

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGER DIVISION**

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**REPORT OF INVESTIGATION**

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1. BRIBERY 36.02 PC F2
2. WALLER COUNTY, HEMPSTEAD, TX, US
3. WALLER COUNTY
4. 03/02/2011 (Wednesday)

**REPORT OWNER: SHANE ELLISON, RANGER 9387 , BELLVILLE**  
**DIVISION: RA-2013-00449**  
**RANGER: CA09387131007100556A**

**FILE STATUS: CLOSED**  
**TYPE: CRIMINAL**

**SYNOPSIS:**

1. **10/07/2013 Report Writer: SHANE ELLISON, RANGER 9387, HOUSTON**  
**12/20/2013 Approved by: 9619 JASON TAYLOR, LIEUTENANT**

On 04-10-2013, Texas Rangers Shane ELLISON and Kip WESTMORELAND were requested to assist with an investigation into Waller County, Texas public officials and the events surrounding the hotly debated proposed Pintail Landfill outside of Hempstead. Pursuant to a complaint filed by Wayne DOLCEFINO of Dolcefino Communications, LLC on behalf of the Citizens Against the Landfill in Hempstead, DOLCEFINO alleged a Waller County Commissioner and the Waller County Engineer traveled to Atlanta, Georgia to visit a landfill without seeking reimbursement from the county. DOLCEFINO further alleged no travel expense reports were filed to keep the trip secret and the source of the funds used to pay for the trip was unknown. DOLCEFINO specifically asked that the newly appointed Waller County District Attorney's pro tem ascertain if the landfill company, or any of its agents, provided any expenses or benefits in violation of the Texas Penal Code. On 04-23-2013, Rangers ELLISON and WESTMORELAND received permission to conduct an investigation into whether or not any Waller County official accepted gifts or payments from the landfill company or persons working on their behalf.

**DETAILS:**

- 1.1 On 04-10-2013, Texas Ranger Shane ELLISON and Texas Ranger Kip WESTMORELAND were requested to assist the newly appointed Waller County District Attorney's pro tem in an investigation into Waller County elected officials and the

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<b>1. BRIBERY 36.02 PC F2</b> <b>2. WALLER COUNTY, HEMPSTEAD, TX, US</b> <b>3. WALLER COUNTY</b> <b>4. 03/02/2011 (Wednesday)</b>		

proposed Pintail Landfill. The proposed landfill had been, and continued to be, a hotly debated topic in Waller County. Multiple allegations of Public Corruption and Bribery surfaced over the course of the debate.

Due to a conflict of interest between the Waller County District Attorney's Office and the events surrounding the proposed landfill, Waller County District Attorney Elton MATHIS recused himself and filed a motion in the 155th District Court for the appointment of the two attorneys pro tem. District Judge Jeff STEINHAUSER granted the motion and appointed Fort Bend County Assistant District Attorneys Scott CARPENTER and Mark LAFORGE as the pro tem District Attorneys representing Waller County.

Per a letter (Exhibit 1.1) drafted by District Attorney pro tem CARPENTER requesting the assistance of Ranger WESTMORELAND, CARPENTER and District Attorney pro tem LAFORGE advised they would "represent the State in any criminal actions or actions for neglect or failure of duty, as to current or former members of the Waller County Commissioner's Court, or in any criminal actions related to a proposed landfill."

**1.2** In a letter addressed to District Attorney pro tem CARPENTER dated 04-09-2013 (Exhibit 1.2), Wayne DOLCEFINO, president of Dolcefino Communications, LLC, filed a formal complaint against Waller County Judge Glen BECKENDORFF, Commissioner Stan KITZMAN, Commissioner Frank POKLUDA and "other public officials of Waller County for possible violations of the Texas Public Information act, the Texas Open Meetings Act, and other statutes relating to the legitimate expenditure of public funds." DOLCEFINO and Dolcefino Communications, LLC had been hired to represent the Citizens Against the Landfill in Hempstead (CALH) and apparently filed the complaint on behalf of this organization.

**1.3** Upon reviewing the complaint, Rangers ELLISON and WESTMORELAND received permission to conduct a cursory investigation into an allegation made by DOLCEFINO in which two Waller County officials traveled to Georgia to visit a

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landfill at the request of Waller County Judge BECKENDORFF without seeking reimbursement for expenses. Per the complaint, DOLCEFINO specifically asked for the District Attorney pro tem's office to "ascertain whether Green Groups, or any of its agents provided any expenses, or benefits in violation of the Texas Penal Code."

For purposes of this report, it should be noted Green Groups, Green Group Holdings, Pintail Landfill and Waste Management were all companies related to the proposed landfill in Waller County, Texas.

