

County Clerk

RE: PIR #JO-952024-1 Commissioners Court and voting systems

@ Attachment

From: dferguson@burnetcountyelections.com**To:** [REDACTED]**Cc:** 'Joe Don Dockery' 'Damon Beierle' commissionerpct3@burnetcountytexas.org commissionerpct4@burnetcountytexas.org
countyjudge@burnetcountytexas.org 'Eddie Arredondo'**Date:** Thursday 17 October 2024 at 10:53:39

"there was no new equipment purchase there would not have been a need for a new contract to be approved by the SOS": please share the source of this statement so we can resolve this.

On page 11 of the attached document, you can see that we are still using the same voting equipment from our original purchase in 2005, so there has not been any new contract that the state would have approved since then.

Take care,
Doug



Doug Ferguson
Burnet County Elections Administrator
220 South Pierce St.
Burnet, TX 78611
512-715-5288

From [REDACTED]**Sent:** Wednesday, October 16, 2024 5:29 PM**To:** dferguson@burnetcountyelections.com**Cc:** 'Joe Don Dockery' <jdockery@burnetcountytexas.org>; 'Damon Beierle' <dbeierle@burnetcountytexas.org>; commissionerpct3@burnetcountytexas.org; commissionerpct4@burnetcountytexas.org; countyjudge@burnetcountytexas.org; 'Eddie Arredondo' <earredondo@burnetcountytexas.org>**Subject:** Re: PIR #JO-952024-1 Commissioners Court and voting systems**Mr. Ferguson**

Thank you for the information you provided.

Attached please find the only letter that the Secretary of State (SOS) produced, under PIR, relating to Burnet County voting systems for the years 2005 to 2024. The PIR was specifically for Tex. Elec. Code Ann. § 123.035 (Vernon Supp. 2005) documents.

The attached SOS letter indicates approval for BOSS 3.4.0 which was **Decertified 10/1/2007**.

Hart Voting System	BOSS	3.4.0	<u>5/27/2004</u>	<u>Certified</u>
3.3	Ballot Now	2.3.0		<u>7/27/2004</u>
Decertified				(PDF)
10/1/2007	Rally	1.2.0		
	Tally	3.2.0		
	JBC	2.2.1		
	eSlate	2.0.13		

If I understand correctly, you're saying that the 2005 approval letter from the Secretary of State covered the same hardware even after the equipment approved in the SOS approval letter was decertified in 2007? Is there any correspondence about this which I can share with the Poll Watcher? Maybe Burnet County is not using BOSS 4.2.13? (<https://www.sos.state.tx.us/elections/laws/hart.shtml>)

Page 1 of 9

The Secretary was unable to provide the "initial written confirmation" for the July 2005-6 reporting as required under the certification, and thus far been unable to produce any subsequent annual confirmations. Of particular interest is the 2024 subsequent annual confirmation however, all of this might be unnecessary if, as you indicated "there was no new equipment purchase there would not have been a need for a new contract to be approved by the SOS": please share the source of this statement so we can resolve this.

It is also my understanding that as long as Burnet County uses voting equipment, Burnet County is required to keep all documents pertinent to the equipment.

Thank you for your consideration,

Attached: TX Secretary of State July 29, 2005 Approval Letter

####

On Wednesday, October 16, 2024 4:08 PM, dferguson@burnetcountyelections.com wrote:

In 2009, HART upgraded the existing equipment to version 6.2.1. There was a cost which was approved and paid from the elections reserve account. See attached. Because there was no new equipment purchase there would not have been a need for a new contract to be approved by the SOS.

The "initial written confirmation" document you mention in your second item I have not been able to find, and I've searched all the paper records that we have several times without finding any such document. If that document was required by the state, then I would recommend that you do a public information request with the Secretary of State's office for a copy of that document as I'm sure they are required to keep it on file as long as we are still using this equipment.

If you have questions, please let me know!

Thanks,

Doug

From [REDACTED]

Sent: Wednesday, October 16, 2024 10:16 AM

To: 'Eddie Arredondo' <earredondo@burnetcountytexas.org>

Cc: 'Joe Don Dockery' <jdockery@burnetcountytexas.org>; 'Damon Beierle' <dbeierle@burnetcountytexas.org>; commissionerpct3@burnetcountytexas.org; commissionerpct4@burnetcountytexas.org; countyjudge@burnetcountytexas.org; dferguson@burnetcountyelections.com

Subject: Re: PIR #JO-952024-1 Commissioners Court and voting systems

Good Morning Mr. Arredondo,

So sorry to bother everyone again, and thank you to all who replied.

