

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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[www.dps.texas.gov](http://www.dps.texas.gov)



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January 24, 2019

## Via Email

Charles Blain  
Empower Texans  
[cblain@empowertexans.com](mailto:cblain@empowertexans.com)

RE: Public Information Request for investigation report into Kim Bellotte for allegedly falsifying time sheets, collecting unauthorized overtime during May 2017 and December 31, 2017 (PIR # 19-0097)

Mr. Blain:

The Department received your above-referenced request on January 9, 2019. Please find enclosed the information the Department located in response to your request. These records are provided to you at no cost.

The date of birth of any living person is excepted from required public disclosure under common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 Tex. App. LEXIS 5228, at \*10 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.) The Department has received a previous determination from the Attorney General's office allowing us to redact the dates of birth of living individuals from the records we are providing to you without requesting a ruling. Open Records Letter Ruling 2015-27249; *see* Gov't Code§ 552.301(a); *see also* Open Records Decision No. 673 at 7 (2001).

We have redacted the social security number of one or more living individuals excepted from disclosure by section 552.147 of the Government Code, as section 552.147(b) authorizes a governmental body to redact this information without the necessity of requesting a decision from the attorney general.

The information you requested contains information that relates to:

- a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; or
- a motor vehicle title or registration issued by an agency of this state or another state or country; or
- a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

This information is confidential under section 552.130 of the Texas Government Code. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.130 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.130. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

The information you requested contains a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.136. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

The information you requested contains personal information that relates to:

- a peace officer;
- a county jailer;
- a current or former employee of the Texas Department of Criminal Justice or its predecessor;
- a commissioned security officer;
- a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- an officer or employee of a community supervision and corrections department;
- a criminal investigator of the United States;
- a police officer or inspector of the United States Federal Protective Service;

- a current or former employee of the office of the attorney general who is or was assigned to a division with law enforcement duties;
- a juvenile probation or detention officer certified by the Texas Juvenile Justice Department or its predecessor;
- a current or former employee of a juvenile justice program or facility;
- a current or former employee of the Texas Juvenile Justice Department or its predecessor;
- a federal judge or state judge; or
- a current or former employee of the Texas Civil Commitment Office or its predecessor.

The requested information includes this public employee's home address, home telephone number, emergency contact information, date of birth, social security number, and/or family member information. As allowed by section 552.1175 of the Texas Government Code, this public employee has chosen to make this personal information confidential. Our office is prohibited by law from releasing this personal information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.1175 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.1175. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

Brian Sears  
Assistant General Counsel

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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JASON K. PULLIAM  
RANDY WATSON

## **How to Appeal the Withholding of Information Without an AG Ruling Requested**

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- (1) a signed, written statement indicating your wish to appeal the withholding of information;
- (2) the name of the governmental body that withheld information from you;
- (3) the date you made your original request for information; and
- (4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.**

<b>PREPARED BY:</b>	<b>DARON PARKER</b>	<b>INVEST#:</b>	<b>2018I-TRA-50023688</b>
<b>LEVEL 1 SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>REPORT#:</b>	<b>S1</b>
<b>LEVEL 2 SUPERVISOR:</b>	<b>JASON TAYLOR</b>	<b>ACTIVITY DATE:</b>	<b>02/19/2018</b>
<b>LEAD INVESTIGATOR:</b>	<b>DARON PARKER</b>	<b>DATE WRITTEN:</b>	<b>04/11/2018</b>
<b>SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>DATE APPROVED:</b>	<b>05/03/2018</b>
<b>REPORT TYPE:</b>	<b>INITIAL</b>	<b>REPORT STATUS:</b>	<b>APPROVED</b>
<b>ACTIVITY TYPE:</b>	<b>INVESTIGATIVE</b>	<b>SPURS URN:</b>	<b>CMRE50073354</b>
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	<b>THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2018</b>	<b>CASE:</b>	
<b>DIVISION:</b>	<b>TEXAS RANGERS</b>	<b>REGION:</b>	<b>A</b>
<b>PROGRAM:</b>		<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	<b>TEXAS US - UNITED STATES OF AMERICA (USA)</b>	<b>AREA:</b>	

### **SYNOPSIS**

On 02/13/2018, I, Texas Ranger Daron Parker, met with Harris County Assistant County Attorney Nick Lykos and members of the Harris County Precinct 2 Constable's Office at the Harris County Attorney's Office in Houston, Texas. During the course of the meeting, Precinct 2 Constable staff advised Lykos and me that they were concerned a Lieutenant employed with the Precinct 2 Constable's Office had potentially committed a variety of Theft offenses.

### **DETAILS**

1.1 On 02/13/2018, I, Texas Ranger Daron Parker, was contacted by Assistant County Attorney (ACA) Nick Lykos who was employed with the Harris County Attorney's Office in Houston. Lykos held the position of Inspector General at the Harris County Attorney's Office. Lykos advised me that managerial staff with the Harris County Precinct 2 Constable's Office contacted him for guidance with regard to Freedom of Information Requests received by their office. Precinct 2 Management Staff expressed concern that upon their review of the FOI requests, it was possible Theft offenses may have been committed by a Precinct 2 Lieutenant.

1.2 That same day, I met with ACA Lykos, Harris County Precinct 2 Constable's Office Chief Deputy Jerry Luman, Assistant Chief Norman Verbosky, and Internal Affairs Lieutenant David Williams at the Harris County Attorney's Office.

1.3 Chief Deputy Luman provided ACA Lykos copies of FOI requests he received from a media outlet. The FOI requests wanted documentation on the following: current sworn staff information (academy graduation dates, TCOLE licensing, commission dates), copies of time cards for all Precinct 2 employees, more specifically 01/01/2017 to 11/30/2017 for Lieutenant Kimberly Bellotte, radio traffic tapes/files for 01/25/2018 between 3:00 PM and 4:00 PM, and inventory logs and final disposition information regarding distributed Hurricane Harvey donations.

1.4 Chief Deputy Luman advised that one of the areas of concern regarded the FOI request received inquiring about Lieutenant Kimberly Bellotte's time sheets. He, Assistant Chief Verbosky, and Lieutenant Williams during the course of preparing the FOI response observed an anomaly regarding Lieutenant Bellotte's time and attendance records submitted during Hurricane Harvey. Bellotte's time sheets reflected she earned an overtime amount that was noticeably higher than the other commissioned staff.

1.5 Chief Deputy Luman elaborated that Lieutenant Bellotte's time sheets indicated she worked several consecutive 24 hour days during the Hurricane Harvey time frame. Luman further elaborated that they discovered Bellotte was classified as a "non-exempt" employee.

**DPS SENSITIVE**

06/11/2018 19:32

1.6 ACA Lykos stated it was not common for employed Harris County commissioned law enforcement personnel, who were in a supervisory role, to carry a "non-exempt" status. The non-exempt status was what allowed an employee to earn overtime. Specifically, "Z Time" was essentially overtime that was paid to an employee from the Harris County budget for special circumstances (i.e: traffic control duties on the Harris County toll road, or natural disasters). Lykos elaborated that the county was then subsequently reimbursed from an outside fund (i.e. the Harris County toll road or the federal government).

1.7 I asked Chief Deputy Luman and Assistant Chief Verbosky if they instructed or permitted Lieutenant Bellotte to work the aforementioned hours during Hurricane Harvey. Luman and Verbosky stated that they had not. I asked if they had knowledge Bellotte had in fact worked the reported hours. Luman and Verbosky reported they recalled Bellotte did work during the hurricane, but could not say that she worked consecutive 24 hour days.

1.8 I asked Chief Deputy Luman and Assistant Chief Verbosky why they were unable to report within some degree of accuracy the work activity of a subordinate. Furthermore, I asked Luman and Verbosky who Lieutenant Bellotte's first line supervisor was.

1.9 Assistant Chief Verbosky replied that as he understood, he (Verbosky) was Lieutenant Bellotte's first line supervisor, and the chain of command continued with Chief Deputy Luman, and finally the elected Constable Christopher Diaz. Verbosky and Luman described Bellotte as difficult to manage.

1.10 Chief Deputy Luman and Assistant Chief Verbosky elaborated that Lieutenant Bellotte was the Chief Clerk at the Precinct 2 Constable's Office for a number of years prior to becoming commissioned. Luman stated Bellotte graduated from the University of Houston Police Academy in May of 2017. On the day of her academy graduation, she was commissioned by the Precinct 2 Constable's Office. Verbosky advised that on the day of graduation, Bellotte was commissioned as a Senior Lieutenant.

1.11 Chief Deputy Luman and Assistant Chief Verbosky advised that Lieutenant Bellotte had no previous commissioned law enforcement experience. I asked why an individual with no experience was placed in a senior management position over commissioned law enforcement officers. Luman and Verbosky advised they were unable to say why this was done. Luman and Verbosky explained that Bellotte regularly exhibited characteristics of inexperience, and was clumsy with authority.

1.12 Chief Deputy Luman advised Lieutenant Bellotte was in charge of the Community Outreach Division and the Reserve Deputy Division.

1.13 Chief Deputy Luman and Assistant Chief Verbosky advised that an additional concern they had regarding an FOI request received was with the request for inventory logs and final disposition information regarding distributed Hurricane Harvey donations.

1.14 Chief Deputy Luman stated he had knowledge Lieutenant Bellotte became heavily involved with the Oak Meadows Church of God located at 6105 Allendale Road in Pasadena.

1.15 Chief Deputy Luman advised the church was paired with an organization called Pastor's Army. The Pastor's Army was a faith based non-profit organization which had a national outreach. During Hurricane Harvey, the Pastor's Army obtained a very large amount of donations to aid hurricane victims. The donations included everything from what a grocery store would carry to clothing.

1.16 Chief Deputy Luman stated he had knowledge that the amount of donations had gotten so large the Pastor's Army obtained a warehouse in the La Porte area to house them.

1.17 Chief Deputy Luman advised me that some of the deputies expressed concern to him that Lieutenant Bellotte had taken a large amount of the donations to her (Bellotte's) home.

1.18 Chief Deputy Luman stated that two of Lieutenant Bellotte's subordinates, Corporal Reed Clark and Deputy Ricardo Rodriguez, reported to him out of concern that they transported a large amount of food items to Bellotte's residence on more than one occasion. Corporal Clark

and Deputy Rodriguez reported this was done at Bellotte's direction. Clark advised him that he overheard Sergeant Nancy Gosney, who was one of Bellotte's close companions, saying Gosney had a large amount of the donated items at Gosney's residence.

1.19 Chief Deputy Luman also advised Lieutenant Bellotte and her subordinates brought a significant amount of the food item donations to the Precinct 2 Constable's Office.

1.20 Chief Deputy Luman advised me that Lieutenant Bellotte befriended the Oak Meadows Church Pastor, and the Pastor's Army donations warehouse manager, who he only knew as "Missy." Bellotte and "Missy" appeared to be in regular contact with one another regarding continued distribution of donations.

1.21 Lieutenant Williams advised he asked Lieutenant Bellotte if she or any of her subordinates recorded anything with regard to inventory of the donations coming into Precinct 2 Constable's Office possession, and if so the final disposition of the donations. Williams stated Bellotte told him that she had not recorded anything with regard to the donations.

1.22 Lieutenant Williams added that an additional area of concern regarded Lieutenant Bellotte obtaining a large amount of dry fit shirts and the subsequent screen printing of the Precinct 2 Constable badge on the shirts.

1.23 Lieutenant Williams showed ACA Lykos and me a red dry fit material shirt. On the front of the shirt was a standard star styled badge which read Harris County Constable. The badge's top banner read "Christopher Diaz" and the bottom banner read "Precinct 2." Printed just below the badge was the title "Volunteer." Printed on the back of the shirt was "Team Diaz" "Pastor's Army" "Houston Gulf Coast Building and Construction Trades Council" "International Association of Heat and Frost Insulators and Allied Workers" and "Partnering Together To Rebuild Harris County."

1.24 Lieutenant Williams advised the shirts were passed out to the community by Pastor's Army Volunteers and members of the Precinct 2 Constable's Office. Williams stated he had knowledge the shirts were distributed during a 2017 Christmas event where Pastor's Army volunteers passed out donations.

1.25 Lieutenant Williams stated he and his chain of command were concerned the shirts were donations from the Pastor's Army. Furthermore, they could not say for certain how Lieutenant Bellotte funded the screen printing of the shirts.

1.26 Lieutenant Williams also reported that the FOI request which requested captured audio of Precinct 2 radio traffic was likely pertaining to an incident that occurred on 01/25/2018. Williams advised he conducted an internal investigation into the incident. His investigation indicated Sergeant Gosney, while in a patrol vehicle, inadvertently pressed the radio mike button and transmitted a partial conversation she was having with an unknown person on her mobile phone over the police radio.

1.27 Lieutenant Williams advised that upon realizing what she had done, Sergeant Gosney drove to the Precinct 2 Constable's Dispatch Office and asked the Communications Operator to locate the transmission and destroy it. Williams reviewed the aforementioned audio. During the radio transmission, Williams stated the content of the conversation revealed nothing suspicious or even remarkable. However, Gosney committed a policy violation by using curse words on the police radio.

1.28 Lieutenant Williams stated he interviewed Sergeant Gosney and completed the investigation. He submitted the results of his investigation to Constable Diaz and a decision was still pending.

1.29 Prior to departing the County Attorney's Office, ACA Lykos provided me with copies of the FOI requests.

## **OFFENSES**

**THEFT PROP \$1500< \$20K ENH 31.03(f) PC F3**  
Harris County, TX, US

**DPS SENSITIVE**

06/11/2018 19:32



05/09/2017 ( Tuesday )

**PERSONNEL**

**Daron Parker, Texas Rangers "A"**  
Texas Dept of Public Safety  
281 517 1400

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***END OF REPORT***

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.**

<b>PREPARED BY:</b>	<b>DARON PARKER</b>	<b>INVEST#:</b>	<b>2018I-TRA-50023688</b>
<b>LEVEL 1 SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>REPORT#:</b>	<b>S2</b>
<b>LEVEL 2 SUPERVISOR:</b>	<b>JASON TAYLOR</b>	<b>ACTIVITY DATE:</b>	<b>03/22/2018</b>
<b>LEAD INVESTIGATOR:</b>	<b>DARON PARKER</b>	<b>DATE WRITTEN:</b>	<b>03/22/2018</b>
<b>SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>DATE APPROVED:</b>	<b>05/08/2018</b>
<b>REPORT TYPE:</b>	<b>SUPPLEMENTAL</b>	<b>REPORT STATUS:</b>	<b>APPROVED</b>
<b>ACTIVITY TYPE:</b>	<b>INVESTIGATIVE</b>	<b>SPURS URN:</b>	<b>CMRE50075796</b>
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	<b>THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2018</b>	<b>CASE:</b>	
<b>DIVISION:</b>	<b>TEXAS RANGERS</b>	<b>REGION:</b>	<b>A</b>
<b>PROGRAM:</b>		<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	<b>TEXAS US - UNITED STATES OF AMERICA (USA)</b>	<b>AREA:</b>	

**SYNOPSIS**

On 03/22/2018, I, Texas Ranger Daron Parker, met with members of the Harris County Attorney's Office and members of the Harris County Auditor's Office at the County Attorney's Office in Houston. Compliance Auditors presented documentation and the partial results of an audit conducted at the Harris County Precinct 2 Constable's Office.

**DETAILS**

2.1 On 03/22/2018, I, Texas Ranger Daron Parker, met with Harris County Assistant County Attorney (ACA) Nick Lykos, and Harris County Auditor's Office Compliance Auditors Leslie Wilks, John Quintanilla, and John Steen at the County Attorney's Office in Houston. Compliance Auditors presented documentation/results of an audit conducted at the Harris County Precinct 2 Constable's Office.

2.2 The audit was initiated at the request of ACA Lykos pursuant to information received previously on 02/13/2018 from the Precinct 2 Constable's Management Staff as detailed in report one of this investigative file.

2.3 Review of Determination of Wage/Hour Law Exemption Form (document indicated to payroll that the employee did not qualify to earn overtime):

2.4 Compliance Auditors advised me that they conducted an inquiry into Lieutenant Kimberly Bellotte's, W/F, DOB: [REDACTED], classification as a "non-exempt" employee. I reviewed a Determination of Wage/Hour Law Exemption form Bellotte had previously submitted on 05/15/2013 when she was first employed as the Precinct 2 Constable's Chief Clerk.

2.5 The form (form 130) required the employee to check a series of boxes answering questions relating to the employee's sensitive position of responsibility, policymaking input, management, supervision of employees, and authority to hire and terminate. If the employee answered yes to the questions, the employee should be classified as "exempt."

2.6 Lieutenant Bellotte checked yes in all of the boxes classifying her as an "exempt" employee. Attached to the form was a signature page that required three signatures.

2.7 I observed the signature of Constable Christopher Diaz on the lines designated for "Supervisor Signature" and "Elected Official/Department Head Signature." I observed Lieutenant Bellotte's signature on the line designated "Employee Signature." The signatures were dated 05/15/2013.

2.8 Review of Change in Status of Employee Form (document indicated to payroll the employee did qualify to earn overtime):

2.9 On 04/26/2017, Lieutenant Bellotte received her TCOLE Peace Officer License. On 05/09/2017, Bellotte was commissioned by the Precinct 2 Constable's Office as a Peace Officer.

2.10 I reviewed an additional form titled "Change in Status of Employee" (form 3418-1-C) which Lieutenant Bellotte submitted on 05/09/2017. The form detailed Bellotte's title was listed as "Lieutenant SR." The form 130 that required the employee to check the series of boxes was not attached.

2.11 Attached to the form was a signature page that required three signatures. The signature lines included "Employer Authorization", "Employee Signature", and "Auditor Payroll Clerk." I observed what I recognized as Lieutenant Bellotte's signature on the line designated "Employer Authorization." The "Employee Signature" line did not contain a signature. The "Auditor Payroll Clerk" line contained an unknown signature. The signatures were dated 05/09/2017.