- 1.4** The complaint named former Waller County Precinct 1 Commissioner Odis STYERS and current Waller County Engineer Orval RHOADS as the two county officials who traveled to a Georgia landfill in March of 2010, and did not seek reimbursement. DOLCEFINO indicated in the complaint that Commissioner STYERS claimed he paid for the trip "out of his own pocket, despite the availability of public funds to pay for this trip. Of course, a public record of his trip would have alerted residents of Waller County to a planned landfill which would not be announced until June of 2011."

Pursuant to this allegation, District Attorney pro tem CARPENTER and District Attorney pro tem LAFORGE set up an interview with former Commissioner STYERS and asked that Rangers ELLISON and WESTMORELAND attend. Per District Attorney pro tem CARPENTER, STYERS had recently come forward and notified Waller County District Attorney MATHIS he wanted to give his side of the story to the Waller County District Attorney pro tem.

- 1.5** On 04-19-2013, former Commissioner STYERS was formally interviewed at the Waller County District Attorney's Office (WCDA) in Hempstead, Texas. The interview was held in the central meeting room within the WCDA'S office building and the following individuals were in attendance: District Attorney pro tem CARPENTER, District Attorney pro tem LAFORGE, Ranger ELLISON, Ranger WESTMORELAND, former Waller County Commissioner STYERS and his attorney, Travis FLEETWOOD. The following is a summary of the interview of

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Commissioner STYERS:

A. STYERS stated he had been in Waller his whole life (57 years). He was a farmer and rancher. He owned a construction company and he bought and sold real estate. STYERS ran for Waller County Precinct 1 Commissioner in 2008, won and served four years before being defeated by current Waller County Precinct 1 Commissioner John AMSLER.

B. AMSLER accused him of selling his (STYERS') property to the landfill company and that STYERS had a contract to build the landfill. STYERS stated these allegations were not true and he did not own the land to sell it to the landfill company. Further, STYERS advised he did not have any construction contracts with the landfill company. His company was too small to handle that big of a job. The land was owned by a group of doctors in Corpus Christi, Texas.

C. The first time STYERS heard about a landfill possibly coming to Waller County was right after he took office in January of 2009. Sometime in the summer of 2009, former Waller County Judge Owen RALSTON took STYERS to a landfill east of Conroe. Judge RALSTON told STYERS that he needed to look at the landfill because "one of these days there's gonna be one of these in Waller County."

D. Current Waller County Judge Glenn BECKENDORF took office in January of 2011. Around March of this same year, STYERS was told by Judge BECKENDORFF that a landfill company was looking at putting a landfill in Waller County, as well as other counties. Judge BECKENDORFF asked STYERS to go to Atlanta, Georgia to look and see what kind of landfill they had. STYERS stated Judge BECKENDORFF chose him for two reasons, as follows: STYERS could pay his own way because the county could not pay for the trip and STYERS had already seen a landfill.

#### 1.6 Interview of STYERS continued:

E. STYERS stated he bought his ticket, flew to Georgia and came back the same day. The landfill in Atlanta was named

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Turkey Run. STYERS met with local county commissioners and was met at the airport by "the landfill guy." STYERS was not given anything while he was there concerning the landfill. He spoke with the local commissioners who told him the landfill company did everything they said they were going to do. STYERS advised the meeting was real general and did not last long. He was there about two hours and the Waller County Engineer, Orval RHOADS, went with him. STYERS did know who paid for RHOADS' plane ticket, but assumed he (RHOADS) did. STYERS stated the trip never went through commissioners court and the county would not pay, or "sign a check", unless it went through the court.

F. When asked if he thought the trip was county business, STYERS advised both yes and no. STYERS stated he was doing it [taking the trip] for the county and stated "I don't know what constitutes a private individual looking at something for the county or an official looking at something for the county." STYERS stated he had no personal interest in going to Georgia to see the landfill and only did it to see what might be coming to Waller County.

G. STYERS was told by the landfill employees that the company was also looking at Austin County and Fort Bend County. STYERS was concerned about how the landfill looked and what benefits the county would get out of it. RHOADS was concerned about the roads he would have to build.

H. STYERS stated while at the Atlanta, Georgia landfill, the landfill employees showed him an industrial business park which was part of the landfill. The landfill employees talked to STYERS about the amount of jobs the industrial park could bring to the county.

#### 1.7 Interview of STYERS continued:

I. In March of 2011, Judge BECKENDORFF called and told STYERS the landfill company wanted to meet in Katy, Texas to eat and meet. Judge BECKENDORFF and STYERS attended and STYERS paid for his own meal. The landfill representatives advised they were looking at four to five sites in Waller

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County. The main site was on Pederson's rice farm on FM 529 and FM 362. The landfill representatives said that when they decided on the final site they would make an official announcement in May of 2011. The landfill company asked him not to say anything about the landfill and also told him approximately 13 people from Waller County had been to the Atlanta landfill. STYERS did not know who these individuals were, but Judge BECKENDORFF told him the landowner of the proposed Pederson rice farm site was one of them. STYERS was amazed that out of 13 people who went to the Atlanta landfill, no one said anything about it.

