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County Judge

Christi Whitley
District & County Clerk

James Lebow
Commissioner Precinct 1

Michael Poe
Commissioner Precinct 2

Kenley Kroll
Commissioner Precinct 3

Greg McGregor
Commissioner Precinct 4

David Jenkins
Sheriff, Tax Assessor Collector

Randal H. Robinson
County Attorney



COUNTY OF SAN SABA
500 E Wallace Street
SAN SABA, TEXAS 76877
325-372-3747

FILED THIS 7th DAY OF MAY 2025 8:41 AM

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Kicade Stappell
COUNTY CLERK, BURNET COUNTY, TEXAS
BY Stephanie Phil DEPUTY

Lois van Beck County Treasurer
Neal Alexander County Agent
Sharon Blossman Justice of the Peace
Allan Garrett, Evan Stubbs District Judge
Perry Ellis District Attorney
Phil Pail Veterans Service Officer

May 6, 2025

Eddie Arredondo
Burnet County Attorney
220 S. Pierce
Burnet, Texas 78611

Burnet County Clerk: For filing
220 S. Pierce
Burnet, Texas 78611

Re: Investigation of County Commissioner Damon Bierle

Mr. Arredondo,

This investigation was requested by the Burnet County Attorney's Office based on an anonymous letter received from a "concerned citizen." To avoid potential conflicts of interest, the Burnet County Attorney requested Judge Cody Henson to appoint a Prosecutor Pre Tem to handle the Investigation. The Court appointed San Saba Assistant County Attorney, Russ Baker, to act as Prosecutor Pro Tem on this matter.

The letter from the "concerned citizen" raised an accusation that on two different occasions, Burnet County Commissioner Damon Bierle abstained from voting on an action item contained on the Court's agenda due to a conflict of interest. The first abstention allegedly occurred on May 5, 2023, and the second, May 23, 2023. The letter also raised the possibility the commissioner violated Local Government Code section 171.004 by failing to file, with the Commissioner's Court, sworn affidavits detailing his conflict of interest in the

**RANDALL H. ROBINSON, COUNTY ATTORNEY
RUSS ALAN BAKER, ASSISTANT COUNTY ATTORNEY
500 EAST WALLACE, 3rd FL EAST, SAN SABA, TX 76877**

matters for which he abstained. Pursuant to Local Government Code section 171.003 it is a Class A misdemeanor to *knowingly* violate section 171.004.

On March 24, 2025, the Court signed an order allowing this Prosecutor Pro Tem to hire a special investigator to assist him with making a determination whether or not probable cause existed to prosecute Commissioner Bierle for an offense(s) described above. Audio recordings of the relevant Commissioner Court meetings were obtained from the District Clerks office and provided to the special investigator for review. The special investigator also reached out to Mr. Bierle and subsequently interviewed him about these incidents. The investigator's report was filed along with this letter with the Burnet County Clerk's Office.

Having reviewed the relevant audio recordings and the report of the special investigator, I am declining to prosecute Commissioner Bierle for an offense under L.G.C. 171.003. At this time, there is no evidence that he knowingly violated L.G.C. section 171.004 by failing to file the required affidavits on these two occasions.

Sincerely,

/s/ Russ Baker

Russ Baker

Assistant County Attorney

Bierle Investigation

On 4/2/2024, I was asked by Russ Baker, prosecutor pro tem on the Bierle investigation, to assist him as a special investigator in order to help determine if probable cause existed that commissioner Bierle knowingly violated Texas Local Government Code section 171.004, a Class A misdemeanor.

On 4/2/2024, I made contact with Russ Baker, and he gave me copies of email referring to the Commissioner Court meeting form May 9, 2023, May 23, 2023, and form September 12, 2023. Mr. Baker requested that I listen to the commissioner court recording and meet with Commissioner Bierle and ask if he knew if he had to file an affidavit when abstaining from a vote when a conflict of interest exists. I found on May 3, 2023, that a vote was brought before the court and Commissioner Bierle abstained from voting on the matter. I also found on May 23 a vote was brought before the court and Commissioner Bierle abstained from voting again. I discovered on September 12th the county Judge announced in the courtroom and when a commissioner abstains from voting on a matter that he is required to file an affidavit stating his conflict of interest on the matter being voted on. The County Judge stated that he was not attempting to get anyone in trouble but wanting to make everyone aware for further incidents.

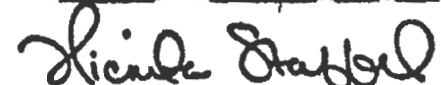
On 04/23/2025, I attempted to contact Commissioner Bierle by telephone. I was unable to make contact and left him a voice message to call me back.

On 04/24/2025, I attempted to contact Commissioner Bierle by telephone. I was unable to make contact and left him a voice message to call me back. Commissioner Bierle returned my phone call, and a meeting was set up to me at Putters and Gutters in Lampasas, Texas at 1100 am on 04/26/2024.

On 04/26/2024, I contacted Commissioner Bierle. I advised Mr. Bierle that I was asked to investigate into the matter of him abstaining from voting on May 3, and May 23, 2023. Mr. Bierle told me that he did abstain from voting due to having a conflict of interest. Mr. Bierle told me that he did not know at the time that he needed to file an affidavit with the court. Mr. Bierle told me that since September 12, 2023, when the county judge advised all commissioners that an affidavit is required to be filed when a conflict of interest exist on a matter being voted on, he has filed an affidavit every time since.



Reid Daly

FILED THIS 7th DAY OF MAY 2025 @ 8:41 AM PM

COUNTY CLERK, BURNET COUNTY, TEXAS
BY Stephanie Hill DEPUTY