2.12 Matter-of-factly, the form reflected Lieutenant Bellotte authorized her own change in status, which allowed her to make overtime. Constable Diaz' required signature did not appear anywhere on the form.

2.13 This investigation indicated that the standard for Commissioned Harris County Peace Officers who carried the rank of Lieutenant and above to be classified as "exempt" employees.

2.14 See "Interview of Mary Ann Carrion" detailed in report 4 of this investigative file for additional details regarding the submission of Lieutenant Bellotte's Change in Status of Employee form.

2.15 Review of Overtime earned:

2.16 Compliance Auditors presented data obtained regarding Z time which was time and a half payment received. Z time was available to employees during emergency circumstances or circumstances where Harris County paid the employee and was later reimbursed by an outside entity. Also presented was data obtained regarding D time which was time and a half hours paid in comp time (not monetary). Also presented was regular overtime which was time and a half hours paid to "non-exempt" employees who have accrued comp time balance of 240 hours.

2.17 Compliance Auditors conducted an inquiry into all Precinct 2 Constable's Office employees regarding regular overtime earned. The inquiry revealed Lieutenant Bellotte was the only commissioned Peace Officer from the rank of Lieutenant and above to receive regular overtime payment. From 05/09/2017 to 12/31/2017 Bellotte received \$2,621.92 in regular overtime payments.

2.18 One other non-commissioned employee, Mary Ann Carrion, earned a regular overtime payment of \$275.00.

2.19 Review of Hurricane Harvey related Z and D Time earned:

2.20 I reviewed an email sent to all Precinct 2 Constable Staff from Lieutenant Michael Kritzler at the direction of Chief Deputy Jerry Luman. On 08/23/2017, Kritzler sent an email to all Precinct 2 Constable Staff placing department members on an "on call status" in anticipation of Hurricane Harvey. A subsequent "storm schedule" was created due to the hurricane induced greater need for law enforcement and emergency services.

2.21 I reviewed Lieutenant Bellotte's Time and Attendance Records beginning 08/19/2017 to 09/01/2017. The record indicated a total of 138 Z time hours and 48 D time hours.

2.22 I reviewed a second email sent 09/01/2017 to all Precinct 2 Constable Staff from Lieutenant Kritzler that included the following directive: "Effective 09-02-2017 all Deputies/Supervisors within Civil, Administrative, Warrants, Writs, Schools, and Community Outreach will revert back to regular shifts and duty assignments. This means storm schedule

will come to a conclusion on Saturday at 6AM.”

2.23 Lieutenant Bellotte disregarded the directive and continued working “storm schedule” hours for two additional pay periods.

2.24 A review of Lieutenant Bellotte’s Time and Attendance Records beginning 09/02/2017 to 09/15/2017 indicated a total of 67 Z time hours and 68 D time hours.

2.25 A review of Lieutenant Bellotte’s Time and Attendance Records beginning 09/16/2017 to 09/29/2017 indicated a total of 80 Z time hours and 67.5 D time hours.

2.26 A review of all other Precinct 2 employees Time and Attendance Records by Compliance Auditors indicated Lieutenant Bellotte was the only employee who ignored the directive ordered on 09/02/2017 to discontinue the storm schedule.

2.27 Lieutenant Bellotte’s 2017 Z time payments totaled \$18,053.09.

2.28 Lieutenant Bellotte’s 2017 regular overtime payments totaled \$2,621.92.

2.29 Lieutenant Bellotte’s Lieutenant SR base salary in 2017 was \$86,147.76.

2.30 Lieutenant Bellotte’s Lieutenant SR base salary plus overtime payments in 2017 totaled \$106,822.77.

**INVOLVED**

<b>Bellotte, Kimberly Lavon - White/Female - [REDACTED]</b>			
Hair:	Eyes:	Weight:	Height:
SSN:	SID:	DL#:	DL State: [REDACTED]

**PERSONNEL**

**Leslie Wilks,**  
Harris County Auditor's Office  
1310 Prairie Street Houston, Texas 77002  
(713) 274-5673

**John Quintanilla,**  
Harris County Auditor's Office  
1310 Prairie Street Houston, Texas 77002  
(713) 274-5673

**John Steen,**  
Harris County Auditor's Office  
1310 Prairie Street Houston, Texas 77002  
(713) 274-5673

**END OF REPORT**

TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS

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PREPARED BY:	DARON PARKER	INVEST#:	2018I-TRA-50023688
LEVEL 1 SUPERVISOR:	KIP WESTMORELAND	REPORT#:	S3
LEVEL 2 SUPERVISOR:	JASON TAYLOR	ACTIVITY DATE:	04/10/2018
LEAD INVESTIGATOR:	DARON PARKER	DATE WRITTEN:	04/11/2018
SUPERVISOR:	KIP WESTMORELAND	DATE APPROVED:	05/08/2018
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50075805
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2018	CASE:	
DIVISION:	TEXAS RANGERS	REGION:	A
PROGRAM:		DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	

**SYNOPSIS**

On 04/10/2018, during the course of a Theft investigation, I, Texas Ranger Daron Parker, and Texas Ranger Lieutenant Kip Westmoreland traveled to the Oak Meadows Church of God in Houston. I placed Misty Foley Wallace under arrest for two Union Parish Louisiana Arrest Warrants for the offenses of Felony Unauthorized Use of an Access Card/Identity Theft, and Felony Theft. Lieutenant Westmoreland and I also interviewed Wallace with regard to her involvement in the acquisition/distribution of church donations, and the nature of her relationship with Harris County Precinct 2 Lieutenant Kimberly Bellotte. Wallace was placed in the custody of the Harris County Jail. Wallace will be extradited back to Farmersville, Louisiana by the Union Parish Sheriff's Office.

**DETAILS**

3.1 Previously on 02/13/2018, I, Texas Ranger Daron Parker, met with members of the Harris County Attorney's Office, and the Harris County Precinct 2 Constable's Office. After the primary purpose of the meeting was discussed, management staff from the Precinct 2 Constable's Office also reported they were concerned Lieutenant Kimberly Bellotte may have committed a variety of Theft offenses.

3.2 One of the reported areas of concern was with regard to Lieutenant Bellotte's involvement with large amounts of Hurricane Harvey donations acquired and distributed by an organization known as the "Pastor's Army." The Pastor's Army reportedly distributed the donations and conducted day to day operations from the Oak Meadows Church of God, located at 6105 Allendale Road in Houston, Harris County, Texas.

3.3 This investigation indicated the primary contact pointed at the Pastor's Army organization were Pastor Tony Pittman, Rick Aldridge, and Misty Foley Wallace.

3.4 Chief Deputy Jerry Luman described Wallace as the Warehouse Manager. More specifically, the point of contact that ran day to day warehouse operations for the Pastor's Army. Bellotte was in frequent contact with and appeared to have built a friendship with Wallace.

3.5 Discovery of Arrest Warrants and Arrest of Wallace:

3.6 On 04/05/2018, while in preparation for interviews with Pittman, Aldridge, and Wallace I began conducting analytical queries into the individuals. The first searches I conducted were simple internet Google engine searches of the aforementioned Pastor's Army representatives.

3.7 Upon Google searching Wallace's name I easily found a Facebook post, posted on the Crime

Stoppers of Union Parrish Louisiana Facebook page, naming Wallace as a Fugitive. The Facebook post displayed Wallace's mugshot and detailed she was a fugitive wanted by the Union Parish Sheriff's Office for Unauthorized Use of an Access Card, Identity Theft, and Felony Theft.

3.8 I subsequently navigated to Constable Chris Diaz' Facebook page and located December 2017 photos posted of Wallace and Lieutenant Bellotte. I compared the photos taken from the Crime Stoppers post and the posts from Constable Diaz' page and easily concluded that it was the same person (Wallace).

3.9 With the assistance of a Texas Ranger Analyst, I identified Misty Wallace, as MistyKay Foley, W/F, DOB: [REDACTED], [REDACTED] driver's license [REDACTED], aka Misty Foley Wallace, DOB: [REDACTED]

3.10 A computerized criminal history search of Wallace revealed she had a lengthy criminal history which included a wide array of Theft offenses that included numerous counts of Issuance of a Worthless Check, Identity Theft, Unauthorized Use of a Credit Card, Unauthorized Use of a Vehicle, and Felony Theft. Wallace's CCH also indicated that in 2003, Wallace served 2 years prison time in the Calcasieu Correctional Facility for Fraud offenses.

3.11 I contacted the Union Parish Louisiana Sheriff's Office and spoke with Investigator Cade Nolan. Investigator Nolan advised me the Union Parish Sheriff's Office and the Union Parish District Attorney's Office did in fact have Felony Warrants on Wallace for the offenses of Unauthorized Use of an Access Card/Identity Theft, and Felony Theft.

3.12 Investigator Nolan advised me the warrants were pursuant to three separate investigations conducted in late 2015.

3.13 Investigator Nolan stated Wallace was suspected of writing numerous checks from an account she was not authorized to use. The second investigation involved the unauthorized use of a family member's credit card totaling \$5,959.00. The third investigation indicated Wallace was responsible for unauthorized charges totaling \$3,718.00 on a credit card she obtained from a woman who she met at a women's bible study group at a Baptist church in Marion, Louisiana.

3.14 Investigator Nolan described Wallace as a con-woman who was known to prey on the elderly and church members.

3.15 On 04/10/2018, Texas Ranger Lieutenant Kip Westmoreland and I traveled to the Oak Meadows Church of God.

3.16 At approximately 9:30 AM, Lieutenant Westmoreland observed Wallace walking through the church parking lot.

3.17 Lieutenant Westmoreland and I approached Wallace. I advised Wallace that I would be taking her into custody for pending charges in Union Parish Louisiana. Wallace advised me that she obtained an attorney and the charges had been resolved. I informed Wallace the warrants were active and I was in the process of confirming them. Wallace continued to maintain the "everything has been resolved" argument during the entire time I had contact with her.

3.18 Interview of Wallace:

3.19 I asked Wallace if she would agree to talk with Lieutenant Westmoreland and I regarding her time spent at the Oak Meadows Church of God. Wallace agreed she would. I asked Wallace to sit in the right front passenger seat of Lieutenant Westmoreland's truck. I sat in the driver's seat and Lieutenant Westmoreland sat in the center of the rear seat of the truck.

3.20 At approximately 9:40 AM, I read Wallace the Statutory Warnings. Wallace stated she understood the warnings and agreed to speak with Lieutenant Westmoreland and me.

3.21 Wallace stated she had been staying at the Oak Meadows Church of God since September of 2017. Up until that point, she had been living with her parents at their home in Lake Charles, Louisiana. She came to Houston with an individual whom she met volunteering in Lake

Charles. She and the individual whom she only knew as "Tessa" drove to Houston for the purpose of assisting with Hurricane Harvey relief efforts.

3.22 I asked Wallace if she volunteered full time or if she had a job. Wallace stated she was self-employed. She made t shirts and sold them online. Wallace stated she made the t shirts that the Pastor's Army used for donations. She only made a small amount of money from the sale of the shirts.

3.23 Wallace added that she was a full time volunteer. As a volunteer, she received room and board at the church. She and the other volunteers were assisting to rebuild local homes. She and the other volunteers received food, clothing, and toiletries obtained through donations.

3.24 Wallace advised me that even the Precinct 2 Constable's Office was involved. Just after Harvey, some of the areas they serviced were dangerous. The constables assisted with passing out food and provided security for them during distribution of items.

3.25 I told Wallace that I was aware she had previously obtained goods and services through various types of fraudulent means in Louisiana. I gave Wallace specific examples of the fraudulent means obtained from Investigator Nolan's reports. I told Wallace that I was aware she had defrauded an individual she met at a church. Wallace denied any wrongdoing and continued to say the matters had all been resolved.

3.26 Without prompt, Wallace stated she "promised and guaranteed" no fraud had been committed at this church.

3.27 I asked Wallace if she was in possession of anyone's credit cards or account information from the church. Wallace stated she was in possession of the church's credit card. She was allowed to use every day for gasoline and food. She did not have possession of anyone's checks and had not accepted money from anyone.

3.28 Wallace then mentioned a PayPal account. She bought t-shirts for the Pastor's Army with a PayPal account. PayPal was the only way they accepted money.

3.29 Lieutenant Westmoreland asked Wallace how they obtained donations. Wallace replied through faith based organizations. Wallace advised they received truck tractor loads of water, food, and toiletries. Just after the hurricane, the donations were stored in the parking lot. They had since then obtained a warehouse. The warehouse was located at 1926 South 16th Street in La Porte.

3.30 I asked Wallace what she had of value inside the church. Wallace replied that the "t shirt stuff" was hers.

3.31 Lieutenant Westmoreland asked Wallace to elaborate on what she had said earlier about the constable's office assistance. Wallace advised she had worked with several deputy constables. Wallace stated she worked with "Reed, Nancy, Kim, and an older fella" whose name she could not remember. The constables would go to the areas in need with them.

3.32 I asked Wallace how often they worked with the Precinct 2 Constables with regard to distribution of the donations. Wallace replied she could not recall but it was "a lot."

3.33 Wallace added that the volunteers went out with the constable's office during Christmas time and passed out Christmas presents. Wallace stated, "It was me and Kim, Mr. Tommy, a few all hands volunteers, and a couple other Deputies."

3.34 I asked who was in charge. Wallace replied that Kim was in charge. I asked if she knew Kim's last name. Wallace replied it was Bellotte and she was a Lieutenant.

3.35 Lieutenant Westmoreland asked how the partnership worked. More specifically, who called who. Wallace advised that most of the time she called Lieutenant Bellotte.

3.36 Wallace stated the relationship with the constable's office had been great. Wallace added they actually had some shirts made. The shirt had Constable Diaz' badge printed on the front with "Volunteer, Pastor's Army, and Lacy Wolf's Union emblem on the back." She had some

of the shirts inside of the church.

3.37 Wallace advised they got the shirts the day before they distributed the Christmas gifts.

3.38 I asked Wallace if she still remained in contact with members of the constable's office. Wallace replied she "talked with Kim at least once a week." She described her and Bellotte's relationship as a friendship/working relationship. Wallace added that she also periodically spoke with Sergeant Nancy Gosney.

3.39 Lieutenant Westmoreland asked if she had anyone from the constable's office saved in her phone contacts. Wallace replied she had Kim and Nancy saved.

3.40 Lieutenant Westmoreland asked Wallace if she was aware of a location where members of the constable's office had donated items stored. Wallace advised she was not aware. Wallace stated members of the constable's office never took more than would fit in a police vehicle.

3.41 Wallace then stated, "I need to be honest with you about something. Kim has talked to me about something, that she was being investigated or something. About maybe some hours or something that she worked."

3.42 I asked Wallace to please elaborate. Wallace stated "That somebody had accused her (Bellotte) of working hours that she didn't actually work." Wallace added she observed Bellotte "helping people" on a regular basis during that time.

3.43 Lieutenant Westmoreland asked Wallace how the subject of Lieutenant Bellotte being investigated came up. Wallace advised that approximately two weeks had passed and she had not heard from Bellotte. Wallace contacted Bellotte and Bellotte told her "somebody thinks that I was turning in hours that I didn't work." Wallace stated, "That's the only thing she ever told me about that."

3.44 I asked Wallace if she had ever disclosed her criminal past to Lieutenant Bellotte. Wallace replied she had not.

3.45 I terminated the interview at approximately 10:40 AM.

3.46 I captured audio and video of the interview with Wallace. I later placed the audio/video captured during Wallace's interview on an external media drive. The audio/video will be stored with this case file.

3.47 Search of Wallace's living quarters:

3.48 Upon conclusion of the interview, I asked Wallace to empty her pockets. Wallace handed me a **credit card**. Embossed on the credit card were Oak Meadows Church of God/Faye Pittman. Wallace also handed me a single blank check. Printed on the check was Oak Meadows Community Worship Center. Wallace advised me that she had the consent of Pastor Tony Pittman to be in possession of the card and blank check.

3.49 I subsequently spoke to Pittman who stated Wallace did have permission to utilize the **credit card**. I told Pittman that Wallace had one of the church's blank checks in her pocket. Pittman responded with surprise. However, Pittman replied Wallace was authorized to use the church accounts.

3.50 I advised Pittman that I was serving warrants on Wallace for criminal offenses of a fraudulent nature. Specifically, offenses stemming from the unauthorized use of others accounts via the use of credit cards and checks. I advised Pittman that if any unauthorized purchases or evidence to fraudulent activity surfaced at a later date to feel free to contact me. Pittman agreed.

3.51 I obtained consent to search the room where Wallace was staying from Pittman and Wallace. Lieutenant Westmoreland and I conducted a consent search of the room. Lieutenant Westmoreland and I located numerous receipts to various home improvement stores, grocery stores, gas stations, etc. Pittman held firm Wallace was authorized to make purchases on



church accounts.

3.52 Search of Wallace mobile phone:

3.53 I asked Wallace if she had communicated with Lieutenant Bellotte on her mobile phone. Wallace replied she had via talk and text. I asked Wallace for consent to search her mobile phone. Wallace agreed and provided me with her four digit passcode.

3.54 I conducted a review of Wallace's Samsung mobile phone.

3.55 I observed a moderately active text strand between Lieutenant Bellotte and Wallace with the first communication on 09/22/2017 and the last on 04/09/2018. The text strand included frequent communication about the distribution of the donations, obtaining a warehouse for the donations, and the previously mentioned shirts with the screen printed constable's badge.

3.56 I also observed Lieutenant Bellotte provided Wallace with contact information for several government officials to include the Mayor of South Houston, an Administrative Assistant to the Mayor of Houston, and a Community Liaison Coordinator for Congressman Gene Green.

3.57 I took several screenshot photos of the text messages between Lieutenant Bellotte and Wallace. I placed the photos on an external media drive. The photos will be stored with this case file.