J. STYERS advised that in May of 2011, the landfill company wanted to meet with each Waller County Commissioner individually at a hotel conference room in Katy, Texas around noon. The mayor of Hempstead went with STYERS. STYERS took the mayor because he valued his opinion and so he [the mayor] could discuss a possible contract between the City of Hempstead and the landfill company for a water processing plant. STYERS did not see any other commissioner or the county judge while there.

K. At this meeting, STYERS stated the landfill company announced the site had changed from the Pederson rice farm site to the current site outside of Hempstead. Each commissioner went separately and the landfill company employees were very clear about not discussing the site with anyone. STYERS was also told during this meeting that the company would develop an industrial park and the county would get money per ton of trash taken in. Basically, the company read the host agreement to him during the meeting.

L. STYERS likened the landfill ordeal to when the Goya Foods Company came to the county. The meeting arrangements with Goya were the same and the commissioners went one at a time. Judge BECKENDORFF kept telling the commissioners something big was coming and it was going to be big for the county about two months prior to Goya showing up. STYERS stated it was the same deal and before anything was announced publicly, the commissioners were sent to a meeting with Goya one at a time to one of their plants in Houston.

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## 1.8 Interview of STYERS continued:

M. At a commissioner's court meeting on an unknown date, the landfill company's attorney, only identified by STYERS as BLACKMON or BLACKWELL, stood up and said he suggested the Hempstead site and this was the site they had in mind when they started. The attorney was addressing the group known as Citizens Against the Landfill when he made the statement. STYERS stated he hoped it was on record and he hoped he did not misunderstand him.

N. STYERS felt like he was lied to on purpose. STYERS also advised that the landfill company told him they would make the announcement, or "go public", within a week after the meeting at the hotel in Katy. On a Saturday afternoon (unspecified date), he received a phone call from a concerned citizen asking if a landfill was coming to Waller County. STYERS told this individual a landfill company was trying to come to the county and by 10:00 PM that night, "Waller County knew."

O. When asked whether or not the commissioners court had any type of approval process over where the landfill would go, STYERS stated "no" and that the landfill company could build it without the commissioner's approval. STYERS further advised that once the Texas Commission on Environmental Quality (TCEQ) granted a permit to build a landfill, there was nothing anyone could do to stop it.

P. In 2011, the commissioners court attempted to pass an ordinance which would limit locations where a landfill could be built within Waller County. STYERS advised "you can't tell them they can't come, but you can tell them where to build it." STYERS advised the ordinance was passed in the summer of 2011. The ordinance had to be posted publicly for two weeks. Somehow, BECKENDORFF messed it up and the court had to re-do the whole process and vote again on the ordinance.

## 1.9 Interview of STYERS continued:

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Q. Once the ordinance passed in July or August of 2011, STYERS received a phone call from Ernest KAUFMAN, the head of Pintail LLC., who told him the ordinance was no good because the permit for the landfill had already been filed. KAUFMAN called STYERS approximately three days before the newly passed ordinance went into effect. Pintail had already chosen the Hempstead (or current) location at the time the ordinance had passed and had already informed the commissioners of the location. So, according to STYERS, the fight became whether or not the permit which was filed by Pintail was valid.

R. STYERS stated in 2012, BECKENDORFF changed his position and the host agreement was voted on and approved. The host agreement required Waller County cooperate with the landfill and in 2013, the ordinance was modified to show the only location approved for a landfill was the location chosen by the company just outside of Hempstead.

S. As far as traveling to the landfill, the commissioners court approved for Waller County to pay for public officials to travel to Georgia to view the landfill. STYERS knew Commissioner Frank POKLUDA went to Georgia, but was not sure of any other county officials. There were no cash advances for travel and you had to show receipts and fill out itemized forms before being reimbursed for travel expenses. The approval through commissioners court to travel to Georgia occurred in open court.

T. To his knowledge, Pintail, or Green Group, had a five year option to purchase the land where the landfill would go. STYERS knew the landowners were a group of investors from Corpus Christi and they bought the land from a local family approximately four to five years ago. STYERS believed the company would not exercise their option to purchase the land until the landfill permit was approved.

#### 1.10 Interview of STYERS continued:

U. STYERS rode to the Bush Intercontinental Airport in

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Houston with Waller County Engineer Orval RHOADS in a county vehicle when they went to visit the landfill in Atlanta, Georgia. STYERS did not know how RHOADS paid for his airline ticket, but did advise that no reimbursement paperwork was presented to the commissioners court. STYERS did not sit on the plane with RHOADS and he did not recall talking about the landfill to and from the airport.

V. They were picked up at the airport in Atlanta by the Green Group "people" and taken to the Turkey Run Landfill. They were there about two hours, driven back to the Atlanta airport, and they flew back to Houston that same day.