The documents provided below by the Elections Administrator are dated [REDACTED], the Hart 621 (aka HVS 6.2.1) received it's own, unique Texas Secretary of State Certification on April 30, [REDACTED] (source <https://www.sos.state.tx.us/elections/forms/sysexam/hart621cert.pdf> and <https://www.sos.state.tx.us/elections/laws/hart.shtml>):

2/9

RE: PIR #JO-952024-1 Commissioners Court and voting systems

@ [redacted]

From: dferguson@burnetcountyelections.com

To: [redacted] 'Eddie Arredondo'

Cc: 'Joe Don Dockery' 'Damon Beierle' commissionerpct3@burnetcountytexas.org commissionerpct4@burnetcountytexas.org
countyjudge@burnetcountytexas.org

Date: Wednesday 16 October 2024 at 16:08:36

In 2009, HART upgraded the existing equipment to version 6.2.1. There was a cost which was approved and paid from the elections reserve account. See attached. Because there was no new equipment purchase there would not have been a need for a new contract to be approved by the SOS.

The "initial written confirmation" document you mention in your second item I have not been able to find, and I've searched all the paper records that we have several times without finding any such document. If that document was required by the state, then I would recommend that you do a public information request with the Secretary of State's office for a copy of that document as I'm sure they are required to keep it on file as long as we are still using this equipment.

If you have questions, please let me know!

Thanks,

Doug



Doug Ferguson
Burnet County Elections Administrator
220 South Pierce St.
Burnet, TX 78611
512-715-5288

From: [redacted]

Sent: Wednesday, October 16, 2024 10:16 AM

To: 'Eddie Arredondo' <earredondo@burnetcountytexas.org>

Cc: 'Joe Don Dockery' <jdockery@burnetcountytexas.org>; 'Damon Beierle' <dbeierle@burnetcountytexas.org>;
commissionerpct3@burnetcountytexas.org; commissionerpct4@burnetcountytexas.org; countyjudge@burnetcountytexas.org;
dferguson@burnetcountyelections.com

Subject: Re: PIR #JO-952024-1 Commissioners Court and voting systems

Good Morning Mr. Arredondo,

So sorry to bother everyone again, and thank you to all who replied.

The documents provided below by the Elections Administrator are dated [redacted], the Hart 621 (aka HVS 6.2.1) received it's own, unique Texas Secretary of State Certification on April 30, [redacted] (source <https://www.sos.state.tx.us/elections/forms/sysexam/hart621cert.pdf> and <https://www.sos.state.tx.us/elections/laws/hart.shtml>):

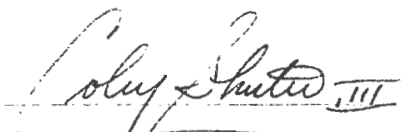
3/9

- 5) Each political subdivision which adopts Version 6.2.1 must file an initial written confirmation with the Office of the Secretary of State that they are in compliance with Condition Numbers 1 through 4, above, and subsequent to the initial confirmation filing, must file annual, updated confirmations.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify the Hart InterCivic Voting System 6.2.1 for use in elections in Texas, subject to the above conditions.

Signed under my hand and seal of office, this 30th day of April, 2009.


ROBY SHORTER III
DEPUTY SECRETARY OF STATE

Please see pages 2 & 3 of the April 30, where the Deputy Secretary lists **mandatory** conditions:

CONDITIONS

During the examination for this system, examiners identified two potential security concerns that are mitigated and/or eliminated if certain procedural security protocols are followed. First, examiners discovered that if existing security protocols are not followed, then it is theoretically possible to access the operating system and run or delete other programs while Tally is tabulating results. Under Election Advisory 2008-09, Section 5(f)(i-iii), issued by this office, users are required to: (1) restrict usage of the voting system to the sole purpose of election administration, and (2) restrict what software is loaded onto the voting system computer/server. In addition, Section 5(d)(i)(1-3) of the Advisory requires users to limit access to the systems through passwords and encryption keys, certain menus and software modules. Compliance with Election Advisory 2008-09 will ensure that this potential unauthorized access can be prevented and detected

Second, examiners expressed concern that Version 6.2.1 does not have a secure OS configuration. To address this concern, the State of California required the Windows 2000 "Hardened" Operating System Security Setting be used.

Accordingly, based on the generally positive findings of the examiners and examiner suggestions, certification of Hart InterCivic Voting System 6.2.1, is conditioned on a political subdivision employing the following procedures:

For now, the Poll Watcher requests a copy of these two documents:

1. the Item #5 document "initial written confirmation" mentioned in the April 30, SoS Certification, and
2. the purchase contract approved by the Secretary of State.