3.58 Warrant Service:

3.59 I transported Wallace to the Harris County Sheriff's Office Inmate Processing Center in Houston. I booked Wallace into IPC on Union Parish Sheriff's Office Arrest Warrant B17151 for the offense of Felony Unauthorized Use of an Access Card/Identity Theft, and Union Parish District Attorney's Office Arrest Warrant B17152 for the offense of Felony Theft.

3.60 Wallace waived extradition and will be extradited to Farmersville, Louisiana by the Union Parish Sheriff's Office.

**SUSPECTS**

<b>Wallace, Misty Foley - White/Female - [REDACTED]</b>			
Hair:	Eyes:	Weight:	Height:
SSN: [REDACTED]	SID:	DL#: [REDACTED]	DL State: [REDACTED]

**OFFENSES**

**WARRANT SERVICE N/A N/A N/A Felony Unauthorized Use of an Access Card / Identity Theft**

Harris County, TX, US  
 05/03/2017 ( Wednesday )  
 Suspect: Wallace, Misty

**WARRANT SERVICE N/A N/A N/A Felony Theft**

Harris County, TX, US  
 05/04/2017 ( Thursday )  
 Suspect: Wallace, Misty

**PERSONNEL**

**Lieutenant Kip Westmoreland, Texas Rangers "A"**  
 Texas Dept of Public Safety  
 12230 West Road Houston, Texas 77065  
 (281) 517-1400

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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<b>PREPARED BY:</b>	<b>DARON PARKER</b>	<b>INVEST#:</b>	<b>2018I-TRA-50023688</b>
<b>LEVEL 1 SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>REPORT#:</b>	<b>S4</b>
<b>LEVEL 2 SUPERVISOR:</b>	<b>JASON TAYLOR</b>	<b>ACTIVITY DATE:</b>	<b>04/12/2018</b>
<b>LEAD INVESTIGATOR:</b>	<b>DARON PARKER</b>	<b>DATE WRITTEN:</b>	<b>04/23/2018</b>
<b>SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>DATE APPROVED:</b>	<b>05/17/2018</b>
<b>REPORT TYPE:</b>	<b>SUPPLEMENTAL</b>	<b>REPORT STATUS:</b>	<b>APPROVED</b>
<b>ACTIVITY TYPE:</b>	<b>INVESTIGATIVE</b>	<b>SPURS URN:</b>	<b>CMRE50075827</b>
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	<b>THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2018</b>	<b>CASE:</b>	
<b>DIVISION:</b>	<b>TEXAS RANGERS</b>	<b>REGION:</b>	<b>A</b>
<b>PROGRAM:</b>		<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	<b>TEXAS US - UNITED STATES OF AMERICA (USA)</b>	<b>AREA:</b>	

**SYNOPSIS**

On 04/12/2018, I, Texas Ranger Daron Parker, began conducting interviews of the following commissioned and non-commissioned Harris County Precinct 2 Constable's Office employees: Sergeant Cynthia Vara-Leija, Deputy Frank Arthur Ponce, Corporal Reed Clark, Deputy Ricardo Rodriguez, Deputy Rudy Guillen, Chief Clerk Mary Ann Carrion, and Deputy Nancy Gosney. The interviews were conducted at the Texas Rangers Office in Houston. I conducted the interviews pursuant to a Theft investigation. The investigation stemmed from allegations Precinct 2 Constable Lieutenant Kimberly Bellotte was suspected of committing a variety of Theft offenses.

**DETAILS**

4.1 On 04/12/2018, I, Texas Ranger Daron Parker, began conducting interviews of commissioned and non-commissioned Harris County Precinct 2 Constable's Office employees. Each interview was conducted at the Texas Rangers Office located at 12230 West Road in Houston, Harris County, Texas. The interviews were conducted pursuant to allegations that Precinct 2 Constable Lieutenant Kimberly Bellotte was suspected of committing a variety of Theft offenses. For additional details pertaining to the nature of the offenses, refer to report one of this investigative file.

4.2 Interview of Sergeant Cynthia Vara-Leija:

4.3 At approximately 12:36 pm, I conducted an interview with Harris County Precinct 2 Constable Sergeant Cynthia Vara-Leija. Vara-Leija stated she had been employed with the Precinct 2 Constable's Office for approximately 5 years and had 34 total years of law enforcement experience.

4.4 Vara-Leija advised me that her chain of command includes first line supervisor Lieutenant David Williams, Assistant Chief Norman Verbowsky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

4.5 I advised Vara-Leija it had been brought to my attention that members of her department were concerned about the Precinct 2 Constable's Office's involvement with an organization called the Pastor's Army operated from the Oak Meadows Church of God. Vara-Leija stated she was familiar with the organization. I asked Vara-Leija if she would provide details with regard to his knowledge of the Pastor's Army and the department's level of involvement.

4.6 Vara-Leija advised she had never been to the Oak Meadows Church and could not speak on what the operations were at the church.

**DPS SENSITIVE**

06/11/2018 19:35

4.7 I asked Vara-Leija if she observed any of the church donations at the Precinct 2 Constable's Office. Vara-Leija stated she recalled Bellotte brought a large box of boots to the office and offered the boots to several of the deputies. Vara-Leija declined the donation as she was suspicious of the origin.

4.8 Vara-Leija stated she observed a large amount of cookies, crackers, and diapers at the Constable's Office. She overheard Bellotte tell other employees that she was delivering the donations from the office to others. Vara-Leija made it a practice to not involve herself in anything with Bellotte as she found her (Bellotte) to be inexperienced, which made her consequently untrustworthy of her judgement.

4.9 I asked Vara-Leija what her duties were during Hurricane Harvey. Vara-Leija stated she and Deputy Ana Delafuente-Herrera were assigned to work at the Transtar Emergency Operations Center for the duration of the hurricane. She recalled spending at least four 24 hour days at Transtar. She recalled returning to Transtar once a week for approximately three weeks post Hurricane Harvey.

4.10 I asked Vara-Leija if she earned Z time during the hurricane. Vara-Leija stated she frequently earned Z time from working an overtime project on the Sam Houston Tollway on Saturdays. Her annual income was approximately \$6,000.00 to \$7,000.00 higher than it was in 2016. Vara-Leija attributed the pay increase to earning Z time during Hurricane Harvey.

4.11 I also asked Vara-Leija if she was familiar with the distribution of red dry fit shirts bearing Constable Diaz' name and badge at parades and other events. Vara-Leija stated she had not seen the shirts, but heard about them. The only details she had heard were that some donated shirts were printed with the Constable's name and distributed. She knew it was common for the Precinct 2 Constable's Office to utilize the service of a screen printing business in Jacinto City.

4.12 Vara-Leija advised me that she refused to address Bellotte as Lieutenant, as Bellotte was undeserving of the rank. I asked Vara-Leija if she believed Bellotte possibly possessed a specific skill which made her worthy of two promotions on the day of her police academy graduation. Vara-Leija advised Bellotte had a non commissioned background in community relations while working for the city of Jacinto City. Vara-Leija stated Bellotte did not possess the skill set to supervise law enforcement officers.

4.13 Vara-Leija told me that just after Bellotte graduated from the police academy she advised Vara-Leija that she (Bellotte) wanted Vara-Leija to work for her. She told Bellotte that she would not work for her. She told Bellotte that she feared Bellotte would order her to do something illegal, unethical, or immoral. She felt that it was odd Bellotte appeared unaffected, and did not deny she (Bellotte) would make such an order.

4.14 Vara-Leija gave no additional information regarding this investigation that was perceived as valuable or notable.

4.15 I terminated the interview at approximately 1:21 PM.

4.16 Interview of Deputy Frank Arthur Ponce:

4.17 On 04/16/2018, at approximately 10:43 AM, I conducted an interview with Harris County Precinct 2 Deputy Constable Frank Arthur Ponce. Ponce stated he had been employed with the Precinct 2 Constable's Office for approximately 7 months.

4.18 Ponce advised me that his chain of command included first line supervisor Corporal Julian Garza, Sergeant Robert Sanchez, Lieutenant Michael Kritzler, Assistant Chief Norman Verbowsky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

4.19 Ponce stated during his time as a reserve deputy his chain of command began with Corporal Reed Clark, and Lieutenant Kimberly Bellotte.

4.20 I advised Ponce it had been brought to my attention that members of his department were concerned about the involvement of the Precinct 2 Constable's Office with an organization

called the Pastor's Army that operated from the Oak Meadows Church of God. Ponce stated he was familiar with the organization. I asked Ponce if he would provide details with regard to his knowledge of the Pastor's Army and his department's level of involvement.

4.21 Ponce stated he was a reserve deputy at the time of Hurricane Harvey. It was his desire to become a full time deputy at Precinct 2. He consequently volunteered at the Oak Meadows Church on a regular basis. He provided general security and traffic control duties while at the church.

4.22 I asked Ponce if he knew how it was that his department came into contact with the church. Ponce stated he did not know. He first learned of the donation distribution at the church from Corporal Clark who assigned him the aforementioned duties.

4.23 Ponce advised he also recalled escorting members of the Oak Meadows Church to hurricane affected areas to distribute donations to people in need. The police escorts were for the security of the volunteers as they had been encountering some potentially dangerous circumstances during the course of donation disbursements.

4.24 I asked Ponce if he ever took any of the donated items to any of the Precinct 2 employees' homes for personal use. Ponce stated he did not.

4.25 Ponce advised he was instructed at one point to take items from the church to the Precinct 2 Constable's Office. To his knowledge the items were no longer at the office and had been redistributed to the public.

4.26 I asked Ponce if he was familiar with the distribution of numerous red dry fit shirts that were reportedly donations from the Oak Meadows Church. Ponce replied he had seen some of the shirts at the Precinct 2 Constable's Office. I asked Ponce if he had ever seen any of the shirts distributed during parades or other events. Ponce stated he had not.

4.27 I asked Ponce if he had ever earned Z time. Ponce stated he had previously earned Z time from working an overtime project on the Sam Houston Tollway. He did not earn Z time during the hurricane.

4.28 I asked Ponce if he got to know any of the Pastor's Army volunteers at the Oak Meadows Church during the course of his duties. Ponce stated the pastor, whose name he was not sure of, and a woman he only knew as Misty seemed to be running things.

4.29 I asked Ponce if there was anything that I had missed or he thought I should know.

4.30 Ponce replied he was not sure what I was investigating. Ponce added he thought the amount of donations procured by the Pastor's Army was "weird." He described the Pastor's Army donations as numerous large shrink wrapped pallets of the same item. Ponce described the Pastor's Army as a commercial type operation that received large donations from truck tractors and box van type trucks. The other donation sites he observed during Hurricane Harvey recovery time were much smaller in nature and far less organized.

4.31 I terminated the interview at approximately 11:21 AM.

4.32 Interview of Corporal Reed Clark:

4.33 At approximately 4:00 PM, I conducted an interview with Harris County Precinct 2 Constable Corporal Reed Clark. Clark stated he had been employed with the Precinct 2 Constable's Office for approximately 9 months and had 2.5 total years of law enforcement experience. Clark advised me that he was assigned to the Community Outreach Division.

4.34 Clark advised his chain of command included first line supervisor Lieutenant Kimberly Bellotte, Assistant Chief Norman Verbowsky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

4.35 Clark stated Bellotte served as the Community Outreach Division Commander and the Reserve Division Commander. Bellotte had also involved herself in the oversight of divisions "outside of her lane" specifically the Administrative Division (civilian staff).

4.36 I advised Clark it had been brought to my attention that members of his department were concerned about the involvement of the Precinct 2 Constable's Office with an organization called the Pastor's Army.

4.37 Clark stated he was familiar with the organization. I asked Clark if he would provide details with regard to his knowledge of the Pastor's Army and Bellotte's level of involvement.

4.38 Clark advised that the Pastor's Army operated from the Oak Meadows Church of God located at 6105 Allendale Road in Houston.

4.39 I asked Clark who the point of contact was at the Pastor's Army. Clark replied Rick Aldridge, and Misty Wallace. He only knew the pastor at the church by the first name of Tony. A few weeks following Hurricane Harvey's landfall, he was contacted by Bellotte. Bellotte advised him that the Oak Meadows Church was in need of security due to a large amount of people and donations they had on premises.

4.40 I asked Clark what types of duties he had while assigned at the Oak Meadows Church. Clark advised as a corporal he was responsible for scheduling reserve deputies for security at the church. He and other deputies also assisted church volunteers with handing out meals, and various other supplies to hurricane victims.

4.41 I asked Clark if he could recall how long these items were handed out at the church. Clark stated he remembered the hot meals were discontinued sometime around October. Also around that time the church stopped allowing members of the public to come to the church and obtain nonperishable type food and supplies.

4.42 Clark stated he observed everything from food and toiletries to clothing distributed by the Pastor's Army.

4.43 Clark advised the church continued to deliver food and supplies to areas affected by the hurricane. He and the other deputies periodically served as security for the volunteers delivering the food and supplies to the areas.

4.44 I asked Clark if he took any of the items home for his personal use. Clark replied he had not. Clark added that at one point he and Deputy Ricardo Rodriguez took enough of the donations to supply one family to his home and stored them in his garage. This was done for the purpose of taking it to a Hurricane Harvey affected family in Precinct 3. Two to three days later he and Rodriguez took all of the donations to the family.

4.45 I asked Clark if he knew of any of the other Precinct 2 employees who took donations home for personal use.

4.46 Clark advised that a large amount of the donations were taken to the Precinct 2 Constable's Office. The donations included bottled water, a large amount of nonperishable foods, boots, hand sanitizer, etc. Bellotte directed him to have the reserve deputies load his patrol vehicle, Bellotte's patrol vehicle, and two patrol cars and transport them to the Precinct 2 Office. The donations were off loaded into a holding cell and work station area. I asked Clark what the dispositions of these donations were. Clark advised he did not know. The donations had since disappeared.

4.47 Clark stated Bellotte frequently told him that she was going to the church to pick up a load of items. She often told him that she was going to meet up with the Warehouse Manager Misty Wallace. I asked Clark what the nature of Bellotte and Wallace's relationship was. Clark replied he heard Bellotte refer to Wallace as her "best friend" or "bestie."

4.48 Clark advised me that in November of 2017, Precinct 2 Deputy Constable Jordan Guest unexpectedly passed away. Misty and some of the other members of the Pastor's Army came to the funeral.

4.49 Clark advised that at the funeral's conclusion, Bellotte directed Clark and other deputies to go to the parking lot and transfer a large amount of school supplies from

Wallace's vehicle to Bellotte's patrol vehicle. Clark stated Bellotte told them that her (Bellotte's) sister was a school teacher and the donations were going to the school.

4.50 Deputy Rudy Guillen told Clark that Bellotte advised him (Guillen) to take some of the donations home with him. Guillen reportedly told Bellotte that his area was unaffected by the hurricane and he declined the donations. Guillen told Clark that Bellotte advised him to take the donations, and he (Guillen) felt she was compelling him to accept them. Clark did not know if Guillen accepted the donations, and he (Clark) was not present when this occurred. Clark stated Guillen was assisting reserve deputies at the time and was operating under the direction of Bellotte.

4.51 I asked Clark if Bellotte had taken any of the donated items home.

4.52 Clark advised Bellotte directed him and Deputy Ricardo Rodriguez to drop off a load of donations on her front porch at her home. He knew some of the reserve deputies had also delivered donations to Bellotte's home.

4.53 Clark advised he recalled Bellotte directing him and Rodriguez to go to the church, and obtain a load of items Wallace put together for her (Bellotte), and leave them on the front porch of her residence. He recalled doing this on three or four occasions.

4.54 Clark stated he recalled that he and Rodriguez took numerous boxes of red dry fit style shirts to Bellotte's home as well. Bellotte directed him and Rodriguez to transport the boxes of shirts from the Oak Meadows Church to Bellotte's home. He and Rodriguez retrieved the boxes from a flatbed trailer parked in the church parking lot. Bellotte and Wallace coordinated what they (Clark and Rodriguez) were supposed to pick up.

4.55 Clark added during a meeting earlier that day Bellotte told Clark that Wallace called her (Bellotte) and said "Misty has the shirts all set up for us." Bellotte told him that he needed to go to the church and take them to her house.

4.56 Clark stated a week or two later, Bellotte while at the Precinct 2 Office, advised him to transfer what appeared to him to be the same boxes of shirts from her patrol vehicle to his (Clark's) patrol vehicle. Bellotte directed Clark to transport the boxed shirts to an address in the Jersey Village area that she provided him. He described the home where he dropped off the shirts on the front porch of a two story red brick home in the Jersey Village area.

4.57 I asked Clark how many boxes of shirts he loaded. Clark replied it was enough that it filled up the entire back cargo area, with the second seat down, from floor to ceiling, to the back of the tailgate.

4.58 Clark advised Bellotte later told him that she had gotten a union to print the shirts he delivered to the unknown home. Bellotte told him the homeowner was a "union guy" and he was going to do some screen printing on the shirts.

4.59 Clark advised the next time he saw the shirts was just prior to the 2017 Christmas parade. He observed Bellotte unload the shirts from her patrol vehicle in the parking lot of the Precinct 2 Office. Numerous shirts were put into the Precinct 2 High Water Rescue Humvee. The shirts were thrown out of the Humvee to spectators during the Christmas parade and a Little League parade that occurred sometime in 2018.

4.60 Clark stated the shirts had screen printed Constable Diaz badges on the front and "Team Diaz", and different union logos on the back.

4.61 Clark advised when he saw the printed shirts he felt concern with regard to complete legitimacy of distributing the shirts. He was concerned the shirts appeared to have been obtained under the concept they would be donated to hurricane victims and were now clearly Constable Diaz branded shirts being distributed at parades.

4.62 Clark clarified he was not certain what the details of how or where the shirts were obtained.

4.63 I asked Clark if there were any other areas of concern with regard to potentially illegal activity Bellotte directed him to do.