W. STYERS was willing to find and provide a copy of the credit card receipt/statement to show where he paid for his travel to the landfill in Georgia. Further, STYERS also stated he paid all of his own expenses as commissioner and did not seek reimbursement from the county.

X. He did not know of anyone who received any benefit from the landfill company, to include himself. STYERS also advised that one of the very first things he was told when he arrived at the landfill in Georgia was "we do not pay elected officials, we will not pay elected officials, and so if you are looking for a bribe, you are looking at the wrong place." STYERS stated he was also told the landfill company had put two commissioners in jail for taking bribes.

End of interview (Exhibit 1.3).

**1.11** On 04-23-2013, Rangers ELLISON and WESTMORELAND received permission to conduct a limited investigation into the allegation the trips to the Turkey Run landfill in Atlanta, Georgia may have been paid for illegally.

**1.12** On Friday, 04-26-2013, Rangers ELLISON and WESTMORELAND met with District Attorneys (DA) pro tem CARPENTER and LAFORGE to discuss the investigation. DA CARPENTER advised he sent out letters to all county officials to voluntarily provide any official records, receipts, emails, etc. in relation to the proposed landfill.

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**1.13** Ranger ELLISON received a copy of STYERS' American Express credit card receipt from CARPENTER this same date. Upon reviewing the credit card receipt, STYERS purchased a Continental Airlines ticket to Atlanta, Georgia on 02-23-2011, with a date of departure on 03-02-2011. The copy of the receipt (Exhibit 1.4) was mailed to DA pro tem CARPENTER via STYERS' attorney (FLEETWOOD) and dated 04-23-2013.

**1.14** On 04-29-2013, Ranger ELLISON received an email which originated from Waller County Assistant Auditor Joanne GREGORY and contained the travel expense documents for Judge BECKENDORFF, Commissioner KITZMAN and Commissioner POKLUDA. At Ranger ELLISON'S request, Waller County District Attorney MATHIS had this email forwarded to him after Ranger ELLISON learned the same information had been compiled by the auditor's office for DOLCEFINO pursuant to a public information request. Upon initial review of the documents attached to the email, Ranger ELLISON found travel reimbursement documents for Commissioner POKLUDA'S trip to the landfill in Georgia. Also included in Commissioner POKLUDA'S documents were the minutes from the Waller County Commissioner's Court dated 07-28-2011 which authorized county reimbursement for travel to the landfill in Georgia (Exhibit 1.8).

**1.15** On 04-30-2013, Ranger ELLISON telephonically contacted Waller County Engineer Orval RHOADS to set up an interview. Ranger ELLISON and RHOADS spoke for a few minutes. RHOADS advised he traveled to Atlanta, Georgia on 03-02-2011 and paid his own way on his MasterCard credit card. RHOADS stated during this conversation that the Waller County District Attorney told him to pay for the trip himself. RHOADS agreed to provide a copy of the receipt to Ranger ELLISON at the interview set for Wednesday, 05-01-2011.

**1.16** On 04-30-2013, Rangers ELLISON and WESTMORELAND interviewed former Waller County Judge Owen RALSTON at his residence in Waller, Texas. The following is a summary of the interview (Exhibit 1.5) with Judge RALSTON:

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A. Judge RALSTON stated he was approached by an individual only identified as Glenn MASTERSON from Waste Management in 2004 or 2005. They were looking at locations near the Houston Executive Airport and a location near Hebert Road near FM 529 and FM 362. The company "dropped it" to avoid a fight with the Pfeffer family and their rice farms. Judge RALSTON stated he did not have any other conversations about any other areas in the county.

B. Judge RALSTON advised he held a men's breakfast the first Tuesday of every month. Commissioner Frank POKLUDA told a Green Group representative named Ernest KAUFMAN to get in touch with Judge RALSTON about speaking at the breakfast. There were two representatives and they met him at an unspecified date. They invited him to visit a landfill in Georgia and he declined. Eventually, the Green Group representatives spoke at the breakfast. This occurred five to six months after he left office in 2010. Judge RALSTON stated he did not travel to the landfill in Georgia and told the Green Group representatives he was not going to get involved with their project.

C. Judge RALSTON did not know why the location was changed from the south end of the county to its current location. Before meeting with the Green Group representative (documented above), Judge RALSTON received a phone call from Commissioner POKLUDA who told the Judge that "they" were looking at a site for a landfill. He did not know exactly where it was, but he described an area. Judge RALSTON figured out where it was just from what Commissioner POKLUDA told him. Judge RALSTON identified the site as the Rainey Ranch, which was the current location of the proposed landfill.

D. Commissioner POKLUDA also told him they (the commissioners court) were meeting with Green Group in Katy individually and that the county engineer and Commissioner STYERS were going to Georgia. POKLUDA told him the county was not going to pay for the trip because they did not want it showing up on the books. Judge RALSTON thought this was "shady" and he would not have done it that way. He also did

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not understand why there was a meeting individually in Katy in 2011. If there was not anything to hide, then the meeting should have been in the courthouse.