Surely this is just a miscommunication on my part which can be easily cleared up by searching the files instead of the 105 files.

Thank you for your consideration,

4/9

Patty (on behalf of a Poll Watcher)

On Wednesday, October 16, 2024 8:56 AM, Joe Don Dockery <jdockery@burnetcountytexas.org> wrote:

Mr. Doug Ferguson forwarded this information to me yesterday. Hopefully this addresses your request.

Joe Don Dockery

From: dferguson@burnetcountyelections.com <dferguson@burnetcountyelections.com>

Sent: Tuesday, October 15, 2024 1:30 PM

To: 'Eddie Arredondo' <earredondo@burnetcountytexas.org>; 'James Oakley' <judgejamesoakley@gmail.com>; 'Jim Luther' <jluther@burnetcountytexas.org>; 'Damon Beierle' <dbeierle@burnetcountytexas.org>; 'Billy Wall' <bwall@burnetcountytexas.org>; 'Joe Don Dockery' <jdockery@burnetcountytexas.org>

Cc: 'Colleen Davis' <cdavis@burnetcountytexas.org>

Subject: RE: PIR #JO-952024-1 Commissioners Court and voting systems

I am forwarding this information so that each of you have what I have put together in response to her request. She has not requested this information from me at this time.

I have attached the court documents that were attached to the Agenda for the June 27, 2005 commissioner's court, where the HART voting system was approved by the court in item 4. I also attached the minutes for June 27, 2005. Also, the minutes for the same date, item 5, show that the HART voting system was adopted by the court "by official action of the authority" in accordance with TEC 123.001.

**("CHAPTER 123. ADOPTION AND ACQUISITION OF VOTING SYSTEM
SUBCHAPTER A. ADOPTION OF VOTING SYSTEM**

Sec. 123.001. ADOPTION OF VOTING SYSTEM REQUIRED. (a) Before a voting system may be used in elections, the authority designated by this section, by resolution, order, or other official action of the authority, must adopt the system for use in the elections.")

The "Annual Voting System Report" is a report that each elections office has to fill out online and submit every July. There is no provision to print and save, and it contains multiple pages on the internet. I can only guess that when the law was written this was all done on paper, but since then the reporting process has been streamlined by the SOS and is all done as a survey type input on a web page. I reached out to the Secretary of State's office and asked if they could send me the 2024 report and they sent it, and it is also attached to this email.

I do not know what she means by "the Supervisor of the Elections Administrator as the oversight body over the annual equipment certification process." I don't know what the "annual equipment certification process" she is referring to.

I hope this helps!

Thanks,

Doug

From: Eddie Arredondo <earredondo@burnetcountytexas.org>

Sent: Tuesday, October 15, 2024 11:54 AM

To: 'James Oakley' <judgejamesoakley@gmail.com>; 'Jim Luther' <jluther@burnetcountytexas.org>; 'Damon Beierle' <dbeierle@burnetcountytexas.org>; 'Billy Wall' <bwall@burnetcountytexas.org>; 'Joe Don Dockery' <jdockery@burnetcountytexas.org>; dferguson@burnetcountyelections.com

5/9

Cc: 'Colleen Davis' <cdavis@burnetcountytexas.org>
Subject: FW: PIR #JO-952024-1 Commissioners Court and voting systems

Commissioners & Judge Oakley,

Please read the email streams below. It is my belief that [REDACTED] wishes for you to each respond to her information request. She has asked me to forward her request to the supervisor of the elections administrator. Please respond individually to this request as soon as possible but no later than 10 days from receipt of this request. Should you have any questions, please contact [REDACTED]

Eddie Arredondo

From: Eddie Arredondo <earredondo@burnetcountytexas.org>
Sent: Tuesday, October 15, 2024 11:46 AM
To: [REDACTED]
Cc: joakley@burnetcountytexas.org; commissionerpct1@burnetcountytexas.org; 'Damon Beierle' <dbeierle@burnetcountytexas.org>; commissionerpct3@burnetcountytexas.org; commissionerpct4@burnetcountytexas.org; 'Colleen Davis' <cdavis@burnetcountytexas.org>
Subject: RE: PIR #JO-952024-1 Commissioners Court and voting systems

To my knowledge, the Burnet County Commissioners Court is the supervisor over the Elections Administrator. Therefore, I will immediately forward your email to each individual member of the Court as ask that each address your request.