4.64 Clark stated post hurricane, he, Rodriguez, Deputy Gary Bonds, and Deputy Andre Mitchell were directed by Bellotte to transport donated food items to the Judson Robinson Community Center in East Harris County. Bellotte coordinated with the community center for donated food items to be given away as bingo prizes.

4.65 Clark advised on another occasion, while at the Oak Meadows Church, Bellotte directed him and other deputies to load three large boxes of raw turkey breasts and pork loins into her patrol vehicle. Bellotte encouraged him to take some of the frozen meats home. He declined. Bellotte later told him that she had been trying new turkey breast and pork loin recipes.

4.66 Clark advised he also observed Sergeant Nancy Gosney load her personal truck with donated items at the Oak Meadows Church. He overheard conversation Precinct 2 Corporal Blanca Martinez had been inside of Gosney's residence and observed large amounts of donations inside her residence. Martinez reportedly said Gosney had fashioned "trails" through her residence to navigate around the large amounts of donations stored inside her house.

4.67 The interview was terminated at approximately 5:00 PM.

4.68 Interview of Deputy Ricardo Rodriguez:

4.69 At approximately 5:20 PM, I conducted an interview with Harris County Precinct 2 Deputy Constable Ricardo Rodriguez. Rodriguez stated he had been employed with the Precinct 2 Constable's Office for approximately 9 months and had 11 total years of law enforcement experience. He was assigned to the Community Outreach Division.

4.70 Rodriguez advised me that his chain of command included first line supervisor Corporal Reed Clark, Lieutenant Kimberly Bellotte, Assistant Chief Norman Verbowsky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

4.71 I advised Rodriguez it had been brought to my attention that members of his department were concerned about the involvement of the Precinct 2 Constable's Office with an organization called the Pastor's Army. Rodriguez stated he was familiar with the organization. I asked Rodriguez if he would provide details with regard to his knowledge of the Pastor's Army and his department's level of involvement.

4.72 Rodriguez and Clark gave similar accounts of details and duties at the Oak Meadows Church.

4.73 I asked Rodriguez if he ever took any of the donated items home for his personal use. Rodriguez stated he did not.

4.74 I asked Rodriguez if he ever took any of the donations obtained from the Oak Meadows Church to Bellotte's residence. Rodriguez stated he and Corporal Clark periodically transported donated items to Bellotte's home at her direction.

4.75 I asked Rodriguez if he was familiar with the distribution of numerous red dry fit shirts that were reportedly donations from the Oak Meadows Church. Rodriguez replied he was. To his knowledge the shirts originated from the Oak Meadows Church, but could not say for sure.

4.76 Rodriguez stated with regard to his first encounter with boxes of donated shirts, Bellotte directed him and Reserve Deputy Andre Mitchell to meet her at the Oak Meadows Church. Rodriguez stated he and Mitchell met Bellotte at the Oak Meadows Church where they loaded boxes of shirts into their patrol vehicles. He, Mitchell and Bellotte transported the shirts to the Mount Carmel Church in Pasadena. The boxes of shirts were relinquished to a teacher at the school.

4.77 Rodriguez advised on a separate occasion, he and Clark went to the Oak Meadows Church and obtained the boxes of shirts from a flatbed trailer and subsequently transported them to

Bellotte's home. He had knowledge Clark was later directed to take the boxes of shirts to a location in Northwest Harris County.

4.78 Rodriguez stated on a third occasion, at Bellotte's direction, he and Clark took several boxes of the shirts to North Shore High School. He delivered the shirts to an athletic department representative.

4.79 Rodriguez stated the next time he saw the shirts was at a 2018 parade in Jacinto City. He recalled Constable Diaz was throwing the shirts to spectators from the Precinct 2 Humvee.

4.80 Referring to donations obtained from the Oak Meadows Church, Rodriguez stated he observed food items were also thrown to spectators at parades in South Houston and Jacinto City. More specifically, Rodriguez advised he observed Nutrigrain bars and goldfish crackers being thrown to spectators.

4.81 I asked Rodriguez if he was familiar with the Oak Meadows Church Warehouse Manager. Rodriguez advised he was and he knew her as Misty. I asked Rodriguez if he knew Bellotte and Misty to have a friendship/relationship. Rodriguez affirmed he did, and elaborated that he also knew them to frequently talk on the phone.

4.82 Rodriguez gave no additional information regarding this investigation I perceived as valuable or notable.

4.83 The interview was terminated at approximately 5:55 PM.

4.84 Interview of Deputy Rudy Guillen:

4.85 At approximately 6:05 PM, I conducted an interview with Harris County Precinct 2 Deputy Constable Rudy Guillen. Guillen stated he had been employed with the Precinct 2 Constable's Office for approximately 2 months. He began as a Precinct 2 Reserve Deputy in November of 2017. He was currently assigned to the Contract Patrol Division.

4.86 Guillen advised me that his chain of command included his first line supervisor Corporal Julian Garza, Sergeant Robert Sanchez, Lieutenant Michael Kritzler, Assistant Chief Norman Verbowsky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

4.87 Guillen stated during his time as a reserve deputy his chain of command began with Corporal Reed Clark, and Lieutenant Kimberly Bellotte.

4.88 I advised Guillen it had been brought to my attention that members of his department were concerned about the involvement of the Precinct 2 Constable's Office with an organization called the Pastor's Army. Guillen stated he was familiar with the organization. I asked Guillen if he would provide details with regard to his knowledge of the Pastor's Army and his department's level of involvement.

4.89 Guillen stated he and Bellotte attended the University of Houston Police Academy together. In August of 2017, in hopes of becoming a reserve deputy with Precinct 2 he contacted Bellotte and asked if he could ride with deputies and volunteer for hurricane recovery efforts. Bellotte agreed and allowed Guillen to assist deputies.

4.90 Guillen, Rodriguez, and Clark gave similar accounts of the details at the Oak Meadows Church.

4.91 I asked Guillen if he ever took any of the donated items home for his personal use. Guillen stated he and his family at one point did sit in the same line the general public was in and accepted some of the donated items.

4.92 I asked Guillen if he ever observed any of the Precinct 2 Constable employees take any of the donated items home for personal use.

4.93 Guillen advised he assisted deputies take some of the donations to the Precinct 2 Constable's Office. I asked Guillen if he had any idea what the final dispositions of the donations were. Guillen advised he assisted in putting the food and bottled water into bags



for distribution. To his knowledge those donations were distributed to the public.

4.94 Guillen advised that on one occasion he assisted Bellotte load her patrol vehicle to the point she could hardly fit in the driver's seat. Bellotte was selective with the items. He asked Bellotte if she needed assistance unloading the goods at her destination. Bellotte declined. This occurred on three separate occasions. He recalled feeling her behavior was odd, as this load was a significant amount for one person to unload, and the other deputies always operated in at least pairs.

4.95 I asked Guillen if he was familiar with the distribution of numerous boxes of red dry fit shirts distributed at parades. Guillen stated he was not.

4.96 Guillen gave no additional information regarding this investigation that was perceived as valuable or notable.

4.97 The interview was terminated at approximately 6:53 PM.

4.98 Interview of Clerk Mary Ann Carrion:

4.99 On 04-17-2018, at approximately 4:10 PM, I conducted an interview with Harris County Precinct 2 Chief Clerk Mary Ann Carrion. Carrion stated she had been employed with the Precinct 2 Constable's Office for approximately 3 years.

4.100 Carrion advised me that prior to her employment with Constable Diaz, she was the Chief of Staff for a State Senator for approximately 24 years. She subsequently became the Chief of Staff for a State Representative for a short time. She met Constable Diaz while she was working for the State Representative, as Diaz' office was in the same building.

4.101 Carrion stated on 01/12/2015, she accepted a position in Diaz' office as Administrative Assistant. Prior to her promotion to Chief Clerk in April of 2017, Bellotte was the Chief Clerk. I asked Carrion if Bellotte and Diaz had a pre-existing relationship prior to her employment at Precinct 2.

4.102 Carrion stated she had knowledge Bellotte previously worked for Diaz when he was the Mayor at Jacinto City. Bellotte worked as the Jacinto City Parks and Recreation Director. Carrion also added that Bellotte's step-father was employed as the Jacinto City, City Manager as well.

4.103 I asked Carrion if it was her responsibility to process the department's Time and Attendance Records. Carrion affirmed it was. I asked her to elaborate on the process. Carrion stated it was her responsibility to input the time sheets into a county database called IFAS.

4.104 Carrion advised an employee was required to generate a time sheet for each 2 week pay period. The time sheet was required to be signed by the employee, and first line supervisor, and turn the time sheet into Carrion.

4.105 I asked Carrion if she had the responsibility of filing and inputting Employee Change in Status Forms referring to exempt and non-exempt employee status. Carrion affirmed she did. She had recently received information from the Harris County Attorney's Office the following employees should be changed to an exempt status: Lieutenant Kimberly Bellotte, Lieutenant Alfred Taylor, Lieutenant David Williams, Lieutenant Chad Eichenour, and Captain John Marroquin.

4.106 I asked Carrion why she thought the aforementioned supervisors were classified as non-exempt.

4.107 Carrion advised she recalled that sometime around April or May of 2017, Marroquin and Eichenour received promotions. Bellotte came to the conclusion she, Marroquin, and Eichenour all fell under both exempt and non-exempt categories. Carrion believed Bellotte made the decision to class them all as non-exempt.

4.108 I asked Carrion if she were present or involved in the submission of any of the aforementioned supervisor's change in status forms. Carrion advised she was.

4.109 Carrion stated she recalled her and Bellotte completing the submission of the change in status forms together. I asked Carrion if she knew if Constable Diaz approved the changes in status from exempt to non-exempt. Carrion replied that Diaz was not present when the forms were submitted. I asked Carrion if Diaz was made aware of it at a later time. Carrion advised she assumed Diaz was aware. It was common that anything from Diaz "always goes to Kimberly."

4.110 I asked Carrion if she recalled Bellotte saying anything that made her believe Constable Diaz approved the changes in status. Carrion replied, "It would be something along the lines of...that I've spoken to the Constable and he's okay with this...from Kimberly." Carrion never directly spoke with Diaz or overheard a discussion about his approval of the changes in status.

4.111 Carrion advised she believed that she (Carrion) was the one who actually put the information into the system, but could not recall for certain. Bellotte frequently assisted her in the daily functions of the office.

4.112 I asked Carrion if she had any information with regard to who signed the change in status forms. Carrion did not. Carrion advised that consequent to a recent audit the change in status forms were being corrected and resubmitted.

4.113 Note: I obtained Marroquin's and Eichenour's Change in Status of Employee's forms from the Harris County Auditor's Office. Employee signatures did not appear on Marroquin's or Eichenour's forms. The signature line signifying "Employer Certification" on Marroquin's form appeared to be the signature of Mary Ann Carrion. The signature line signifying "Employer Certification" on Eichenour's form appeared to be the signature of Bellotte.

4.114 I asked Carrion what her status was. Carrion advised her status was non-exempt. Carrion added she had been a non-exempt employee since her initial hire date in 2015. She and Bellotte discussed her (Carrion's) status since her promotion to Chief Clerk.

4.115 Carrion stated she advised Bellotte that she did not believe her (Carrion's) status should be changed to exempt, as her duties continued to fit the non-exempt category. Carrion added that although her job description would indicate she made decisions and supervises people, the reality was she did not.

4.116 I asked Carrion to further describe her duties. Carrion stated, "Technically, the Chief Clerk is over the 10 civilians, but Kimberly has never really relinquished that." Bellotte told her, "I'm still doing what I used to do before I became Lieutenant. I just went from civilian to classified." Carrion stated, "Ultimately, any decisions that pertain to civilians, she makes them."

4.117 Note: After the interview with Carrion, I contacted Luman and inquired as to why Williams and Taylor were classified as non-exempt. Luman stated he asked Williams why he (Williams) was classified as non-exempt. Williams reported he did not know he was classified as non-exempt. A review of Williams' time and attendance records revealed he consistently checked the required "exempt" check box indicating he was under the assumption that he was an exempt employee. Luman stated Taylor was classified as non-exempt because the interpretation was Taylor was disconnected from the management team, as he was assigned to the Civil Division.

4.118 I asked Carrion if she was familiar with the Oak Meadows Church of God and the acquisition and disbursement of Hurricane Harvey donations. Carrion advised she was. She recalled she and some of the other noncommissioned personnel went to the church and assisted in the preparation of hot meals.

4.119 I asked Carrion if she assisted in loading patrol units with donations. Carrion advised she did not. I asked Carrion if she knew of any large amounts of donations taken to any Precinct 2 employees' homes. Carrion advised she knew Bellotte had taken some of the donations to her house to give to her neighbors. The area where Bellotte resided was affected by the hurricane. She knew some of the donations (snack type food) were taken to Jacinto City Hall.

4.120 I asked Carrion if she had ever met an individual associated with the church by the name of Misty. Carrion advised Bellotte introduced Misty to her. Carrion overheard Bellotte talking to Misty on a regular basis, mostly about assisting the church and donation distribution. She frequently knew it to be Misty from the church on the phone as Bellotte would tell her that it was Misty or Carrion would see Bellotte's home screen during a call.

4.121 I asked Carrion if she had any knowledge of Bellotte procuring red dry fit shirts that displayed the Constable Diaz logo. Carrion advised she did, and described the red shirts. I asked Carrion if she knew where the shirts came from. Carrion said she heard they came from "the church people", but could not say for sure. She recalled Bellotte coming to the office with boxes of the shirts and offering them to the employees.

4.122 I asked Carrion if she was authorized to write checks from Diaz' account. Carrion stated she was not. To her knowledge Bellotte could write checks from the account.

4.123 I terminated the interview at approximately 5:05 PM.

4.124 Interview of Sergeant Nancy Gosney:

4.125 On 04/19/2018, at approximately 1:02 PM, I conducted an interview with Harris County Precinct 2 Deputy Constable Nancy Gosney. Gosney stated she had been employed with the Precinct 2 Constable's Office for approximately 4 years. Gosney advised she was currently assigned to the Civil Division.

4.126 Gosney advised her chain of command included first line supervisor Lieutenant Alfred Taylor, and continued with Assistant Chief Norman Verbowsky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

4.127 I advised Gosney it had been brought to my attention that members of her department were concerned about the involvement of the Precinct 2 Constable's Office with an organization called the Pastor's Army. Gosney stated she was familiar with the organization. I asked Gosney if she would provide details with regard to her knowledge of the Pastor's Army and her department's level of involvement.

4.128 Gosney stated the day after Hurricane Harvey's landfall, she was contacted by Diaz and Bellotte. She, Diaz, and Bellotte began patrolling in the Precinct 2 Humvee conducting rescue efforts in their area.

4.129 Gosney stated she knew that some of the Precinct 2 Deputies duties at the Oak Meadows Church involved assisting in the disbursement of donations and security efforts. She was not involved in those duties. She did keep her patrol vehicle (truck) full of donations and distributed to flood affected individuals during the course of serving civil documents.

4.130 I asked Gosney if she ever took any of the donated items home. Gosney stated she did. I asked Gosney if she ever took any of the donations inside of her house. Gosney replied she did, but only temporary and for the purposes of protecting them from the weather.

4.131 I asked Gosney if any of the items remained at her home. Gosney replied they did not. I asked Gosney, "nothing at all?" She replied, "Not to my knowledge."

4.132 I asked Gosney if she was familiar with the distribution of numerous red dry fit shirts that were reportedly donations from the Oak Meadows Church. Gosney stated she was not.

4.133 However, Gosney then advised she had seen some of the shirts on Facebook. Furthermore, she saw some of the shirts at a parade in South Houston. Gosney stated, "I don't know what all they were throwing out." I asked Gosney if food was thrown out at the parade. Gosney replied she observed goldfish crackers being thrown out to spectators. I asked Gosney if she knew where the goldfish crackers had come from. Gosney replied she suspected the Pastor's Army.

4.134 I asked Gosney if she was familiar with the Warehouse Manager Misty Wallace from the church. Gosney replied she was. I asked Gosney what the nature of her relationship was with Wallace. Gosney replied they did not have any type of relationship.

4.135 I asked Gosney if she communicated via talk or text on her mobile phone with Wallace. Gosney replied she did. I asked Gosney if she would allow me to look at the text strands in her phone. Gosney denied consent.

4.136 I asked Gosney if she knew if Bellotte was in possession of church donations at her residence. Gosney stated she did not know. I asked Gosney if she had been inside of Bellotte's residence in recent past, and if so, had she seen any large amounts of donations inside. Gosney replied she had not.

4.137 Gosney appeared guarded during the entire interview. Gosney advised me that she had recently been the subject of an Internal Affairs investigation which involved a separate allegation. Furthermore, Gosney told me that she felt during the course of her lifetime, everyone had been against her.

4.138 Gosney gave no additional information regarding this investigation that was perceived as valuable or notable.

4.139 I terminated the interview at approximately 1:37 PM.

4.140 During the course of the interviews contained herein, audio was captured via the utilization of a digital recorder. I transferred the captured audio from the digital recorder to a media device storage device. The media storage device will be stored with this investigative file.