#### 1.17 Interview of Judge RALSTON continued:

E. Judge RALSTON stated he visited a landfill in Alvin, Texas and a landfill in Montgomery County. All of the commissioners eventually went to view one of these landfills and they went individually at different times. Judge RALSTON did this so that the commissioners would be aware and have knowledge of what they would be dealing with if Waste Management were to pursue a landfill in the county. These trips occurred in 2008 and 2009.

F. The only company looking at a landfill in the county was Waste Management at the end of his term in 2010. He was not sure if Waste Management was connected to Green Group and he was not aware the company was looking at a site in the northern part of the county (or the current site).

G. After he met with the Green Group representatives (after he left office and at the breakfast) and the word got out about the landfill, he called MASTERSON from Waste Management to talk about it. MASTERSON told the Judge that the county could stop it by passing an ordinance to designate where a landfill could be located. MASTERSON advised a county could not pass an ordinance to keep a landfill out, but it could pass an ordinance which stated a landfill could only be located within a designated area as long as it was reasonable. MASTERSON told the Judge the county had to pass the ordinance before the application to build a landfill was filed. Even if the application was incomplete when filed, as long as they beat you with the application, "it's pretty much done." Judge RALSTON stated MASTERSON told him this before. He (Judge RALSTON) knew about the ordinance process and advised he should have done something about it "way back."

H. MASTERSON told Judge RALSTON that he told current Judge BECKENDORFF the same thing a few days earlier. Judge

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RALSTON stated Judge BECKENDORF "purposely drug his feet on passing the ordinance, forgot to post it or whatever, and messed around with it until they got their application in. He [Judge BECKENDORFF] knew better cause Glenn MASTERSON told him he had to get with it but he didn't want to stop it." Judge RALSTON advised this occurred his first year out of office, or May or June of 2011.

#### 1.18 Interview of Judge RALSTON continued:

I. Judge RALSTON stated he was never pressured by MASTERSON and he (Judge RALSTON) felt like he had "veto power." Judge RALSTON stated he was under the impression the landfill representatives wanted him to be comfortable with the area they selected and if he did not support it, they would probably back off. Per RALSTON, the company did not want to come in and get in a fight with the county and if the county judge indicated he could not support a location, then more than likely the company would look for another area.

J. MASTERSON had told him before about the ordinance and it was not news to him the ordinance could not keep out a landfill, but it could designate where it could be located. Judge RALSTON continued and advised he (MASTERSON) especially could have told him the ordinance had to be in place before the application was filed.

K. Judge RALSTON stated he had not heard of any underhanded dealings on behalf of the landfill companies with the commissioners. He was never told to not say anything about a possible landfill coming to the county. He had heard Commissioner STYERS was getting contracts to build the landfill, but he did not believe it. In 2011, the landfill company offered to fly him to Georgia. He was not interested and did not go. He had heard STYERS and RHOADS went along with some civilians. The Judge speculated STYERS paid his own way because "he has money." The Judge estimated six to eight people went to Georgia to visit the landfill.

L. In hindsight, the ordinance should have been put in

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place while he was in office, but at the same time, he had no way of knowing for sure that a landfill would be put in. The Judge also advised that no matter where you designate where a landfill could be built, there would still be a fight. A TCEQ employee once told the Judge that at some point you have to stop fighting and get something for the county and move on. He conferred with a Grimes County Judge who advised they (Grimes County) wished they would have done this because they kept fighting and got nothing out of it except a fight, a big bill for attorneys, and a landfill.

M. Judge RALSTON concluded and told Ranger ELLISON that while Waste Management was talking to him about a landfill, they never considered or mentioned locating in the northern part of the county. The Judge also provided information for MASTERSON and KAUFMAN during the interview.

End of interview.

**1.19** On 05-01-2013, Rangers ELLISON and WESTMORELAND interviewed Waller County Engineer Orval RHOADS at his office in Hempstead, Texas. Upon arrival, RHOADS handed Ranger ELLISON a copy of his credit card statement which had a charge for \$689.90 to Continental Airlines on 02-23-2011. The credit card statement (Exhibit 1.6) reflected what appeared to be a date of departure on 03-02-2011 from IAH (Houston) to ATL (Atlanta). In addition to the credit card statement, RHOADS provided Ranger ELLISON with a copy of a memo he prepared at the request of Waller County Commissioner Sylvia CEDILLO which documented the trip to Atlanta. Upon reviewing the memo (Exhibit 1.7), Ranger ELLISON observed RHOADS documented the reason for the trip, who he met with while there, and his opinions on the overall operation of the Turkey Run landfill.