Eddie Arredondo

From: [REDACTED]
Sent: Tuesday, October 15, 2024 11:36 AM
To: Eddie Arredondo <earredondo@burnetcountytexas.org>
Cc: joakley@burnetcountytexas.org; commissionerpct1@burnetcountytexas.org; 'Damon Beierle' <dbeierle@burnetcountytexas.org>; commissionerpct3@burnetcountytexas.org; commissionerpct4@burnetcountytexas.org; 'Colleen Davis' <cdavis@burnetcountytexas.org>
Subject: Re: PIR #JO-952024-1 Commissioners Court and voting systems

Mr. Arredondo,

Please forward to the Supervisor of the Elections Administrator as the oversight body over the annual equipment certification process.
This is being done across the country by poll watchers.

Thank you kindly,

On Tuesday, October 15, 2024 11:21 AM, Eddie Arredondo <earredondo@burnetcountytexas.org> wrote:

I will be happy to assist you as you request but I need clarification. You wish for me to forward this email correspondence (see below) to the Elections Administrator? Or a supervisor of the Elections Administrator? I'm not sure who is considered the supervisor over the elections administrator. Could that be the Commissioners Court or the Secretary of State? Are you asking me to forward the PIR to Mr. Furguson, the Commissioners Court, both? Please let me know.

Respectfully,

Eddie Arredondo

From: [REDACTED]
Sent: Monday, October 14, 2024 4:01 PM
To: Eddie Arredondo <earredondo@burnetcountytexas.org>
Cc: joakley@burnetcountytexas.org; commissionerpct1@burnetcountytexas.org; Damon Beierle <dbeierle@burnetcountytexas.org>; commissionerpct3@burnetcountytexas.org; commissionerpct4@burnetcountytexas.org; Colleen Davis <cdavis@burnetcountytexas.org>

6/9

Subject: Re: PIR #JO-952024-1 Commissioners Court and voting systems

Hi again,

Just for your information, the poll watcher was appointed by a candidate in a federal election, not a state or local election.

Thank you again,

On Sunday, October 13, 2024 6:51 PM [REDACTED]

Hello Mr. Arredondo,

I apologize for bothering you over a holiday weekend, however I am uncertain who can assist and fulfill this Public Information Request.

Would you be able to forward this entire (October 5, 2024 to-date) email PIR to the direct supervisor of the Elections Administrator?

The Poll Watcher wishes to remain anonymous to protect the candidate and asks for your guidance, as do I.

Also, is it standard that there are no election related items on the Commissioners Court agenda? Considering upcoming election events, this is curious.

Thank you for your consideration and assistance,

On Sunday, October 13, 2024 5:31 PM, James Oakley <judgejamesoakley@gmail.com> wrote:

I have received the request. I have no records that are relative to the request.

James Oakley

Burnet County Judge

512-744-5205 cell / text

judgejamesoakley@gmail.com

Sent from iPhone

Begin forwarded message:

From: Stephanie McCormick <smccormick@burnetcountytexas.org>

Date: October 13, 2024 at 10:53:13 AM CDT

To: James Oakley <judgejamesoakley@gmail.com>

Subject: Fwd: PIR #JO-952024-1 Commissioners Court and voting systems

----- Forwarded message -----

From [REDACTED]

Date: Saturday, October 12, 2024

Subject: Re: PIR #JO-952024-1 Commissioners Court and voting systems

To: countyjudge@burnetcountytexas.org

Cc: Eddie Arredondo <earredondo@burnetcountytexas.org>, Colleen Davis <cdavis@burnetcountytexas.org>

Hi Judge Oakley,

Please confirm the below October 5, 2024 Public Information Request as the poll watcher is asking for confirmation of the Public Information Request.

Regards,

On Wednesday, October 9, 2024 12:01 PM [REDACTED]

Judge Oakley,

7/9

1. Please confirm receipt of this Public Information Request (PIR).
2. Please be advised that the below information is being requested by a Poll Watcher who wants to remain anonymous and does not want to interrupt the Elections department and/or Elections processes as they are busy preparing for the November 2024 election.
3. Forwarded here is an 10/09/2024 email with statutes and working links for the Oct. 5, 2024 email information requested:

--- Original message ---

Subject: Re: Commissioners Court and voting systems

From: F*REDACTED*n@proton.me

Date: Wednesday, October 9, 2024 10:32 AM

To: [REDACTED]

Burnet County provides the "Hart System 6.2.1" to Voters in Burnet County polling places.

