to the Rangers 7 Work Orders that were fictitious and prepared after the work was done. Apparently, the Rangers gave the false Work Orders to Mr. Richardson who told Flournoy that the Work Orders proved that all of the missing asphalt was not missing at all.

**20. Why was Harley Golden Road re-worked for approximately \$600,000 by the new non-engineer Road Administrator after Pitts had spent approximately \$380,000 on it in 2020?**

a. There was absolute incompetence in the repair made in July 2020 with Tax Note money;

b. Much of the \$188,000 worth of asphalt, that Pitts claimed he applied to Harley Golden Road in 2020 was in fact unaccounted for;

c. Commissioner Pitts represented to the public in June 2020, that if he and the other Commissioners borrowed \$6,000,000, he would use \$190,000 of it on Harley Golden Road and rework 3.5 miles of it. At the end of the year 2020, Pitts said that he was only able to do 2.7 miles rather than 3.5 for the same amount of money. When the Engineer measured it on the ground, it was only 1.68 miles, which is 48% of what he promised;

d. Since there were no Work Orders on Harley Golden Road, that were prepared before the work was done, the only way left to prove that all of the \$188,000 worth of asphalt was not applied to Harley Golden Road was to take core samples for the thickness of the applied asphalt. However, by reworking the road in July 2023, within three years of the first repair, the thickness of the 2020 application was obliterated and mixed with the new material. Pitts succeeded in destroying the only evidence that was left to convict him, by controlling and enlisting the help of the non-engineer Road Administrator. Spoliation of evidence is a crime by the Road Administrator and Pitts;

e. Why else was the four miles of Harley Golden Road, out of 700 miles of terrible roads, reworked unless the conspiracy now included the non-engineer Road Administrator to cover up Pitts incompetence and fraud?

f. It had become obvious that all of the asphalt had not been accounted for after the Commissioners recently employed a professional firm to assess all the hard surface roads in the County and it showed that most of Harley Golden Road was in the category of "very poor".

This is a perfect example of incompetence, fraud and coverup, on one road out of several hundred in Angelina County.

## WHAT'S NEXT?

1. Insure that all citizens have access to review the Unit Road report prepared by Robert Flournoy;
2. Provide that all citizens are able to see the recent Professional Road Condition Report paid for by the County;
3. That all citizens realize that the Professional Road Condition Report verifies that the County roads are in terrible condition, even after the Commissioners borrowed \$6,000,000 in June 2020 to fix them;
4. That all citizens remember that 76% of them voted for the Unit Road System with a professional road engineer and the Commissioners Court has kept it from being implemented since it became the law in November 2020;
5. That Commissioner Pitts has been the author of the scandalous hoax that kept the Unit Road System from bringing professionalism and transparency to Angelina County roads;
6. That another lawsuit should be brought by a citizen to remove Pitts from office;
7. The Watchdog Group continue to discuss everything that has and is being uncovered and all that will be happening in the future regarding Angelina County and its roads;
8. Since all of the officials that were in favor of the Unit Road System with a professional engineer are being persecuted and the wrong doers going Scott free, we will be asking the FBI to investigate the entire hoax;
9. The Inspector General of Texas is performing an internal affairs investigation into the Local Texas Rangers;
10. The Watchdogs Group will continue seeking public information until we know the complete truth about our public officials and how they are spending our tax dollars and managing our roads until:
  - a. The Unit Road System with a professional engineer is fully implemented;
  - b. Terry Pitts is removed from office and a good and honest person is appointed or elected to fill his place;
  - c. The names and reputation of Don Lymbery, Rodney Paulette, Chuck Walker and William Luckey are fully restored; and
  - d. The \$6,000,000 is paid off or refinanced into a bond issue that requires public consent.

TIME LINE  
June 30, 2023

1. Tax Note June 2020
2. Election for Unit Road System November 3, 2020
3. Chuck Walker applies for Engineer Job January 8, 2021
4. Cheshire removed from office July 19, 2021
5. Steve Smith appointed Commissioner August 9, 2021
6. Chuck Walker Hired September 20, 2021
7. Chuck Walker Indicted October 28, 2021
8. Flournoy files suit to remove Pitts January 12, 2022
9. Flournoy files criminal charges against Pitts January 21, 2022
10. Don Lymbery Indicted March 10, 2022
11. D.A. does not recuse herself March 10, 2022
12. Don Lymbery removed from office March 11, 2022
13. Chuck Walker fired March 22, 2022
14. Keith Wright appointed Acting County Judge March 22, 2022
15. Chuck Walker's "Public Hearing" April 5, 2022
16. Flournoy held in contempt and fined \$25 April 12, 2022
17. Wright pays Flournoy's fine to stop any appeal April 12, 2022
18. Flournoy filed petition for Declaratory Judgment and TRO April 14, 2022
19. Walker removed as Engineer April 21, 2022



- |     |                                                                                    |                              |
|-----|------------------------------------------------------------------------------------|------------------------------|
| 20. | Wright, Smith & Pitts held illegal meeting in violation of open meetings act       | April 28, 2022               |
| 21. | Caton appointed acting road administrator                                          | May 1, 2022                  |
| 22. | District Attorney requests investigation                                           | May 10, 2022                 |
| 23. | Texas Ranger Clendennen's report of no investigation on Pitts                      | May 24, 2022                 |
| 24. | Letter to D.A. refusing to investigate                                             | May 31, 2022                 |
| 25. | D. A. refuses to take Flournoy's criminal charges against Pitts                    | June 12, 2022                |
| 26. | Road Administrator McMullen hired                                                  | July 15, 2022                |
| 27. | Smith's roads get fixed at \$108,000 asphalt                                       | July 29 –<br>August 12, 2022 |
| 28. | Flournoy's suit to remove Pitts is dismissed by the County Attorney Pro Tem        | August 30, 2022              |
| 29. | Smith changes his story and gets immunity                                          |                              |
| 30. | Additional indictments against:<br>Lymbery<br>Walker<br>Paulette                   |                              |
| 31. | Lymbery's trial                                                                    | June 26, 2023                |
| 32. | All indictments against Lymbery on failure to record executive sessions thrown out | June 27, 2023                |
| 33. | Lymbery convicted for 1 misdemeanor violation of open meetings act                 | June 27, 2023                |