**1.20** The following is a summary of the interview with RHOADS:

A. Ranger ELLISON advised RHOADS the purpose of the interview was in reference to the allegations surrounding the trip to Georgia. RHOADS advised the landfill company would have and wanted to pay for the trip, but they chose

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## REPORT OF INVESTIGATION

RANGER: CA0938713100710	Div File No:	STATUS: CLOSED
TYPE: CRIMINAL	RA-2013-00449	BY: SHANE ELLISON, RANGER 9387
1. BRIBERY 36.02 PC F2 2. WALLER COUNTY, HEMPSTEAD, TX, US 3. WALLER COUNTY 4. 03/02/2011 (Wednesday)		

not to for a number of reasons. They were told that "these kinds of things need to be kept confidential", reimbursement had to be approved by commissioners court, and the District Attorney advised them to pay their own way, to go on their own time, and seek reimbursement later. The situation got so bad, he never sought reimbursement.

B. At the time of the trip (2011), the site had not been selected yet. He went to evaluate and gather information on the quality of the installation. RHOADS traveled to Georgia with former Commissioner STYERS and they sat next to each other on the plane. RHOADS was not pressured or persuaded to go along with the idea of a landfill. RHOADS went to evaluate the quality of the installation, to find out the opinions of the local people and commissioners, and to address any concerns of contamination and floodplain issues. STYERS went out of curiosity and met with the same people. RHOADS was looking at it from the perspective of an engineer.

C. RHOADS arrived in Georgia between 10:30 and 11:00 AM, and was picked up at the airport by Thad OWINGS from Green Group. RHOADS and STYERS were driven to the residence of an individual who owned approximately 2,500 acres near the landfill. They were fed sandwiches and chips. They talked briefly over lunch and were driven back to the airport around 3:00 PM. RHOADS was asked by Judge BECKENDORFF to go to Georgia in February of 2011.

D. Prior to the trip, RHOADS stated the landfill company was looking at and evaluating around a dozen different sites in the county. He had heard that two years prior to their trip, the landfill company was evaluating a dozen sites and approaching individual private landowners. RHOADS had heard the landfill company was taking these private landowners to Georgia to visit the landfill. RHOADS saw a map which had a dozen sites on it. Then it was narrowed down to six. RHOADS was shocked when the announcement was made of the current location and had assumed it would be built in the southern part of the county, or "out of sight, out of mind".

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<b>1. BRIBERY 36.02 PC F2</b>		
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#### 1.21 Interview of RHOADS continued:

E. RHOADS knew the company offered to pay for the trip. He was contacted and told by the landfill company, and by Judge BECKENDORFF. RHOADS made the following statement: "They were wanting us to come over and evaluate it. It wasn't like a 'wining and dining' deal; they did want us to come look at it so we could have some idea of what kind of a project they built." The company wanted them to travel to Georgia, spend the night, see the landfill and then return. RHOADS and STYERS decided they both did not have time to do that so they bought their own tickets and went and returned the same day.

F. RHOADS knew of the travel itinerary set by the landfill company because of others who had traveled to Georgia. RHOADS knew that an individual only identified as Rodney PEDERSON and other private landowners with land the company had looked at went to Georgia. RHOADS did not know any specific individuals by name who went to Georgia other than PEDERSON. The landfill company was really interested in PEDERSON'S land at one point. RHOADS did not want to spend the night in Georgia because the day he went was a holiday (Texas Independence Day) and he had to work the next day.

G. RHOADS advised the justification for taking the trip to Georgia on his own time was because reimbursement would have to go through the commissioners court and the landfill deal, like any other industry coming into Waller County, was to be kept confidential. RHOADS stated the following:

"Irregardless of whether it's a landfill or if it's Rooms To Go, if you don't keep it confidential, they're gone to San Antonio." RHOADS had been the county engineer for five years and was asked to go on only one other trip. Goya Food Company invited the county officials to go look at their facility in Houston, but RHOADS did not go. It was common practice for county officials to keep information on a business coming to Waller County confidential. RHOADS mentioned Weatherford, Goya and Rooms To Go as the companies who asked for confidentiality when they came to Waller County.

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H. RHOADS stated what he did on his day off with his own money was his business. RHOADS did not go to Georgia in an official capacity, but at the same time, he was the county engineer 24/7 and he was "looking at things a county engineer would know about in order to evaluate the quality of what those people do that are coming somewhere in this county. That's only fair." RHOADS did not care if the landfill goes or stays and only went on the trip to offer his opinion from an engineering standpoint.

#### 1.22 Interview of RHOADS continued:

I. RHOADS never kept the trip secret and felt like he could go wherever he wanted to on his own time. RHOADS prepared a memo, knowing it would be public, and gave his opinion of the landfill site visit in Georgia (Exhibit 1.7). His opinion was not to say "yes we ought to do this or no we shouldn't do this", but to evaluate and look at what kind of impact it had on the environment and what impact it had on the county officials. RHOADS advised they (the county officials in Georgia) had to get county approval for the landfill, but in this state (Texas) you do not need county approval; you need TCEQ'S permit.