Please provide documents showing the official action(s) when Burnet County:

1. acquired the voting system provided to Voter(s) in Burnet County polling places in 2024, Sec. 123.035. VOTING SYSTEM EQUIPMENT CONTRACT https://texas.public.law/statutes/tex_election_code_section_123.035
1. adopted the voting system provided to Voter(s) in Burnet County polling places in 2024, Sec. 123.001. ADOPTION OF VOTING SYSTEM REQUIRED https://texas.public.law/statutes/tex_election_code_section_123.001
1. submitted the "Annual Report Required" to the Texas Secretary of State in 2024, Sec. 123.061. ANNUAL REPORT REQUIRED https://texas.public.law/statutes/tex_election_code_section_123.061
2. submitted "Contents of Report" as required by the Texas Secretary of State in 2024, Sec. 123.063. CONTENTS OF REPORT https://texas.public.law/statutes/tex_election_code_section_123.063
1. contracted with other entity(ies) to provide voting systems in 2024, Sec. 123.032. ACQUISITION OF EQUIPMENT BY POLITICAL SUBDIVISION OTHER THAN COUNTY https://texas.public.law/statutes/tex_election_code_section_123.033

To reassure Voters before Early Voting starts, can the Elections Administrator and his Supervisor (the county judge) present the above documents in commissioners court and post them on the county website?

###

On Saturday, October 5, 2024 1:28 PM [REDACTED]
wrote:

To: Judge Oakley,

As the department head of Elections, can you answer the questions in the email below?

Attached please find a pdf with working links because the forwarded links don't work.

Please let me know if the pdf links won't open.

Thank you,

8/9

--- Original message ---

Subject: Commissioners Court and voting systems

From: F_redacted_n@proton.me

Date: Saturday, October 5, 2024 1:04 PM

To: [REDACTED]

Burnet County provides the "Hart System 6.2.1" to Voters in Burnet County polling places.

Please provide documents showing the official action(s) when Burnet County:

1. acquired the voting system provided to Voter(s) in Burnet County polling places in 2024,
1. adopted the voting system provided to Voter(s) in Burnet County polling places in 2024,
1. submitted the "Annual Report Required" to the Texas Secretary of State in 2024,
1. submitted "Contents of Report" as required by the Texas Secretary of State in 2024,
1. contracted with other entity(ies) to provide voting systems in 2024.

To reassure Voters before Early Voting starts, can the Elections Administrator and his Supervisor (the county judge) present the above documents in commissioners court and post them on the county website?

####

Thank you for your time and attention to this PIR.

Stephanie McCormick

Burnet County Administrative Director/Court Coordinator

Judge James Oakley

512-715-5276

New email : smccormick@burnetcountytexas.org

WE ARE BACK TO IN PERSON HEARINGS. ATTORNEY AND CLIENT ARE EXPECTED TO BE PRESENT FOR THE HEARINGS.

IF THIS IS A PROBATE HEARING MATTER, PLEASE RESPOND WITHIN 24 HOURS SO THAT WE MAY CONTINUE TO GIVE OUT DATES AND TIMES TO OTHER ATTORNEYS. IF YOU NEED LONGER THAN 24 HOURS, PLEASE KNOW THAT YOUR DATE AND TIME MAY NO LONGER BE AVAILABLE AND YOU MAY NEED TO CALL FOR NEW DATE/TIMES.

9/9

official
notice?

103

104 **Agenda Item #13: Forensic accounting firm to inspect/audit Burnet County payroll**
105 **records (occurs at approximately minute 35:26)**

9-12-23 ComCrt

106

107 JO: Thirteen, discussion or action regarding the notification from the County Judge to
108 the Commissioners Court of Burnet County payroll irregularities and the potential of
109 directing Burnet County Auditor to employ a forensics accounting firm to inspect and
110 audit Burnet County payroll records. Um, I believe the wording on that would be
111 directing, uh, it wouldn't work for the auditor, it would work for the court, correct?

112

113 Karin Smith, Burnet County Auditor: Correct.

114

115 JO: That's correct. Um, so, um, in the name of transparency and um, making sure
116 everything is correct, um, I feel it would be prudent to, um, get an outside forensics
117 auditing firm, uh, to take a look at some irregularities and, talking with the auditor, um,

3

118 there's an agreement there as well as with the county attorney, and so, um, I'd like to go
119 out and get some proposals and bring that to the next court.

120

121 Is there any questions, comments, or motions?

122

123 Damon Beierle, Pct 2 Commissioner: So this is just to go out for proposals on costs, of
124 what it would cost, or....

125

126 JO: Yeah, I don't have that yet.

127

128 DB: I get you.

129

130 Joe Don Dockery, Pct 4 Commissioner: So it would be an RFP?

131

132 JO: No, it'd be Professional Services, because they're licensed CPAs. It wouldn't,
133 doesn't require that. Correct?