#### **WITNESSES**

**Vara-Leija, Cynthia - Hispanic/Female - [REDACTED]**

Cell: [REDACTED]

**Ponce, Frank Arthur - Hispanic/Male - [REDACTED]**

Cell: [REDACTED]

**Clark, Reed - White/Male - [REDACTED]**

Cell: [REDACTED]

**Rodriguez, Ricardo - Hispanic/Male - [REDACTED]**

Cell: [REDACTED]

**Guillen, Rudy - Hispanic/Male - [REDACTED]**

Cell: [REDACTED]

**Carrion, Mary Ann - Hispanic/Female - [REDACTED]**

Cell: 713-906-4446

**Gosney, Nancy - White/Female - [REDACTED]**

Cell: [REDACTED]

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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<b>PREPARED BY:</b>	<b>DARON PARKER</b>	<b>INVEST#:</b>	<b>2018I-TRA-50023688</b>
<b>LEVEL 1 SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>REPORT#:</b>	<b>S5</b>
<b>LEVEL 2 SUPERVISOR:</b>	<b>JASON TAYLOR</b>	<b>ACTIVITY DATE:</b>	<b>05/02/2018</b>
<b>LEAD INVESTIGATOR:</b>	<b>DARON PARKER</b>	<b>DATE WRITTEN:</b>	<b>05/03/2018</b>
<b>SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>DATE APPROVED:</b>	<b>05/23/2018</b>
<b>REPORT TYPE:</b>	<b>SUPPLEMENTAL</b>	<b>REPORT STATUS:</b>	<b>APPROVED</b>
<b>ACTIVITY TYPE:</b>	<b>INVESTIGATIVE</b>	<b>SPURS URN:</b>	<b>CMRE50076355</b>
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	<b>THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2019</b>	<b>CASE:</b>	
<b>DIVISION:</b>	<b>TEXAS RANGERS</b>	<b>REGION:</b>	<b>A</b>
<b>PROGRAM:</b>		<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	<b>TEXAS US - UNITED STATES OF AMERICA (USA)</b>	<b>AREA:</b>	

**SYNOPSIS**

On 05/02/2018, I, Texas Ranger Daron Parker, conducted an interview with Harris County Precinct 2 Constable Chris Diaz. The interview was conducted at the Downey Law Firm in Houston. I conducted the interview pursuant to a Theft investigation. The investigation stemmed from allegations Precinct 2 Constable Lieutenant Kimberly Bellotte was suspected of committing a variety of Theft offenses.

**DETAILS**

5.1 On 05/02/2018, I, Texas Ranger Daron Parker, conducted an interview with Harris County Precinct 2 Constable Chris Diaz pursuant to a Theft investigation. The investigation stemmed from allegations Precinct 2 Constable Lieutenant Kimberly Bellotte was suspected of committing a variety of Theft offenses. The interview was conducted at the Downey Law Firm, located at 2814 Hamilton Street in Houston, Harris County, Texas.

5.2 At approximately 2:30 PM, I began the interview with Diaz. Also present during the interview was Diaz' Attorney, Chris Downey.

5.3 I gave Diaz and Downey an overview of the different elements of the investigation. I explained that in February 2018, I attended a meeting at the Harris County Attorney's Office pursuant to the Precinct 2 Constable's Office receiving Freedom of Information Requests involving Bellotte.

5.4 I explained that members of his upper chain of command advised me one of their concerns was Bellotte's continued involvement with large amounts of donated items procured by the Oak Meadows Church of God in Houston. Diaz stated he knew his office was involved with the Oak Meadow's Church.

5.5 I advised Diaz that I conducted the investigation into Bellotte obtaining a large amount of donated dry fit shirts and the subsequent screen printing of Diaz' name and a Precinct 2 Constable badge on the shirts.

5.6 I advised Diaz that during the course of my investigation, I arrested one of Bellotte's associates from the Oak Meadows Church via the service of Felony Arrest Warrants. I advised Diaz that I arrested Misty Foley Wallace for two Union Parish Louisiana Arrest Warrants for the offenses of Felony Unauthorized Use of an Access Card/Identity Theft, and Felony Theft. I advised Diaz that some of Wallace's crimes included victims who were elderly and trusting individuals whom she (Wallace) had met at a church.

5.7 Diaz stated "Wow" and conveyed he was surprised and not aware of the circumstances surrounding Wallace.

5.8 I briefly discussed an area of concern which involved the captured audio of an inadvertent police radio broadcast by Sergeant Nancy Gosney. I explained upon realizing what she had done, Gosney asked the Communications Operator to locate the recorded audio transmission and destroy it. I advised Diaz that I had since been told this part of the investigation was handled at an administrative level, and Gosney had been disciplined for committing a policy violation. Diaz affirmed this was correct.

5.9 Furthermore, I elaborated that I conducted investigation into anomalies in Bellotte's time and attendance records submitted during Hurricane Harvey. More specifically, Bellotte's time sheets reflected she had been paid an overtime amount noticeably higher than his other commissioned staff.

5.10 I asked Diaz if he knew what "Z Time" was.

5.11 Diaz replied he did not.

5.12 I explained, that as I understood, "Z Time" was essentially overtime funds paid to an employee from the Harris County budget for special circumstances, i.e. traffic control duties on the Harris County Toll road, or natural disasters. I elaborated that the county was then subsequently reimbursed from an outside fund, i.e. the Harris County Toll Road or the federal government.

5.13 I advised Diaz that I reviewed an email sent to all Precinct 2 Constable Staff from Lieutenant Michael Kritzler. On 08/23/2017, Kritzler sent an email to all Precinct 2 Constable's Office employees in anticipation of Hurricane Harvey. Attached to the email was a "storm schedule" created due to the impending hurricane.

5.14 I explained that I reviewed Bellotte's Time and Attendance Records beginning 8/19/2017 to 09/01/2017. I told Diaz the records indicated a total of 138 Z time hours and 48 D time hours.

5.15 I advised Diaz that I had reviewed a second email sent 09/01/2017 to all Precinct 2 Constable Staff from Kritzler which included the following directive: "Effective 09-02-2017 all Deputies/Supervisors within Civil, Administrative, Warrants, Writs, Schools, and Community Outreach will revert back to regular shifts and duty assignments. This means storm schedule will come to a conclusion on Saturday at 6AM."

5.16 I asked Diaz where the scheduling directives contained in the aforementioned emails came from. More specifically, I asked Diaz if he, or his Chief Deputy, gave the directives. Diaz replied "It had to have been the Chief."

5.17 I asked Diaz if Bellotte had authorization to continue working storm schedule hours independent of the other employees. Diaz replied "She works with me closely, but at the same time, I want her to be able to speak with my upper brass and kind of let them know what's going on." Diaz added "She works close with me; when I'm going, she's going."

5.18 I asked Diaz, "So she did have authorization to work for the pay period after that?" I added that Bellotte's Time and Attendance Records beginning 09/16/2017 to 09/29/2017 indicated a total of 80 Z time hours and 67.5 D time hours. I advised Diaz that Bellotte was his only employee who worked storm schedule hours during the following pay period. I advised Diaz that in 2017 Bellotte was the highest Z Time paid Lieutenant. I advised Diaz that Bellotte made approximately \$18,000.00 in Z Time and approximately \$2,600.00 in Regular Overtime.

5.19 I again asked Diaz, "So was she authorized?"

5.20 Diaz replied "We worked, but I told her to make sure that she stayed close to our command staff, so that way she let them know what was going on."

5.21 I asked who was in Bellotte's chain of command. Diaz replied "She's under Verbosky." I

clarified with Diaz by stating, "You, Luman, Verbosky, and then her?" Diaz affirmed.

5.22 I showed Diaz a Determination of Wage/Hour Law Exemption form classifying Bellotte as an "exempt" employee submitted on 05/15/2013 when she was first employed as the Precinct 2 Constable's Chief Clerk.

5.23 I showed Diaz his (Diaz') signatures on the lines designated "Supervisor Signature" and "Elected Official/Department Head Signature." I showed Diaz Bellotte's signature on the line designated "Employee Signature."

5.24 I then showed Diaz Bellotte's "Change in Status of Employee" (form 3418-1-C) listing Bellotte's title as a "Lieutenant SR" submitted on 05/09/2017. I showed Diaz the attached signature page which required three signatures. I directed Diaz' attention to Bellotte's signature on the line designated "Employer Authorization" which was also dated 05/09/2017.

5.25 I asked Diaz, "In May of 2017, her (Bellotte's) status changes. Were you aware that she was a non-exempt employee?" Diaz replied, "No I was not aware."

5.26 Diaz advised me that he wanted Bellotte to remain in a supervisory role over his non-commissioned staff. His concern was Bellotte's replacement, Mary Ann Carrion, was going to seek employment elsewhere.

5.27 I redirected Diaz' attention back to the Change in Status of Employee form. I advised Diaz that Carrion told me that she (Carrion) was present during the creation and submission of Bellotte's Change in Status forms. I advised Diaz that Carrion told me that she (Carrion) input the forms into the database. Furthermore, I told Diaz that Carrion advised me that she (Carrion) did not recall having a conversation with Diaz about the changes in status; she assumed Bellotte authorized the change in status.

5.28 Diaz then began talking about the importance of incentive pay, an employee's quality of life, and employee compensation for years of service.

5.29 I again redirected Diaz' attention back to the change in Bellotte's status and asked him if he had seen the Change in Status forms prior to me showing them to him. Diaz advised Chief Jerry Luman had recently shown him Bellotte's change in status form, along with the forms of a Precinct 2 Lieutenant and a Precinct 2 Captain who were assigned to the tollway.

5.30 Diaz then advised he recalled recently seeing a form which indicated a Lieutenant could be both exempt and non-exempt. Diaz indicated he did not understand the difference between exempt and non-exempt employees.

5.31 I explained to Diaz the form defined the guidelines with regard to the difference between exempt and non-exempt employees. I explained to Diaz that Bellotte had gone from a management position, where she was classed as exempt, to a position with greater management responsibility. I explained to Diaz this indicated to me that Bellotte had an even greater cause to remain exempt.

5.32 Diaz then made several more statements which continued to indicate to me that he did not understand which employees should be classed as exempt and which employees should be classed as non-exempt.

5.33 Diaz stated he and his employees were always "going and going" and he frequently put a "heavy load on Kim, and she never says no."

5.34 Diaz then stated "Exempt/non-exempt thing, I can see where you're coming from. But I wanted them (Harris County Attorney's Office) to explain it a little bit more. But I wasn't aware, for example, the toll road guys, I had no idea."

5.35 I told Diaz that I knew the "toll road guys" (John Marroquin and Chad Eichenour) statuses were changed on the same day Bellotte changed her own status. I asked Diaz if he knew why this was done. Diaz replied he did not. I asked Diaz if he knew the nature of Bellotte's relationship with Marroquin and Eichenour. Diaz stated he did not.

5.36 I asked Diaz again if my understanding was correct that the flow of Bellotte's chain of command was Diaz, Luman, and Verbosky. Diaz affirmed that it was. I asked Diaz if Bellotte was permitted to go direct with him. Diaz advised he and Bellotte frequently communicated and worked directly together. Diaz advised "I had told them that they need to communicate." Diaz then stated "What I'm hoping is, that she calls them and says this is what the Constable wants me to do."

5.37 I asked Diaz if he ever recalled a conversation with Bellotte along the lines of "I need to submit this form, because maybe I work a whole lot and I need to be able to get paid overtime?"

5.38 Diaz replied "No, no...not that I can recall."

5.39 Diaz then stated "She'd give you the shirt off of her back. But, I mean, I don't remember having a conversation..."

5.40 I asked Diaz what his thoughts were about Bellotte submitting the Change in Status Form without his authorization. Diaz replied "It should've went up the chain of command."

5.41 Subsequent to Downey asking a few clarifying questions regarding exempt/non-exempt and what employees should be classified where, I advised Diaz that I had two basic questions.

5.42 I asked Diaz, "She wasn't authorized, or I should say, you never gave the thumbs up?" Diaz affirmed. I asked Diaz, "You guys have never had a conversation where you say, you're allowed to do whatever you want? Diaz laughed and said "No."

5.43 I then advised Diaz the second question was; "Was she allowed to work unlimited amounts of overtime during the storm?" I reminded Diaz that Bellotte worked a full pay period more than any other employee in his office.

5.44 Diaz advised "Well, like I said, she was supposed to go to her chain of command, but on the other hand, I called her and told her we need to do this and this, we have to go and do community work as well as scheduling and so on. In my eyes, I was hoping that the chain of command would say like, hey, you know what."

5.45 Downey then asked Diaz if he relied on his chain of command to take care of things like payroll and Human Resources decisions. Diaz replied that the chain of command had input in those matters.

5.46 Diaz reiterated Bellotte was his Chief Clerk prior to Carrion becoming the Chief Clerk. Diaz again stated his desire was for them to get their incentives and years of service credit.

5.47 I asked Diaz if he ever recalled having a conversation with Bellotte or Carrion with regard to obtaining incentives and years of service via overtime payments. Diaz replied "Not at all, No Sir."

5.48 Downey then asked Diaz, "Do you understand why he's asking you that?"

5.49 Diaz looked at me and responded "Why are you asking me that?"

5.50 Downey then told me, "I know why you're asking that." Downey looked at Diaz and told him, "What we're trying to pin down is whether or not she had any authority within your office to create a justification for this overtime? Right?" Diaz responded "Right." Downey asked Diaz, "What you're saying just to be perfectly clear is a justification didn't come from you?"

5.51 Diaz shook his head in affirmation and replied "Yeah...No Sir."

5.52 The remainder of the interview involved a brief discussion over the distribution of the red dry fit shirts by the Precinct 2 Constable's Office. Diaz appeared to have little information regarding the shirts.



5.53 Diaz advised he could not say for certain with regard to where the shirts came from. I asked Diaz if county funds were ever expended for the purchase of or on the screen printing of the shirts. Diaz replied, "No." Diaz also advised that to his knowledge the screen printing work done on the shirts was paid for by Bellotte from her (Bellotte's) personal account.

5.54 Diaz advised the check for the screen printing services was returned to his home for unknown reasons. Diaz stated he subsequently gave the returned envelope and check back to Bellotte. The vendor requested that Bellotte send the payment to a different address and make the check payable to a different business name or person. Diaz advised that to his knowledge, Bellotte sent a second payment to the screen printing vendor via certified mail.

5.55 The conversation yielded no additional information worthy of documentation in a criminal investigation.

5.56 I terminated the interview at approximately 3:50 PM.

5.57 During the course of this interview, audio was captured via the utilization of a digital recorder. I transferred the captured audio from the digital recorder to a media device storage device. The media storage device will be stored with this investigative file.

**INVOLVED**

**Diaz, Chris - Hispanic/Male**

Hair:

Eyes:

Weight:

Height:

SSN:

SID:

DL#:

DL State: █

Cell █

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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<b>PREPARED BY:</b>	<b>DARON PARKER</b>	<b>INVEST#:</b>	<b>2018I-TRA-50023688</b>
<b>LEVEL 1 SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>REPORT#:</b>	<b>S6</b>
<b>LEVEL 2 SUPERVISOR:</b>	<b>JASON TAYLOR</b>	<b>ACTIVITY DATE:</b>	<b>05/11/2018</b>
<b>LEAD INVESTIGATOR:</b>	<b>DARON PARKER</b>	<b>DATE WRITTEN:</b>	<b>05/23/2018</b>
<b>SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>DATE APPROVED:</b>	<b>05/29/2018</b>
<b>REPORT TYPE:</b>	<b>SUPPLEMENTAL</b>	<b>REPORT STATUS:</b>	<b>APPROVED</b>
<b>ACTIVITY TYPE:</b>	<b>INVESTIGATIVE</b>	<b>SPURS URN:</b>	<b>CMRE50078466</b>
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	<b>THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2019</b>	<b>CASE:</b>	
<b>DIVISION:</b>	<b>TEXAS RANGERS</b>	<b>REGION:</b>	<b>A</b>
<b>PROGRAM:</b>		<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	<b>TEXAS US - UNITED STATES OF AMERICA (USA)</b>	<b>AREA:</b>	

**SYNOPSIS**

On 05/11/2018, I, Texas Ranger Daron Parker, conducted interviews with Harris County Precinct 2 Constable's Office Assistant Chief Norman Verbosky and Chief Deputy Jerry Luman. The interviews were conducted at the Texas Rangers Office in Houston. The interviews were conducted pursuant to allegations Precinct 2 Constable Lieutenant Kimberly Bellotte committed the offense of Tampering with a Government Record as well as a variety of Theft related offenses.

**DETAILS**

6.1 On 05/11/2018, I, Texas Ranger Daron Parker, conducted interviews with two Harris County Precinct 2 Constable's Office employees. Each interview was conducted at the Texas Rangers Office located at 12230 West Road in Houston, Harris County, Texas. The interviews were conducted pursuant to allegations Precinct 2 Constable Lieutenant Kimberly Bellotte committed the offense of Tampering with a Government Record as well as a variety of Theft related offenses. For additional details pertaining to the overview and nature of the offenses, refer to previous reports contained in this investigative file.

6.2 Interview of Assistant Chief Norman Verbosky:

6.3 At approximately 1:15 PM, I conducted an interview with Harris County Precinct 2 Constable Assistant Chief Norman Verbosky. Verbosky advised he had been employed with the Precinct 2 Constable's Office for approximately 27 years.

6.4 Verbosky stated he held various positions while employed with the Precinct 2 Constable's Office and added that he held the position of Assistant Chief for approximately two years.

6.5 Verbosky stated his primary function was the oversight of the department's Civil Division. He and Chief Deputy Jerry Luman oversaw different divisions within the department. Luman's primary function was oversight of the department's Patrol Division.

6.6 I asked Verbosky if I was correct in my understanding that he was third in command at the Precinct 2 Constable's Office. Verbosky affirmed this was correct.

6.7 Verbosky advised me the department had three primary divisions; Patrol, Civil, and Community Outreach. Each division had a commander who carried the rank of lieutenant. The flow of the chain of command involved the lieutenants answering to him, then Luman, then Constable Chris Diaz.

6.8 I asked Verbosky if he believed all Precinct 2 employees understood their chain of command and how it worked. Verbosky stated to his knowledge all of his department's employees understood who their chain of command was and how it worked. Verbosky added that the Precinct 2 Constable's Office had a policy which mandated employees follow chain of command.

6.9 I asked Verbosky who was in Lieutenant Kimberly Bellotte's chain of command. Verbosky replied Bellotte reported "directly to Constable Diaz." None of the other lieutenants had the privilege of reporting directly to Diaz.

6.10 Verbosky advised he had knowledge Bellotte met each morning with Diaz and received daily orders from him (Diaz). I asked Verbosky who Bellotte's actual first line supervisor was. Verbosky replied that "on paper" he was Bellotte's first line supervisor.