J. RHOADS was never asked or persuaded to agree to the landfill. They were "putting their best foot forward" and trying to create a positive image while he was there. RHOADS replied "maybe so" when asked if he could have possibly received a benefit from the company if he would have pushed the issue, but also advised that he was not in that mindset while he was there. RHOADS stated he was three years from retiring and did not have any "marks" on his work record after 40 plus years and was not going to start now.

K. RHOADS speculated the reason the landfill sight was moved to the current location was due to having direct access to Highway 6. RHOADS was not consulted about this location and advised the company made all of its own decisions. RHOADS continued and stated he believed since the landowners were from out of town and the land

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transaction took place elsewhere, that was another reason it took so long for the word to get out about the landfill. It was his opinion the landfill was a legitimate business deal and he did not believe anything illegal occurred.

End of interview.

- 1.23** Ranger ELLISON also learned the claims by the aforementioned interviewees that a landfill could not be prohibited from locating in Waller County were accurate. According to the Solid Waste Disposal Act, the law applied to any county in the State and required a county ordinance be passed designating where in the county waste disposal would not be prohibited. Additionally, this same law stated that once a permit was filed with and pending before the commission (TCEQ), the commissioners court may not prohibit the processing or disposal of solid waste. See subsection (b) and subsection (e)(1), respectively, below:

Texas Health and Safety Code Section 364.012, Prohibiting Solid Waste Disposal in County:

(a) The county may prohibit the disposal of municipal or industrial solid waste in the county if the disposal of the municipal or industrial solid waste is a threat to the public health, safety, and welfare.

(b) To prohibit the disposal of municipal or industrial solid waste in a county, the commissioners court must adopt an ordinance in the general form prescribed for municipal ordinances specifically designating the area of the county in which municipal or industrial solid waste disposal is not prohibited.

© An ordinance required by Subsection (b) may be passed on first reading, but the proposed ordinance must be published in a newspaper of general circulation in the county for two consecutive weeks before the commissioners court considers the proposed ordinance. The publication must contain:

- (1) a statement of the time, place, and date that the

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commissioners court will consider the proposed ordinance; and

(2) notice that an interested citizen of the county may testify at the hearing.

(d) A public hearing must be held on a proposed ordinance before it is considered by the commissioners court, and any interested citizen of the county shall be allowed to testify.

(e) The commissioners court of a county may not prohibit the processing or disposal of municipal or industrial solid waste in an area of that county for which:

(1) an application for a permit or other authorization under Chapter 361 has been filed with and is pending before the commission; or

(2) a permit or other authorization under Chapter 361 has been issued by the commission.

(f) The commission may not grant an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance, unless the county violated Subsection (e) in passing the ordinance. The commission by rule may specify the procedures for determining whether an application is for the processing or disposal of municipal or industrial solid waste in an area for which that processing or disposal is prohibited by an ordinance.

(g) The powers specified by this section may not be exercised by a county with respect to areas to which Section 361.090 applies. [Industrial solid waste, i.e. industrial/manufacturing plants, mining or agricultural operations from which the waste results or is produced]

**1.24** Additional interviews with Judge BECKENDORFF, Commissioners POKLUDA and KITZMAN, as well as other current and former Waller County officials will be documented in subsequent reports.

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<b>1. BRIBERY 36.02 PC F2</b> <b>2. WALLER COUNTY, HEMPSTEAD, TX, US</b> <b>3. WALLER COUNTY</b> <b>4. 03/02/2011 (Wednesday)</b>		

**PHYSICAL DESCRIPTION:****1.1 Odis STYERS III W/M****57 yoa**

Hair: Brown      Eyes: Brown      Weight: 180      Height: 5' 9"

SSN:                      SID:                      DL/ID:

AKA:

**Home :****Work :** Styers Construction

Post Office Box 557

Hempstead, TX 77445 US

(936) 870-5112

**1.2 Orval Elmer RHOADS Jr. W/M****68 yoa**

Hair: Brown      Eyes: Hazel      Weight: 175      Height: 5' 8"

SSN:                      SID:                      DL/ID:

AKA:

**Home :****Work :** Waller County Engineer

775 Business 290 East

Hempstead, TX 77445 US

(979) 826-7670

**OFFENSES**

- 1.1**
- 1. BRIBERY 36.02 PC F2**
  - 2. WALLER COUNTY, HEMPSTEAD, TX, US**
  - 3. WALLER COUNTY**
  - 4. 03/02/2011 (Wednesday)**

**INVESTIGATORS/PUBLIC OFFICIALS:**

- 1.1** Shane ELLISON , Ranger, Texas Rangers Company "A"  
417 N Chesley Street  
Bellville, TX 77418  
(979) 865-3111

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**1.2** Kip WESTMORELAND , Ranger, Texas Rangers Company "A"  
1410 Williams Way Blvd.  
Richmond, TX 77469  
(281) 341-4710