134

135 KS: Yes, it does not require going out for a proposal, because of it being Professional
136 Services. But I can bring back as many proposals as the court would like me to bring
137 back to them.

138

139 JO: Okay.

140

141 Jim Luther Jr., Pct 1 Commissioner: Move for approval.

142

143 JDD: Second.

144

145 JO: We have a motion and second. All in favor, please signify by saying Aye.

146

147 All 4 Commissioners: Aye. (Note: Pct 3 Commissioner Billy Wal' absent)

148

149 JO: Any opposed? Motion carries.

150

151

152 **Agenda Item #14, Commissioners Court members being compliant with Local**
153 **Government Code Chapter 171 (discussion begins at approximately Minute 37:20)**

1/2

8-13-2024 Excerpt from Transcript Baker Tilly Audit Results

JO: And there's some interpretation of Robert's Rules of Order, that you cannot have discussion until you have a motion and a second.

PC: That's correct.

JO: Which that's blown out of the water. But I think, first of all, what this court has to say, as far as questions and motions and all that, that needs to be heard first.

PC: Yes.

JO: And so,

PC: But you'll open it up for public and employee questions.....

JO: Yes.

PC: Before you vote.

JO: And there's certain things we can probably get in to, and certain things we can't. So.

PC: But if you've redacted your report, you're talking about a class of employees so you may discuss all the contents, the only time you can't is when you're speaking of a specific employee. Mr. Arredondo can....

JO: And that's true. There's not supposed to be anybody names mentioned in there. And there's not now. So, um, commissioners, what's your take on this? It's a lot, and I realize that, and it's in mumbo jumbo form, so, um....

DB: Is it appropriate to make a motion to table this until our next commissioners court so we can digest this and find out what all the questions are?

JO: I think, I think there's a lot of latitude on what we could do.

DB: Then that's my motion.

Billy Wall, Precinct 3 Commissioner: I second.

JO: Alright. So at this point, is there any other thoughts on that, from commissioners? The motion and second is to just table the item until the next court. Nothing that time

sensitive about it, it's just, it's just an exercise - again, when you have whistleblowers, you have to look into things. I a hundred percent believe in that. So.

Audience member: Except when you don't. (pause) I can stare too.

JO: I can't hear.

Audience member: Yeah.

JO: I can't hear. Anything?

JDD: You have a motion and second.

DB: Motion and second, sir.

JO: Yup. Alright, so that's where we're at. County Attorney, we good with that? I'm sure we are. Alright, we have a motion and second to table the item until a future court. Alright, all in favor please signify by saying Aye.

All 5 Commissioners: Aye.

JO: Any opposed? Motion carries. Now we've got lots of other business to tend to.

Patty Cope: Aren't you going to have discussion? You said you would take questions.

JO: Well, it's tabled. Um, but if you have a question, if you have a question I'll be happy to attempt to answer it.

PC: Can you rescind your motion, please? Let's take questions. That's, you committed to taking questions today. You're not going to pull.....

JO: I did, so please ask and make sure they're....

PC: Okay, except you've already voted to table, which means to indefinitely postpone, you need to move it to the next meeting and not table it. Anyway, it's Robert's Rules. Um, you talked about whistleblowers? And whistleblowers are supposed to go to a law enforcement authority. Now, I think everybody knows that Ken Paxton had a trial (laugh), and there were whistleblowers involved in Ken Paxton's trial. They were named. Those whistleblowers were named. So, when your whistleblowers came forward and they spoke with Mrs. Luther and Karin, ah, Karin did the right thing,

Presiding officer changed the motion to read "until a future court date"

Motion was to table until next commissioners court

Baker Tilley was engaged to investigate an alleged charge of falsifying time sheet records of some employees within the Sheriff's Department. The false entries were entered by supervisors, not the employee who received extra compensation for the added time entered but not worked. The employee and the supervisor must sign the time sheets which include the statement as follows:

Burnet County time sheets are governmental documents
And as such require accurate and truthful information and are subject to Texas Penal Code 37.10.
Falsifying a time sheet, a government record, is a Class "A" Misdemeanor.
I CERTIFY THAT THIS IS A CORRECT AND A COMPLETE RECORD OF THE HOURS WORKED THIS PAY
PERIOD.

Adding time for work that was not authorized as FTO and/or CTO, was not funded within the scope of annual budgeting and was falsely entered into the employee's time sheet (as time worked) by a supervisor was not legal.