6.11 Verbosky added Bellotte periodically told him that she would be taking days off. Verbosky stated, "She doesn't ever ask me, she tells me."

6.12 I asked Verbosky if Bellotte frequently conducted departmental business without his authorization. Verbosky affirmed Bellotte did, and added it normally did not have to do with the Community Outreach Division. Verbosky advised Bellotte "controls quite a bit of stuff there." Verbosky stated the control involved hiring and firing of employees.

6.13 Verbosky stated he regularly did not know what Bellotte's daily activities were. His belief was that Bellotte and Diaz did not want him (Verbosky) to know of Bellotte's daily activities.

6.14 Verbosky stated on the day of Bellotte's police academy graduation, she was commissioned by Constable Diaz as a Senior Lieutenant. Bellotte had no previous law enforcement or military experience. Verbosky added that this likely explained her lack of respect for her chain of command.

6.15 I asked Verbosky if Bellotte had a special skill set which might make her qualified to be a lieutenant. Verbosky stated to his knowledge Bellotte did not.

6.16 I advised Verbosky that I reviewed an email sent to all Precinct 2 Constable Staff from Lieutenant Michael Kritzler. On 08/23/2017, Kritzler sent an email to all Precinct 2 Constable's Office employees in anticipation of Hurricane Harvey. Attached to the email was a "storm schedule" that was created due to the impending hurricane.

6.17 Verbosky told me that he recalled the email, and added that he was involved in the department's preparation and planning.

6.18 I asked Verbosky if he believed it to be a fair statement Lieutenant Kritzler's email was produced at his (Verbosky), and Luman's direction. Verbosky affirmed.

6.19 I advised Verbosky that I reviewed a second email sent 09/01/2017 to all Precinct 2 Constable Staff from Kritzler which included the following directive: "Effective 09-02-2017 all Deputies/Supervisors within Civil, Administrative, Warrants, Writs, Schools, and Community Outreach will revert back to regular shifts and duty assignments. This means storm schedule will come to a conclusion on Saturday at 6AM."

6.20 I asked Verbosky if Bellotte asked him (Verbosky) for permission to work two additional pay periods beyond the conclusion of the storm schedule.

6.21 Verbosky replied, "No sir."

6.22 I asked Verbosky if he could recall any conversation of this nature with Bellotte. Verbosky replied he could not.

6.23 Verbosky addressed he was frequently uncomfortable signing Bellotte's timesheets as he was unaware of her daily activities. Verbosky expressed he took some comfort in the fact that he knew the supervisor signature did not indicate he was attesting to the complete accuracy of Bellotte's timesheets.

6.24 I then showed Verbosky Bellotte's "Change in Status of Employee" (form 3418-1-C) listing Bellotte's title as a "Lieutenant SR" submitted on 05/09/2017. I showed Verbosky the attached signature page that required three signatures. I asked Verbosky if he recalled ever seeing the form. Verbosky stated he had not. I asked Verbosky if he recognized the signatures on the form. Verbosky replied he did not.

6.25 I asked Verbosky if he recalled any discussion with Bellotte regarding her changing her status from exempt to non-exempt. Verbosky replied that no such discussion ever occurred. I asked Verbosky if he recalled ever having a discussion with Diaz, Luman, or anyone else in the command staff about Bellotte changing her status. Verbosky replied he did not.

6.26 I asked Verbosky if he was aware Captain John Marroquin and Lieutenant Chad Eichenour's statuses were changed from exempt to non-exempt. Verbosky replied he was not aware of these status changes until the County Auditor's team discovered it during the recent audit.

6.27 Verbosky added he had never concerned himself much with employee statuses, as he felt it was the elected Constable's decision regarding who was classed as exempt versus nonexempt.

6.28 I asked Verbosky if he had any questions for me or if there was any additional information he thought I should know. Verbosky stated he was concerned about Bellotte's psychological wellbeing. Verbosky elaborated a Precinct 2 Sergeant reported Bellotte told him that when she was cleared of the allegations "heads were going to roll." Bellotte reportedly had emotional outbursts in the office, and had been seen circling the office in her vehicle. When asked why she was circling the office, Bellotte replied she wanted to see who was at the office. Verbosky implied Bellotte appeared paranoid.

6.29 Verbosky stated in response to Bellotte's behavior, Luman and Verbosky contacted the Harris County Attorney's Office and Harris County's Human Resources Department. The County Attorney's Office suggested Bellotte be placed on leave and undergo a psychological examination to determine her fitness for duty. He and Luman brought the suggestion to Diaz. Diaz had not taken any action with regard to directing Bellotte to undergo the psychological examination.

6.30 I terminated the interview at approximately 2:13 PM.

6.31 Interview of Jerry Luman:

6.32 That same day, at approximately 2:20 PM, I conducted an interview with Harris County Precinct 2 Deputy Constable's Office Chief Deputy Jerry Luman. Luman advised he had been employed with the Precinct 2 Constable's Office for approximately five years.

6.33 Luman stated he had been employed in the field of law enforcement for a combined total of roughly 13 years. I advised Luman, as I understood it he was the Precinct 2 Chief Deputy who was directly under Constable Diaz. Luman affirmed.

6.34 I asked Luman who Bellotte's chain of command was. Luman stated "on paper" Bellotte reported directly to Verbosky, him (Luman), and ultimately Diaz. Luman stated in Bellotte's words, she gets her "marching orders from the Constable every morning at breakfast."

6.35 I asked Luman if it was a fair statement to say he was second in command, and Verbosky was third. Luman affirmed. Luman advised me that next in the chain of command would be the lieutenants who were over the department's divisions. Luman advised Precinct 2 had one captain, John Marroquin, who was over the toll road.

6.36 I asked Luman if Marroquin was fourth in command. Luman stated Marroquin was not. Luman advised that the commissioned personnel assigned to the toll road were separate from the normal operations of the Precinct 2 Constable's Office.

6.37 With Bellotte's chain of command in mind, I asked Luman if he and/or Verbosky had ever had a conversation with Diaz about clarifying who Bellotte actually answered to. Luman stated he and Verbosky had the conversation. Luman elaborated that although he and Verbosky were in Bellotte's chain of command, Bellotte was known to tell other employees "she doesn't listen to anybody." Luman added Bellotte got her "marching orders" from Diaz and they were often

left out of the loop.

6.38 Luman advised me that "all of these issues would have never happened in my opinion. If she would've went through myself or Chief Verbosky, we would've never approved any of this." I asked Luman if he thought Bellotte understood how the chain of command flowed and worked. Luman replied, "Absolutely."

6.39 I showed Luman the anticipation of Hurricane Harvey email sent to all Precinct 2 Constable Staff from Lieutenant Michael Kritzler on 08/23/2017. Attached to the email was the "storm schedule." Luman told me that he recalled the email, and added he was involved in the department's preparation and planning.

6.40 I asked Luman if he believed it to be a fair statement Lieutenant Kritzler's email was produced at his (Luman's) direction. Luman affirmed.

6.41 Luman added that on other occasions he utilized Kritzler to produce department wide emails.

6.42 I showed Luman the second email sent 09/01/2017 to all Precinct 2 Constable Staff from Kritzler that included the following directive: "Effective 09-02-2017 all Deputies/Supervisors within Civil, Administrative, Warrants, Writs, Schools, and Community Outreach will revert back to regular shifts and duty assignments. This means storm schedule will come to a conclusion on Saturday at 6AM."

6.43 I asked Luman if Bellotte asked him (Luman) permission to work two additional pay periods beyond the conclusion of the storm schedule.

6.44 Verbosky replied, "Absolutely not."

6.45 I asked Luman if he could recall any conversation of this nature with Bellotte. Luman replied at no time did he ever receive any type of communication or have any sort of conversation with Bellotte regarding such.

6.46 Luman advised me that he first learned of the excessive hours upon receiving Bellotte's timesheet, a few weeks later, showing the hours.

6.47 I asked Luman if he authorized his personnel to work 24 hour shifts during the storm schedule. Luman affirmed he did. Luman stated the personnel who worked the 24 hour shifts stayed at a hotel across the street from the Constable's Office. Bellotte did not stay at the hotel during this time frame. Luman did not know where Bellotte was during the days she claimed 24 hours on duty.

6.48 I asked Luman if he or Verbosky ever questioned Bellotte about the 7 days of 24 on-duty hours she claimed during storm schedule. Luman stated they did not. I asked why. Luman advised he and Verbosky believed that based on Bellotte and Diaz' relationship, Diaz probably authorized the hours.

6.49 I showed Luman a Determination of Wage/Hour Law Exemption form Bellotte previously submitted on 05/15/2013 when she was first employed as the Precinct 2 Constable's Chief Clerk.

6.50 I then showed Luman Bellotte's "Change in Status of Employee" (form 3418-1-C) listing Bellotte's title as a "Lieutenant SR" submitted on 05/09/2017. I showed Luman the attached signature page which required three signatures. I asked Luman if he recalled ever seeing the form. Luman stated he had. I asked Luman when the first time he recalled seeing the form. Luman stated approximately two months prior. Luman stated in response to a media open records request, he requested Bellotte's payroll forms.

6.51 I asked Luman if he recognized the signatures on the form. Luman replied that neither of the signatures were his. I asked Luman if he recognized the signatures as Constable Diaz'. Luman replied neither of the signatures looked like Verbosky's or Constable Diaz'.

6.52 I asked Luman if he recalled any discussion with Bellotte regarding her changing her

status from exempt to non-exempt. Luman replied no such discussion ever occurred. I asked Luman if he recalled ever having a discussion with Diaz or Verbosky about Bellotte changing her status. Luman replied he did not.

6.53 I asked Luman when he first learned of Bellotte's change in status from exempt to non-exempt.

6.54 Luman stated sometime around August of 2017, they noticed Bellotte began checking a box on her timesheets that signified she was a non-exempt employee. Luman and Verbosky were guilty of not questioning Bellotte with regard to the non-exempt checked box.

6.55 Luman then stated the first time he saw Bellotte's change in status of employee form, that changed her from exempt to non-exempt, was when he received the documents in response to the media outlet's open records request.

6.56 I asked Luman if he was aware Captain John Marroquinn and Lieutenant Chad Eichenour's statuses had been changed from exempt to non-exempt. Luman replied that these status changes were brought to his attention in mid to late April of 2017.

6.57 Luman elaborated he began noticing Marroquin and Eichenour began checking the non-exempt box on their timesheets. Luman asked Chief Clerk Mary Ann Carrion about Marroquin and Eichenour's timesheets signifying non-exempt. Carrion told him that she made the changes "because Kim told her to."

6.58 Luman then advised me that a few weeks prior to the date of this interview, the command staff had a meeting with regard to the employees who were classified incorrectly and Bellotte's incorrect Senior Lieutenant Rank. Diaz instructed him to make the classifications correct. Luman consequently advised Carrion to prepare the correct forms to change Bellotte from senior to a first year lieutenant. Luman added that the first year lieutenant rank was a reduction in pay.

6.59 Luman elaborated Carrion later told him that she had done as instructed. Carrion told Bellotte her rank was being changed to a first year lieutenant and she needed to sign the necessary form. Carrion told Luman that Bellotte then became very upset, her eyes became watery, and Bellotte pointed at Diaz' door and stated, "He knew all about this and I'm not going down alone."

6.60 I asked Luman if he had any questions for me or if there was any additional information he thought I should know. Luman then voiced the same concern as Verbosky with regard to Bellotte's psychological wellbeing. Luman elaborated that a Precinct 2 Sergeant reported the sergeant was concerned for Luman and Verbosky's safety. A few weeks prior, Precinct 2 held their annual firearms qualification. The sergeant was concerned about Bellotte, Luman, and Verbosky being on the same firing range as Bellotte had displayed emotional distress in the office.

6.61 Luman advised he had been in communication with the County Attorney's Office regarding Bellotte's behavior. The County Attorney's Office suggested Bellotte undergo a psychological fit for duty test.

6.62 Luman also added Bellotte had reportedly been seen circling the office in her vehicle. When asked why she was circling the office, Bellotte replied she circled the office about five times per day to see who was at the office. Luman also implied Bellotte appeared paranoid.

6.63 I terminated the interview at approximately 2:57 PM.

## **WITNESSES**

**Verbosky, Norman - White/Male**

Work: 713-477-2766

**Luman, Jerry - White/Male**

Cell: [REDACTED]

Work: 713-477-2766

**END OF REPORT**

**DPS SENSITIVE**

06/11/2018 19:37

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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<b>PREPARED BY:</b>	<b>DARON PARKER</b>	<b>INVEST#:</b>	<b>2018I-TRA-50023688</b>
<b>LEVEL 1 SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>REPORT#:</b>	<b>S7</b>
<b>LEVEL 2 SUPERVISOR:</b>	<b>JASON TAYLOR</b>	<b>ACTIVITY DATE:</b>	<b>05/17/2018</b>
<b>LEAD INVESTIGATOR:</b>	<b>DARON PARKER</b>	<b>DATE WRITTEN:</b>	<b>05/23/2018</b>
<b>SUPERVISOR:</b>	<b>KIP WESTMORELAND</b>	<b>DATE APPROVED:</b>	<b>06/08/2018</b>
<b>REPORT TYPE:</b>	<b>SUPPLEMENTAL</b>	<b>REPORT STATUS:</b>	<b>APPROVED</b>
<b>ACTIVITY TYPE:</b>	<b>INVESTIGATIVE</b>	<b>SPURS URN:</b>	<b>CMRE50079532</b>
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	<b>THEFT / STATE OF TEXAS / HARRIS COUNTY / 02-13-2018</b>	<b>CASE:</b>	
<b>DIVISION:</b>	<b>TEXAS RANGERS</b>	<b>REGION:</b>	<b>A</b>
<b>PROGRAM:</b>		<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	<b>TEXAS US - UNITED STATES OF AMERICA (USA)</b>	<b>AREA:</b>	

### SYNOPSIS

On 05/17/2018, I, Texas Ranger Daron Parker, conducted an interview with Harris County Precinct 2 Constable's Office Lieutenant Kimberly Bellotte. The interview was conducted at the Texas Rangers Office in Houston. I conducted the interview pursuant to allegations Bellotte committed the offense of Tampering with a Governmental Record, as well as a variety of Theft related offenses.

### DETAILS

7.1 On 05/17/2018, I, Texas Ranger Daron Parker, conducted an interview with Harris County Precinct 2 Constable Lieutenant Kimberly Bellotte. The interview was conducted at the Texas Rangers Office located at 12230 West Road in Houston, Harris County, Texas. The interview was conducted pursuant to allegations Bellotte committed the offense of Tampering with a Governmental Record as well as a variety of Theft related offenses. For additional details pertaining to the overview and nature of the offenses, refer to previous reports contained in this investigative file.

7.2 At approximately 1:20 PM, I began the interview with Bellotte. Also present during the interview was Coalition of Police and Sheriff's Organization (COPS) General Counsel Burt Springer.

7.3 I gave Bellotte a brief overview regarding the details of how the Texas Rangers became involved in the investigation.

7.4 Springer then advised me that Bellotte had some information he felt was important she provide me prior to me asking questions. Springer stated he felt it would be necessary for her to do so as he did not want me to think Bellotte contrived information pursuant to learning details during the interview. I affirmed and told Bellotte to go ahead.

7.5 Bellotte advised me that just after graduation from the police academy, she and newly promoted Chief Clerk Mary Ann Carrion had a conversation with regard to Bellotte's status. Bellotte stated Carrion told her, "The Auditor's Office says you can be either exempt or non-exempt. It says either on the salary sheet." Bellotte advised she told Carrion to "do whatever the Auditor's say."

7.6 Bellotte also stated Carrion told her that I had interviewed her (Carrion). Carrion began crying, told Bellotte that she had been interviewed by the Rangers, and she could not discuss the interview. She told Carrion everything was going to be okay. She further told Carrion that her (Bellotte's) non-exempt status was approved. Carrion responded, "Well, I

**DPS SENSITIVE**

06/11/2018 19:38

couldn't tell them that, you know I couldn't tell them that, I'd lose my job."

7.7 Springer reiterated he felt it was important that I knew about this conversation prior to me asking Bellotte any questions. Springer added there were no witnesses to the conversation and it was not recorded.

7.8 I then reinitiated the interview with a series of demographic questions.

7.9 Bellotte advised she had been employed with the Precinct 2 Constable's Office for approximately five years. She held various positions while employed with the Precinct 2 Constable's Office. She was initially hired as a clerk for about one month, until being promoted to chief clerk. Bellotte stated she held the chief clerk position for approximately four years.

7.10 Bellotte stated as a chief clerk she was over the department's human resources, clerical duties, civil papers, and budgeting. She probably had 8 to 10 clerks under her direction.

7.11 Bellotte described herself as a non-typical chief clerk. Bellotte elaborated she was over Community Outreach and Intergovernmental Affairs. I asked Bellotte to elaborate. Bellotte stated it was her job to create relations between the Precinct 2 Constable's Office and other governmental offices as well as Constable Chris Diaz' constituents in the community.

7.12 Bellotte advised she had been with Constable Diaz for approximately 20 years. She and Diaz worked together at the City of Jacinto City. Prior to being employed with the Precinct 2 Constable's Office, she worked for the City of Jacinto City as the Parks and Recreation Director. Diaz was the Mayor of Jacinto City during her time as Parks and Recreation Director.

7.13 I asked Bellotte if she and Constable Diaz had a conversation, prior to her obtaining a TCOLE commission, with regard to her current position as the Commander of the department's Community Outreach Division. Bellotte stated the position was contingent upon her graduation from the University of Houston Downtown Police Academy and her obtaining a TCOLE license.