**1.3** Scott CARPENTER , Assistant District Attorney, Fort Bend County District Attorney's Office  
1422 Eugene Heimann Circle  
Richmod, TX 77469  
(281) 341-4460

**1.4** Mark LAFORGE , Assistant District Attorney, Fort Bend County District Attorney's Office  
1422 Eugene Heimann Circle  
Richmod, TX 77469  
(281) 341-4460

**WITNESSES:**

**1.1** Travis FLEETWOOD - W/M -

**Home :**

**Work :** Ballard & Fleetwood, PLLC  
200 East Alamo  
Brenham, TX 77833 US  
(979) 836-9990

**1.2** Wayne DOLCEFINO - W/M -

**Home :**

**Work :** Dolcefino Communications, LLC.  
5554 South Peek Road #33  
Katy, TX 77450 US  
(713) 389-0810

**1.3** Glenn BECKENDORFF - W/M -

**Home :**

**Work :** Waller County Judge  
836 Austin Street, Suite 203  
Hempstead, TX 77445 US  
(979) 826-7700

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## 1.4 Stan KITZMAN - W/M -

Home :

**Work :** Waller Co. Precinct 4  
Commissioner  
3410 1st Street  
Pattison, TX 77466 US  
(281) 375-5231

## 1.5 Frank POKLUDA - W/M -

Home :

**Work :** Waller Co. Precinct 2  
Commissioner  
836 Austin Street, Suite 203  
Hempstead, TX 77445 US  
(979) 826-7700

## 1.6 John AMSLER - W/M -

Home :

**Work :** Waller Co. Precinct 1  
Commissioner  
836 Austin Street, Suite 203  
Hempstead, TX 77445 US  
(979) 826-7700

## 1.7 Owen RALSTON - W/M -

Home :

**Work :**

## 1.8 Ernest KAUFMAN - / -

Home :

**Work :** Green Group Holdings-President  
132 Riverstone Terrace Ste 103  
Canton, GA 30114 US  
(770) 720-2717

## 1.9 Glenn MASTERSON - / -

Home :

**Work :** Waste Management

(713) 829-1888

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**1.10** Thad OWINGS - / -

Home :

**Work :** Green Group Holdings  
132 Riverstone Terrace  
Canton, GA 30114 US  
(770) 720-2717

**CUSTODY OF EVIDENCE:**

- 1.1 Evidence** Letter from Scott CARPENTER  
**Date/Time** 4/10/2013  
**Address** 417 N Chesley Street, Bellville, Texas  
**Location** Texas Rangers Office  
**By:** Ranger Shane ELLISON , Texas Rangers Company "A"  
**Recovery Value:** \$0.00  
**Note:**
- 1.2 Evidence** Complaint from Wayne DOLCEFINO  
**Date/Time**  
**Address** 417 N Chesley Street, Bellville, Texas  
**Location** Texas Rangers Office  
**By:** Ranger Shane ELLISON , Texas Rangers Company "A"  
**Recovery Value:** \$0.00  
**Note:**
- 1.3 Evidence** Recorded interview of Otis STYERS  
**Date/Time** 4/19/2013  
**Address** Hempstead, Texas  
**Location** Waller Co. District Attorney's Office  
**By:** Ranger Shane ELLISON , Texas Rangers Company "A"  
**Recovery Value:** \$0.00

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## Note:

**1.4 Evidence** Copy of STYERS' credit card receipt  
**Date/Time** 4/23/2013  
**Address** 417 N Chesley Street, Bellville, Texas  
**Location** Texas Rangers Office  
**By:** Ranger Shane ELLISON , Texas Rangers Company "A"  
**Recovery Value:** \$0.00

## Note:

**1.5 Evidence** Recorded interview of Judge Owen RALSTON  
**Date/Time** 4/30/2013  
**Address** Waller, Texas  
**Location** RALSTON'S residence  
**By:** Ranger Shane ELLISON , Texas Rangers Company "A"  
**Recovery Value:** \$0.00

## Note:

**1.6 Evidence** Copy of Orval RHOADS credit card statement  
**Date/Time** 5/1/2013  
**Address** Hempstead, Texas  
**Location**  
**By:** Ranger Shane ELLISON , Texas Rangers Company "A"  
**Recovery Value:** \$0.00

## Note:

**1.7 Evidence** Copy of memo prepared by Orval RHOADS re:  
observations of landfill  
**Date/Time** 5/1/2013  
**Address** Hempstead, Texas

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**Location****By:** Ranger Shane ELLISON , Texas Rangers Company "A"**Recovery Value:** \$0.00**Note:****1.8 Evidence** Travel reimbursement and court minutes from POKLUDA'S records**Date/Time** 4/29/2013**Address****Location** Via email from Waller County Auditor's Office**By:** Ranger Shane ELLISON , Texas Rangers Company "A"**Recovery Value:** \$0.00**Note:*****END OF REPORT***