The initial complaint came from an employee. The Sheriff's Office was informed of the issues (multiple employees records created to fund an unauthorized & unfunded program). Upper management gave assurance the activity would cease. That also was a false statement. The time sheets continued to include additional time.

The County Attorney passed on investigating the complaint, thereby sending the complaint on to the District Attorney. The District Attorney made one inquiry to the Sheriff and was told the activity was not happening. An employee in the District Attorney's office did an independent investigation and stated that, yes indeed there was sufficient documentation to open a formal investigation. The District told his employee to "stand down".

This is a short, concise overview of the situation we presented to Baker Tilly. All we need is a report that confirms the occurrences of falsifying time sheets for the purpose of funding unauthorized and unfunded work. We then will have confirmation that the charge is true and correct and does indeed require a full investigation by the District Attorney's office.

Titled: "Short and Sweet"
In Baker Tilly topic email thread
June 2024.
1/3

Info

Short and Sweet

Desktop



Protect Document ▾

Protect Document

Control what types of changes people can make to this document.



Check for Issues ▾

Inspect Document

Before publishing this file, be aware that it contains:

Document properties and author's name



Manage Document ▾

Manage Document

There are no unsaved changes.

Properties ▾

Size	12.8KB
Pages	1
Words	327
Total Editing Time	74 Minutes
Title	Add a title
Tags	Add a tag
Comments	Add comments

Related Dates

Last Modified	6/12/2024 9:58 AM
Created	6/12/2024 8:44 AM
Last Printed	

Related People

Author	SB Shirley Bullard
	Add an author
Last Modified By	SB Shirley Bullard

Related Documents

Open File Location

6/12

Eddie Arredondo

From: Shirley Bullard <sbullard@burnetcountytexas.org>
Sent: Wednesday, June 12, 2024 10:46 AM
To: James Oakley
Cc: Shirley Bullard; Eddie Arredondo
Subject: Re: Short n sweet feedback

Chapter 37. just goes on & on. Takes a legal mind to decipher all the if's, and's or but's.

Shirley Bullard
Burnet County
Human Resources Director
512-756-5489



On Wed, Jun 12, 2024 at 10:34 AM James Oakley <judgejamesoakley@gmail.com> wrote:
Shirley -

Thanks for your input. Ok, I'm curious, based on comments from the get go on this, I thought the consequence for falsifying a government document was a felony ? Is it a class A if it is the employee and maybe a felony if someone else tampers with the document ?

Eddie -

Your thoughts ?

James Oakley
Burnet County Judge
512-744-5205 cell / text
judgejamesoakley@gmail.com

Sent from iPhone

COMMISSIONERS MEETING
6/28/2024
Agenda Item #27 "Old Business"
Questions on Record Regarding Special Audit

Judge Oakley: 27 is previous agenda items, I don't have anything there, we have the 28.....

Commissioner Billy Wall: Judge?

JO: Yes, sir?

Charlie Parker: I have some questions to ask on an item....

JO: Okay.

CP: If I can speak.

JO: Okay. We'll see what the County Attorney thinks is prudent, where we can go. Some things we can talk about, we got to be careful about things that aren't posted.

CP: Okay. Well, this is of course all public record. I have a copy for everybody.

Eddie Arredondo, County Attorney: What agenda item are we under?

JO: We are under Old Business, 27, discussion regarding any previous agenda items.

CP: And this is specifically, my name is Charlie Parker, by the way, specifically about meeting Minutes from September 26, 2023, item 21b, on the forensic audit. Anyway, I've got some questions here related to that...the first question is: To date, what are the total costs incurred by the taxpayers of Burnet County for the forensic audit performed by Baker Tilly? In the original letter of intent, Baker Tilly agreed to keep their fees to \$20,000. This fee excludes expenses like travel, certain costs, etc. So that's what I'm asking.

JO: Yes, so the contract was not to exceed \$20,000, um, we initially had to do a retainer of \$7,500, and that's being returned, I've copied you on that email,

CP: And I saw that in the Minutes.

JO: So it's not exceeding \$20,000.

CP: But but I mean it specifically states in there, expenses like copying costs, travel expenses...

JO: You're.....you're referring to number 5?

Commissioner Billy Wall: Four.

CP: No, number 4.

JO: They are, um, under a license, uh - correct me if I'm wrong here - because this service is, ah, requires a license, it allows you to, um, engage with a professional service, um, if it's below a certain threshold which I believe is fifty thousand? Is that correct?

Karin Smith, Burnet County Auditor: I believe under a professional service, it's exempt from the fifty thousand.