7.14 Bellotte added she had a Bachelor's Degree in Criminal Justice and a Master's Degree in Public Administration.

7.15 I asked Bellotte who her current subordinates were. Bellotte replied Corporal Reed Clark, and Chief Clerk Mary Ann Carrion. Bellotte stated Clark was over Deputy Ricardo Rodriguez and all of the reserve deputies. Under Carrion would be all of the clerical staff. Bellotte elaborated she worked "a lot" on the budget. Bellotte added, "He likes me to run the Budget."

7.16 I asked Bellotte who was in her chain of command. Bellotte advised her "direct supervisor is Assistant Chief Verbosky, Chief Luman, and then the Constable." Bellotte elaborated Verbosky managed administrative responsibilities such as reviewing and signing her time sheets, and if she were "doing something wrong he's the one who's gonna let me know."

7.17 I asked Bellotte if Constable Diaz permitted her to go direct with him with work related issues. Bellotte affirmed. I asked Bellotte how frequent she went direct with Diaz. Bellotte advised on a daily basis. Bellotte stated when she was the chief clerk her supervisor was Diaz.

7.18 Bellotte stated with regard to her operational duties, she documented the community events she planned on an interoffice calendar. Bellotte stated Assistant Chief Verbosky had never once approved, disapproved, or provided input on any of her planned events. I asked if Constable Diaz had ever approved, disapproved, or provided input on any of her planned events. Bellotte affirmed he had.

7.19 Pastor's Army / Oak Meadows Donations

7.20 I asked Bellotte how it was she initially came into contact with members of the



Pastor's Army operating from the Oak Meadows Church. Bellotte advised the Precinct 2 Constable's Office was conducting water rescue operations with a volunteer organization called the Cajun Navy and the Cajun Army. Cajun Army members provided members of the Pastor's Army with her contact information.

7.21 Bellotte advised that at the request of the Pastor's Army she directed Precinct 2 Deputies for traffic control duties, and to provide security for heavy equipment, and a large amount of hurricane recovery donations.

7.22 I asked Bellotte if she took any of the items home for personal use. Bellotte replied she had not.

7.23 I asked Bellotte if she had knowledge of any other Precinct 2 employees taking donated items home. Bellotte stated she and several other employees had taken items to their homes for distribution to hurricane effected victims in their immediate areas. Bellotte named the employees as Corporal Reed Clark, Deputy Frank Ponce, Deputy Rudy Guillen, and Sergeant Nancy Gosney. Bellotte added that she did not believe any of the Precinct 2 employees took donations home for personal use.

7.24 I asked Bellotte to describe the amount of donations she had taken home for distribution. Bellotte described the amount as "truck loads." Bellotte quickly added that the donations were procured over an extended period of time, and were efficiently distributed to victims in need.

7.25 I asked Bellotte if she had any remaining donations at her home. Bellotte replied she did not. I asked Bellotte if she had knowledge of other Precinct 2 employees who had any remaining donations at their homes. Bellotte replied she did not.

7.26 I told Bellotte that during my investigation, I learned about donations taken to the Judson Robinson Community Center. Bellotte affirmed. I asked Bellotte what the Judson Robinson Community Center was. Bellotte told me it was a city owned community center in the Pleasantville area. Bellotte stated the center was a youth facility often used as a gathering place for senior citizens.

7.27 I asked Bellotte if the center hosted bingo games. Bellotte first answered no, then reluctantly answered yes. I asked Bellotte if an individual had to pay a fee or be a member to play bingo or participate in other activities. Bellotte replied no.

7.28 I told Bellotte that I had been made aware donated food items were used as bingo game prizes that she directed her deputies deliver to the center.

7.29 Bellotte replied she had taken food items to the center at the request of Pleasantville community leaders to donate to people in the Pleasantville area. Bellotte added she was unaware donated items were utilized as bingo prizes.

7.30 Procurement, preparation, and distribution of "Team Diaz" screen printed shirts

7.31 I asked Bellotte if she coordinated the procurement and subsequent making of numerous red dry fit shirts screen printed with "Constable Diaz badge" and "Team Diaz" on the back.

7.32 Bellotte stated the Oak Meadows Church received a large amount of donated red dry fit shirts. She, Pastor Tony Pittman, and Volunteers Rick Aldridge and Misty Foley Wallace came to a collective decision to make "morale boosting" shirts for the community. Bellotte advised a collective decision was made to have the red dry fit shirts "printed up." Bellotte elaborated that "we all came up with a design and got them printed." Bellotte explained she subsequently obtained a cash donation from a local union for screen printing services.

7.33 Bellotte stated she then instructed Corporal Clark to obtain the blank shirts from the Oak Meadows Church and take them to get printed. I asked Bellotte what business screen printed the shirts. Bellotte replied, at the union's request, Leslie and Harry Zamora. Bellotte added that the Zamora's were friends of one of the unions, and they were at one time friends of hers.

7.34 Bellotte stated subsequent to receiving the shirts (finished product), they were distributed to the Pastor's Army Volunteers, and the unions. She had five to six boxes of shirts left over. Members of the Pastor's Army and the unions suggested she give the shirts away to the community.

7.35 I asked Bellotte if this was when she felt it would be a good idea to distribute the shirts at parades. Bellotte replied they distributed them wherever they could. Bellotte added she also distributed the shirts at community events she had scheduled.

7.36 I told Bellotte that I had information she had not yet paid Leslie and Harry Zamora for the screen printing services.

7.37 Bellotte stated she received the completed shirts from Leslie prior to payment of services. She later received a call from Leslie asking for payment. Bellotte added that Leslie advised her there was a bill included in one of the boxes of shirts.

7.38 Bellotte stated she consequently enclosed the payment in an envelope and sent it to Leslie on 01/26/2018. A short time later, the envelope was returned to Constable Diaz' home address, which was the return address listed on the envelope, via the US Postal Service indicating the address was incorrect. Bellotte stated she inadvertently forgot to obtain the correct address and re-mail the payment to Leslie.

7.39 Bellotte advised that on 04/10/2018, Constable Diaz advised her that he had gotten a phone call stating Leslie was upset over non-payment. That same day, she contacted Leslie, apologized, and told her that she was going to bring the payment to her in person. Bellotte stated she subsequently drove to the Jersey Village area, where Leslie resided, and contacted her via text message. Leslie refused to meet with her.

7.40 Bellotte stated the following day, she forwarded payment to Leslie via certified overnight mail. Leslie advised her that she never obtained the envelope containing the payment from the post office. Leslie added Bellotte had made the checks out to the wrong company name. Bellotte requested for Leslie to return the envelope to her so the checks could be corrected. Bellotte received the returned checks in the mail in early May of 2018. The checks were corrected and she resubmitted them back to Leslie via her Attorney (Springer).

7.41 Bellotte stated Lacy Wolf from the Heat and Frost Insulators and Allied Workers Union paid \$950.00 of the screen printing bill, and she paid the remaining portion.

7.42 I reviewed a copy of the bill Springer provided me. The invoice from Saltwater Stud Printing totaled \$1,773.53.

7.43 I asked Bellotte why she paid for the screen printing of the shirts from her own personal money. Bellotte replied, "That's just what I do." I asked Bellotte if she wanted to pay for it out of the goodness of her own heart. Bellotte replied, "Yes sir, I like to give back."

7.44 I asked Bellotte if Constable Diaz was kept abreast and knew what was going on with the shirts. Bellotte affirmed. I asked Bellotte if Diaz knew the full details of what was going on with the shirts. Bellotte replied, "Yes sir."

7.45 Relationship to Felon / Out of State Fugitive Misty Foley Wallace

7.46 I advised Bellotte that during the course of my investigation, I discovered she had a relationship with a Felon/Out of State fugitive, identified as Misty Foley Wallace. I explained the investigation also indicated Wallace had a lengthy history of fraudulent criminal offenses that included a prison term. I also explained that in April of 2018, I arrested Wallace on Union Parish Louisiana Felony Warrants for fraud related offenses arising out of criminal acts committed at a church.

7.47 Bellotte replied she met Wallace at the Oak Meadows Church during hurricane recovery efforts.

7.48 I asked Bellotte if she and Wallace ever spent any off duty time together. Bellotte

replied she periodically took church volunteers to restaurants for meals. She could not recall her and Wallace spending any one on one time together.

7.49 I asked Bellotte if Wallace ever disclosed to her that she was a fugitive. Bellotte replied Wallace had not. I asked Bellotte if Wallace ever discussed her criminal history with her. Bellotte replied she had not.

7.50 I asked Bellotte if it ever occurred to her to conduct simple internet or Facebook searches on Wallace, Aldridge, or any of the other volunteers she came in contact with, given the extended nature of the church's operation and her status as a police officer, i.e. transactions involving large amounts of donated property, and the potential for theft and/or fraud. Bellotte replied, no.

7.51 I asked Bellotte if she had knowledge of any of the donated property being misused or sold by the volunteers. Bellotte replied she did not.

7.52 I advised Bellotte that Wallace told me that Bellotte told her (Wallace) that Bellotte was being investigated. Bellotte responded she did have a conversation with Wallace about the investigation. Bellotte elaborated Wallace began asking her why she stopped coming to the church. She told Wallace that she was under investigation and needed to "lay low."

7.53 I asked Bellotte if Wallace was involved in the shirt screen printing transactions. Bellotte replied that Wallace was not.

7.54 I asked Bellotte if she and Wallace were ever involved in any type of monetary transaction. Bellotte replied that they were not.

7.55 I asked Bellotte if she had communicated with Wallace since her arrest. Bellotte replied that she had not.

7.56 Paid Overtime Hours

7.57 I asked Bellotte if she had any other duties during Hurricane Harvey aside from security at the Oak Meadows Church. Bellotte replied she assisted in setting up a Rescue Command in Jacinto City, and high water rescue duties. Between the hurricane relief efforts she continued performing clerical duties with regard to the budget at the office.

7.58 I asked Bellotte how much she worked during the hurricane recovery time period. Bellotte replied, "All day every day." Bellotte elaborated she was a well-known person in Jacinto City. Her phone never stopped ringing, and people continuously knocked on her door. She was "a go to person in Jacinto City." When people came to her, they knew they would get taken care of.

7.59 I explained to Bellotte that I was told by her chain of command and subordinates she did in fact work a lot. I also told Bellotte that I was aware several agencies in Harris County during Hurricane Harvey were on duty for very long hours.

7.60 I showed Bellotte an email sent to all Precinct 2 Constable Staff from Lieutenant Michael Kritzler, dated 08/23/2017, in anticipation of Hurricane Harvey. Attached to the email was a "storm schedule" created due to the impending hurricane. I asked Bellotte if she was familiar with the email. Bellotte replied, "No sir." I asked Bellotte if she checked her emails. Bellotte replied, "Yes sir."

7.61 I asked Bellotte if she followed the storm schedule. Bellotte replied, "No sir, I didn't, I did what the Constable asked me to do." I asked Bellotte, as a Division Commander, was she given the latitude to work what hours she chose. Bellotte replied she was permitted to work the hours she chose. Bellotte stated Constable Diaz told her to "prepare Jacinto City for the storm."

7.62 I advised Bellotte that I reviewed her time sheets and she worked a total of seven 24 hour days. I asked Bellotte if she received permission from Constable Diaz to work the large amount of hours. Bellotte replied Diaz had. I asked what their conversation entailed; did Diaz tell her she could work an unlimited amount of hours. Bellotte replied Diaz did not use

those exact words. Bellotte advised Diaz told her, "We gotta take care of the north channel. Jacinto City, Galena Park, Pleasantville. The north part of our Precinct."

7.63 I asked Bellotte how long she actually worked. Bellotte stated, "About 19 hours a day." I asked Bellotte where she slept. Bellotte replied, "My mom's house." Bellotte stated, "She left, and that's where we set up a command center at. The Deputies came and relaxed a little when they were on duty. That way the county didn't have to pay for a hotel room."

7.64 I showed Bellotte a second email sent 09/01/2017 to all Precinct 2 Constable Staff from Lieutenant Kritzler that included the following directive: "Effective 09-02-2017 all Deputies/Supervisors within Civil, Administrative, Warrants, Writs, Schools, and Community Outreach will revert back to regular shifts and duty assignments. This means storm schedule will come to a conclusion on Saturday at 6AM." I asked Bellotte if she was familiar with this email. Bellotte replied, "Yes sir."

7.65 I advised Bellotte that I reviewed her time sheet and payroll stub following the second email. I told Bellotte it did not indicate she followed the directive to cease working the storm schedule.

7.66 Bellotte advised that since her division was Community Outreach, "We needed to be outreaching the community as much as possible." Bellotte added she contacted Harris County Human Resources Director Dave Castor and asked if it was permissible to continue working "D Time." Castor affirmed Harris County employees could continue to claim D Time. Bellotte stated Constable Diaz and Chief Luman granted her permission to "keep on going."

7.67 Self-authorization of Change in Status of Employee form (form 3418-1-C)

7.68 I then asked Bellotte to refresh my memory with regard to the details of the conversation between her and Carrion about her change in status that occurred on 05/09/2017.

7.69 Bellotte advised me that during the course of Carrion preparing the "transfers", Carrion told Bellotte that lieutenants could be exempt or non-exempt. Bellotte went on to say Carrion told her the Auditor's Office produced a new salary scale. Bellotte described a form with an exempt and non-exempt category. Bellotte stated the document said a lieutenant could be either. She told Carrion that she was unsure; she had always been exempt and asked Carrion to check with the Auditor's Office. She told Carrion, "Before we do it lets check on it, if it's okay, then it's okay, not a problem." Bellotte added, "I've always been an exempt employee."

7.70 Bellotte stated Carrion told her that she had "checked on it and that it was okay."

7.71 Bellotte stated she changed her (Carrion's) status due to it saying the chief clerks could be either as well.

7.72 Bellotte advised Carrion was a "very intelligent woman" and they made a good team in the office. She felt like this "slipped through the cracks somehow."

7.73 Bellotte then stated other lieutenants were also classified as non-exempt.

7.74 I advised Bellotte that during the same time frame, Captain John Marroquin, and Lieutenant Chad Eichenour's statuses were changed from exempt to non-exempt. I told Bellotte that I reviewed the status change forms and she signed off on them. I asked Bellotte what the purpose was of Marroquin and Eichenour's statuses being changed.

7.75 Bellotte stated she did not remember changing them to non-exempt. I told Bellotte that they in fact were changed, and she authorized the changes. Bellotte replied, "HCTRA kinda tells us what to do with those positions." Bellotte stated HCTRA reimbursed the Precinct 2 budget for those positions. Bellotte advised, "When they tell us they're non-exempt, we put em as non-exempt."

7.76 I asked Bellotte if Captain Marroquin and Lieutenant Eichenour knew they had been classified as non-exempt. Bellotte replied, "They told me they're going to be non-exempt." I asked Bellotte, "They told you they were going to be non-exempt?" Bellotte replied,

"Marroquin." I asked Bellotte to tell me how the conversation went. Bellotte stated she did not remember.

7.77 I showed Bellotte her Change in Status of Employee form (form 3418-1-C) she signed and dated on 05/09/2017. I asked Bellotte if she remembered the form and if it was her signature that was on the form. Bellotte replied, "Yes."

7.78 I asked Bellotte to help me understand how it was that she did not understand authorizing her own change in status form was not okay. I reiterated to Bellotte that she was a former chief clerk and understood full well the administrative aspects of the office. I told Bellotte that I interviewed Constable Diaz and he told me that he had no knowledge of the status change.

7.79 Springer advised me there were "some checks and balances not involving the Constable." I asked Springer if he were referring to the Harris County Human Resources and Payroll Departments. Springer replied Bellotte turned in her time sheets which specified exempt or non-exempt to one of her supervisors. Springer went on to say that if there were a problem at any time, he had no doubt Constable Diaz was not involved in it. Springer stated if there were a problem, her first line supervisor or his designee could have changed it back.

7.80 I reiterated to Springer and Bellotte the change in status form had not been submitted to her supervisors for approval. Springer contested that when Bellotte was promoted to lieutenant some paperwork had to be done and if there was a mistake it occurred at that point. I advised Springer that it should be readily apparent a commissioned lieutenant (specifically Bellotte) had an even greater degree of closeness to the elected official, position sensitivity, and employee oversight. Therefore, there was an even greater reason for Bellotte to remain exempt.

7.81 Springer then told me that Harris County Human Resources provided employees exempt/non-exempt guidance via an internet link to a law firm's website. Springer began talking about hypothetical circumstances and situations relating to exempt and non-exempt statuses, and ended it with how he could see lieutenants being classed as either.

7.82 I advised Bellotte and Springer that if the form was not clear with regard to exempt versus non-exempt, it was definitely clear it required an authorization. I advised Bellotte that I knew no one in her chain of command ever gave authorization for her status to be changed.

7.83 I advised Bellotte that in mid-2017, she began receiving paid overtime. More specifically, she earned approximately \$2,600.00 in paid overtime in 2017. I advised Bellotte the first check she received with a Z Time payment netted approximately \$10,000.00, which was roughly \$7,500.00 higher than the norm.

7.84 Bellotte responded she attempted to leave time off of her time on her time sheets to avoid overtime. Assistant Chief Verbosky "yelled and screamed" and told her "no" that she had better "put every minute down." She told Verbosky that she could volunteer time. Verbosky responded by telling her that she would "do as told to do and put every minute." I asked if she and Verbosky had this conversation during the hurricane time frame or was this a more recent conversation. Bellotte stated she had the conversation with Verbosky in May of 2017.

7.85 Bellotte added she "didn't really notice the check." Bellotte stated, "It was a lot of money, but I was out working for the people, I would have done it for nothing."

7.86 I advised Bellotte the primary matter at hand was the change in status form. I told Bellotte that I had yet to find another employee who changed their own change in status form. Bellotte replied she did not know why she had "done" her own. Bellotte advised, "We usually do each other's." Bellotte advised it was on paper and she did not deny it. Bellotte advised, "It kind of shocks me...and I didn't know what the circumstances were."