JO: Okay, so you don't have to put it up to bid for professional services, so if you needed legal representation, or in this case CPA, so you're exempted from putting out to bid, and again, they were selected based on their name, (laugh) of who they are, I mean, they're the Boeing of CPA

CP: Yeah. That's not a good example

JO: (laughter) but that may not be a good example.

CP: But, again, a Certified Public Accountant is, has a license, you know, by the State, and, I'm just wondering, you know, why there wasn't, you know, again, if they're the biggest out there and that was the reasoning, I

JO: Several, I'll tell you that I personally contacted, probably, seven or eight different organizations, and, lot of them didn't do this particular kind of work, and whatnot, and so Baker Tilly again being the elephant in the room, or the gorilla in the zoo on this particular one, they were based chosen on their size.

CP: Okay.

JO: Which, you know, I would've, I would have rather used a smaller firm if it was closer, but I could not identify one that would do this specific kind of work, and still meet the criteria of not being local because it needed to be an outside firm.

CP: Well, they do have offices in Austin, and I wonder why...

JO: Those offices don't do this particular form of, ah, work....

CP: Okay.

JO: They have multiple different divisions and whatnot, and the Texas offices, um, again, don't do this kind of particular work.

PIR records of "personally contacted"



Re: Info Request for Evergreen

From [REDACTED]
To James Oakley<judgejamesoakley@gmail.com>
CC Eddie Arredondo<earredondo@burnetcountytexas.org>,
Shirley Bullard<sbullard@burnetcountytexas.org>
BCC commissionerpct1@burnetcountytexas.org, dbeierle@burnetcountytexas.org,
commissionerpct3@burnetcountytexas.org, commissionerpct4@burnetcountytexas.org
Date Tuesday, October 15th, 2024 at 10:40 AM

Dear Sir,

Can you answer about the others asked about below in the first email?

This email:

Dear Sirs,

I saw some newspaper ads and facebook posts about new Burnet county salaries. Can I have more information and data about the calculations and Evergreen results (consultant mentioned in the news):

1. county correspondence with Evergreen,
2. invoices and purchase paperwork with Evergreen,
3. paperwork approving the raises for the elected officials,
4. paperwork approving merit raises and "step" raises,
5. email and notes from county employees, and committees about Evergreen,
6. draft versions of the final calculations (and report, study, survey),
7. notes to approve the final document (report, study, survey).

Thanks very much for the information,

Another Concerned Citizen

On Tuesday, October 15th, 2024 at 10:32 AM, James Oakley <judgejamesoakley@gmail.com> wrote:

It is my understanding, the Human Resources Department (copied) interacted with the contracted vendor.

James Oakley

Burnet County Judge

512-744-5205 cell / text

judgejamesoakley@gmail.com

Sent from iPhone

On Oct 15, 2024, at 9:57 AM, [REDACTED]

Dear Sir,

If I understand, you have no email about Evergreen?

1

Are there some other people I can ask about this?

There was a process that took about a year, so there has to be people who worked on it in the county.

Sincerely,

Another Concerned Citizen

On Tuesday, October 15th, 2024 at 9:48 AM, James Oakley <judgejamesoakley@gmail.com> wrote:

I have searched my emails and have no matches to the request.

James Oakley

Burnet County Judge

512-744-5205 cell / text

judgejamesoakley@gmail.com

Sent from iPhone

Begin forwarded message:

From: Stephanie McCormick <smccormick@burnetcountytexas.org>

Date: October 15, 2024 at 8:24:37 AM CDT

To: James Oakley <judgejamesoakley@gmail.com>

Subject: Fwd: Info Request for Evergreen

Stephanie McCormick

Burnet County Administrative Director/Court Coordinator

Judge James Oakley

512-715-5276

New email : smccormick@burnetcountytexas.org

WE ARE BACK TO IN PERSON HEARINGS. ATTORNEY AND CLIENT ARE EXPECTED TO BE PRESENT FOR THE HEARINGS.

IF THIS IS A PROBATE HEARING MATTER, PLEASE RESPOND WITHIN 24 HOURS SO THAT WE MAY CONTINUE TO GIVE OUT DATES AND TIMES TO OTHER ATTORNEYS. IF YOU NEED LONGER THAN 24 HOURS, PLEASE KNOW THAT YOUR DATE AND TIME MAY NO LONGER BE AVAILABLE AND YOU MAY NEED TO CALL FOR NEW DATE/TIMES.

----- Forwarded message -----

From: <[REDACTED]>

Date: Sun, Oct 13, 2024 at 9:00 PM

Subject: Info Request for Evergreen