7.87 Springer asked Bellotte who "we" was. Bellotte replied she was referring to Carrion. Bellotte stated if it was "something of Mary Ann's, I would do it, if it was something of mine, she would. So we weren't signing our own."

7.88 Bellotte advised when she started as a commissioned peace officer there were several documents she had to submit; therefore, she could not remember why she signed her own change in status.

7.89 I told Bellotte that during an interview with Carrion, she gave me a different version of what transpired with regard to her (Bellotte's) change in status form. I advised Bellotte that Carrion told me she and Bellotte completed the submission of the change in status forms together. I told Bellotte that I asked Carrion if Constable Diaz approved the changes in status. I told Bellotte that Carrion told me she assumed Diaz was aware, as it was common anything from Bellotte came from Diaz.

7.90 Bellotte replied Constable Diaz, "Is not really into the operations." Bellotte specifically stated she had a conversation with Diaz about the pay scale. Bellotte stated, "The non-exempt and exempt, I don't know if I would've discussed that with him one way or the other, that's more operational, that's what Mary Ann and I would discuss, to see who would be in what category."

7.91 Bellotte then reiterated she was unsure of whether or not she had an "actual conversation" with Constable Diaz with regard to her being exempt or non-exempt. She instructed Carrion to check with human resources prior to preparing the change in status forms. Bellotte again stated Carrion later told her, with regard to the change in status form, "it's good."

7.92 I again asked Bellotte why she thought it would be okay to authorize her own change in status form. I reminded her that when she was initially hired in 2013, Constable Diaz signed her status form classifying her as exempt. I told Bellotte it gave the appearance she "slid it past him." I asked Bellotte if that was in fact what she did. Bellotte replied, "No sir."

7.93 Bellotte stated the conversation she did have with Constable Diaz entailed her being paid as a senior lieutenant. Bellotte stated Diaz advised her that if it was good for her it was good with him, and to go ahead.

7.94 I asked Bellotte why she thought Constable Diaz agreed to pay her as a senior lieutenant. Bellotte responded, "I've been with him for 20 years, and a senior lieutenant is 20 years of service."

7.95 I summarized Bellotte's education, experience, workplace knowledge, disproportionate overtime payments. I told Bellotte that I had seen other documents of hers that Constable Diaz had authorized. I advised Bellotte that I believed she had a basic general knowledge a person could not authorize their own documents of this nature.

7.96 Springer then stated Bellotte had knowledge she was being paid in D Time, and the county would be reimbursed. Springer told me that he believed Bellotte lacked consciousness of guilt and her intent was not to do anything unauthorized. Springer then suggested that "no person" was in place at the constable's office with regard to payroll and Constable Diaz told Bellotte to "just take care of business, I'm off to the next parade."

7.97 Bellotte then advised the biggest fault was letting someone check on something she should have checked on herself. I told Bellotte that it clearly stated on the change in status form to contact the Harris County Attorney's Office with exempt/non-exempt questions. Bellotte replied, "That's my fault, I had the chief clerk call instead of me calling myself."

7.98 I advised Bellotte that I was recently made aware there was an incident where she became upset with Carrion over her (Bellotte's) recent change from senior lieutenant to a first year lieutenant. More specifically, Bellotte told Carrion "he (Diaz) knew all about this and I'm not going down alone." I asked Bellotte if this incident had in fact occurred.

7.99 Bellotte advised they had a conversation, but denied saying anything about "he knew all about this and I'm not going down alone." I asked Bellotte what was said. Bellotte began jumbling words and stated she did not recall how the conversation started. Bellotte then stated that Carrion was the one who began crying and told Bellotte that she could not tell her anything, because she would in turn, have to tell the chain of command. Carrion told her that she (Carrion) could not tell the truth because "you know them, they'll get me." She told

Carrion everything had been approved. Carrion told her "I couldn't tell the truth, I couldn't tell them that."

7.100 Bellotte then volunteered, "He approved the 42 dollars an hour, which I know he's saying that he didn't approve it." I asked if this was for senior lieutenant rank. Bellotte affirmed. Bellotte further volunteered, "But the exempt/non-exempt I never talked to him about, that's just more of an auditor's or HR question, you know which is which."

7.101 I told Bellotte the "Captain of the ship" signed it. Springer responded Constable Diaz "didn't (ordinarily) sign anything." I told Springer this statement was not true; Constable Diaz signed Bellotte's status form at the time of her initial hire.

7.102 I asked Bellotte if she signed off on other change in status forms. Bellotte replied she signed off on "all of them." I asked Bellotte, "All changes in status?" Bellotte replied, "Me and Mary Ann sign off on all changes in status." Bellotte stated she had knowledge former employees Liz Scott, and Susan Day signed change in status forms.

7.103 I asked Bellotte if there was anything she would take to Constable Diaz to sign. Bellotte replied she would not take Diaz any human resources documents; she would only take Diaz civil documents to sign.

7.104 I asked Bellotte in summary, was it a fair statement she signed her own change in status form due to her not knowing any better. Bellotte appeared uneasy and awkwardly silent. Bellotte replied, "I assumed I was right with the information that I was given at that time."

7.105 I then told Bellotte that I had asked her a lot of questions and asked her if she had any questions for me.

7.106 Bellotte began crying and advised me that for approximately one year she had been followed, harassed, and received obscene phone calls from spoofed numbers. Bellotte added that in February of 2018, she spoke to Texas Ranger Noe Diaz about the harassment concerns. Bellotte stated "they" have a private detective investigating her who was "digging into everything she's ever done." Bellotte advised, "They're trying to get everything they can to try and publicize it." She suspected former Precinct 3 Deputy Constable Jasen Rabalais was responsible for hiring the private detective.

7.107 Bellotte continued on for several minutes detailing how "they" were investigating her, conducting surveillance on her, spoofing her phone, and bugging her phone, car, and house. Bellotte advised Chief Luman, Assistant Chief Verbosky, Corporal Clark, and Deputy Rodriguez were out to get her.

7.108 Springer added he felt by Bellotte leaving her position as chief clerk, and becoming a commissioned lieutenant over more experienced officers, created aggravation amongst her subordinates as well as her chain of command.

7.109 I terminated the interview at approximately 3:57 PM.

7.110 At approximately 4:15 PM, I received a call from the front desk that Springer and Bellotte returned and wished to speak with me. I returned to the waiting area and met with Springer and Bellotte. Springer advised that Bellotte had forgotten to tell me something. Bellotte advised me Precinct 2 Clerk Jessica Duran was present during one of the conversations she and Carrion had regarding the change in status form. More specifically, Duran was present when Bellotte and Carrion discussed the changes of their statuses from exempt to non-exempt.

7.111 I asked Bellotte if Duran was present when Carrion told Bellotte that she (Carrion) was untruthful during her interview with me. Bellotte replied, no. I again asked Bellotte if anyone else witnessed or heard that conversation. Bellotte replied, "It was just me and her in there and whoever's bugging my office."

7.112 I terminated the meeting at approximately 4:18 PM.

## **SUSPECTS**

**Bellotte, Kimberly Lavon - White/Female - [REDACTED]**  
Hair: [REDACTED] Eyes: [REDACTED] Weight: [REDACTED] Height: [REDACTED]  
SSN: [REDACTED] SID: [REDACTED] DL#: [REDACTED] DL State: [REDACTED]  
Cell: [REDACTED]

***END OF REPORT***



# TEXAS DEPARTMENT OF PUBLIC SAFETY SUPPLEMENTAL REPORT

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## Main

**Originating Case #:**  
**Originating Invest #:** 2018I-TRA-50023688  
**Report #:** S8  
**Report Type:** Supplemental  
**Status:** Approved  
**Date Written:** 06/04/2018  
**Division:** Texas Rangers  
**Region/Company:** A  
**Service:**  
**District:**  
**Area:**

**Lead Investigator:** Daron Parker - DP09146  
**Immediate Supervisor:** KIP WESTMORELAND - KW09487  
**Investigation Supervisor:** Jason Taylor - JT09619  
**Admin Review:**  
**Program:**  
**Activity Type:** Investigative  
**Activity Date:** 06/04/2018  
**Other Activity:**

**Title:**

Theft / State of Texas / Harris County / 02-13-2018

**Synopsis:**

On 06/04/2018, I, Texas Ranger Daron Parker, began conducting brief final interviews with the following individuals: Harris County Toll Road Authority Assistant Chief Calvin Harvey, Harris County Human Resources Director Dave Kester, Precinct 2 Lieutenant Chad Eichenour, Precinct 2 Captain John Marroquin, Precinct 2 Chief Clerk Mary Ann Carrion, and Precinct 2 Administrative Assistant Jessica Duran. The interviews were conducted via phone and at the Texas Rangers Office in Houston. I conducted the interviews pursuant to a Tampering with a Governmental Record/Theft investigation.

**Legacy Reference:**

**Other Information (Migrated from legacy system):**

## Details

8.1 On 06/04/2018, I, Texas Ranger Daron Parker, began conducting brief final interviews with the following individuals: Harris County Toll Road Authority Assistant Chief Calvin Harvey, Harris County Human Resources Director Dave Kester, Precinct 2 Lieutenant Chad Eichenour, Precinct 2 Captain John Marroquin, Precinct 2 Chief Clerk Mary Ann Carrion, and Precinct 2 Administrative Assistant Jessica Duran. The interviews were conducted via phone, and at the Texas Rangers Office in Houston. I conducted the interviews pursuant to a Tampering with a Governmental Record/Theft investigation. For additional details pertaining to the nature of the offenses, refer to Supplement 1 of this investigative file.

### 8.2 Interview of Harris County Toll Road Authority (HCTRA) Assistant Chief Calvin Harvey

8.3 At approximately 1:45 PM, I contacted Assistant Chief Harvey via phone. I advised Harvey that during a recent interview with Lieutenant Kimberly Bellotte, she advised me the HCTRA provided the constable's office with instructions regarding the exempt or non-exempt statuses of constable assigned commissioned officers.

8.4 More specifically, Lieutenant Bellotte advised me that HCTRA told the constable's office what it (HCTRA) "wants done with those positions." I advised Harvey that Bellotte told me HCTRA

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reimbursed the constable's budgets for the assigned positions. Furthermore, I told Harvey that Bellotte told me, "When they (HCTRA) tells us their non-exempt, we put em as non-exempt."

8.5 Harvey advised me that Bellotte's statements were unequivocally not true.

8.6 Harvey also advised me that he had recently learned from the Harris County Attorney's Office that Captain John Marroquin and Lieutenant Chad Eichenour were erroneously classified as non-exempt.

8.7 Harvey stated he, nor anyone else at the HCTRA, ever provided the Precinct 2 Constable's Office with any input with regard to Captain Marroquin or Lieutenant Eichenour's non-exempt statuses.

## **8.8 Interview of Harris County Human Recourses Director David Kester**

8.9 At approximately 3:30 PM, I contacted Director Kester via phone. I advised Kester that during a recent interview with Lieutenant Kimberly Bellotte, she advised me that she contacted him in late August or early September of 2017 for guidance regarding employees continuing to claim "D Time" hours. More specifically, she spoke with him via phone and Kester told her that it was permissible to continue working "D Time."

8.10 Kester stated he received numerous calls during and post Hurricane Harvey. He could not recall having a conversation with Lieutenant Bellotte about D Time. Kester also researched his emails and found no evidence of such communication.

8.11 Kester later forwarded me an email which provided all Harris County Departments with general authorization for all hours to be paid "Z Time" for Hurricane Harvey response and recovery from 08/25/2017 to 09/12/2017.

8.12 I reviewed the email. The email did not contain any verbiage indicating the HR Department was actually giving employees the authority to work 09/02/2017 to 09/15/2017.

## **8.13 Interview of Lieutenant Chad Eichenour**

8.14 On 06/06/2018, at approximately 11:15 AM, I conducted an interview with Lieutenant Eichenour

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at the Texas Rangers Office in Houston, Harris County, Texas. Eichenour advised me that he was a lieutenant assigned to the Harris County Toll Road Authority. Eichenour stated he had been employed with the Precinct 2 Constable's Office for approximately five years. Prior to the Precinct 2 Constable's Office, he was employed with the Precinct 1 Constable's Office for approximately 15 years.

8.15 I showed Eichenour his change in status form dated 05/09/2017 that was signed by Lieutenant Bellotte. I asked Eichenour if he had ever seen this form. Eichenour advised he had not. I asked Eichenour if he recognized the signatures on the form. Eichenour advised he did not and affirmed that neither were his signatures. To his knowledge, he had never signed a change in status form during the course of his career.

8.16 I asked Eichenour if he recalled ever discussing with Bellotte his status remaining non-exempt as a lieutenant. Eichenour advised he recalled a conversation with Captain Marroquin regarding the possibility he would remain non-exempt in spite of his recent promotion. Eichenour added his aforementioned conversation with Marroquin was held in the wake of a conversation between Bellotte and Marroquin. Marroquin told him that they (Marroquin and Bellotte) had a discussion regarding their (Marroquin's and Eichenour's) non-exempt statuses.

8.17 I asked Eichenour if the HCTRA had any input whether or not an employee was exempt or non-exempt. Eichenour replied HCTRA did not.

8.18 I asked Eichenour if he ever had a conversation with Bellotte regarding his non-exempt status as a lieutenant. Eichenour stated he only recalled having a general conversation with Bellotte regarding his promotion.

8.19 I terminated the interview at approximately 11:42 AM.

## **8.20 Interview of Captain John Marroquin**

8.21 On 06/06/2018, at approximately 3:33 PM, I contacted Captain Marroquin via phone.

8.22 Marroquin stated he had been employed with the Precinct 2 Constable's Office for approximately 5 1/2 years. He was a captain assigned to the Harris County Toll Road Authority. Prior to the Precinct 2 Constable's Office, he was employed with the Precinct 1 Constable's Office for approximately 22 years.

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8.23 Marroquin advised me that his chain of command included first line supervisor Assistant Chief Norman Verbosky, Chief Deputy Jerry Luman, and ultimately elected Constable Chris Diaz.

8.24 I asked Marroquin if he was familiar with Harris County's employee status change forms. Marroquin advised he was not. Marroquin stated to his knowledge he had never signed a change in status form during the course of his career.

8.25 I asked Marroquin if he recalled ever having a conversation with Lieutenant Bellotte regarding his change in status from exempt to non-exempt. Marroquin stated he did not recall. He recalled having a conversation with Carrion which involved his status. He spoke with Carrion at the Constable's Office in Pasadena approximately six months prior. He remembered telling Carrion that as a lieutenant, he was classified as exempt. His curiosity was struck as to why he was changed to non-exempt subsequent to his promotion to captain. Carrion told him the county changed its rules and he could be exempt or non-exempt.

8.26 I asked Marroquin if he ever told Bellotte to classify him as non-exempt. Marroquin advised he did not. Marroquin added that he never had any conversation whatsoever with Bellotte regarding his exempt/non-exempt status or his pay scale.

8.27 I terminated the interview at approximately 3:50 PM.

## **8.28 Interview of Mary Ann Carrion**

8.29 On 06/07/2018, at approximately 10:00 AM, I conducted a second interview with Harris County Precinct 2 Chief Clerk Mary Ann Carrion.

8.30 Carrion advised that consequent to my investigation, her chain of command became more clearly defined. Carrion stated her first line supervisor was now Chief Deputy Jerry Luman.

8.31 I advised Carrion that Luman made me aware there was an incident where Lieutenant Bellotte became upset with Carrion over the correction of Bellotte's change in status from non-exempt to exempt.

8.32 Carrion replied she was the individual who advised Bellotte that her (Bellotte's) status was being changed from non-exempt to exempt. In the same conversation, she also told Bellotte her base

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pay was being lowered from senior lieutenant pay to a first year lieutenant's pay. In response, Bellotte told Carrion that Constable Diaz knew what Bellotte was doing, and that she was not doing anything without his knowledge.

8.33 Carrion advised me a few days after I interviewed her on 04/17/2018, Bellotte approached her in the office and asked her for details of the interview. Carrion responded that she could not discuss the interview with her. Bellotte responded that she understood and did not further press her. Relations between her and Bellotte then became tense.

8.34 Carrion did recall Bellotte became unexpectedly upset over an incident where Carrion allowed Corporal Reed Clark into an office closet to obtain a box of stationary. There was a second incident involving a letter to Commissioner's Court for permission to accept some donated police radios. She brought the letter to Bellotte to take to Diaz. Bellotte became upset and aggressive with her over the letter not having enough detail. At that time, based on Bellotte's hostility toward her, Carrion became upset to the point of tears. Carrion stated Bellotte actually also began crying.

8.35 I asked Carrion if there were ever any other instances where she and Bellotte were involved in a tense exchange; specifically, one that involved tears. Carrion advised there was not.

8.36 I asked Carrion if she and Bellotte regularly signed the department's change in status forms. Carrion advised they did. Carrion stated the county allowed the constable to have a designee to sign change in status forms. The designee was the chief clerk or the chief deputy. Bellotte had continued signing the change in status forms after she promoted to lieutenant.

8.37 I advised Carrion that Bellotte told me about a conversation they had during the course of submitting Bellotte's and Carrion's changes in status. I informed Carrion that according to Bellotte, their conversation entailed Carrion telling Bellotte that she (Carrion) checked with the County Auditor's Office about Bellotte's non-exempt status as a lieutenant. Furthermore, Carrion told Bellotte that she (Carrion) "checked on it, and that it was okay."

8.38 Carrion advised this statement was not true. I asked Carrion if it were possible Bellotte gleaned this information from a conversation of a similar nature. Carrion replied she recalled a conversation where she and Bellotte spoke about Lieutenant Alfred Taylor being a non-exempt lieutenant due to him not having many employees under his command. Bellotte told her that she felt she was similar to Taylor, as she did not have many employees under her command; therefore, she (Bellotte) should be non-exempt as well. Carrion never told Bellotte that she (Carrion) would "check on anything." Carrion stated, "At the end of the day, the constable says she's in charge, so who am I to question that." I asked Carrion if the constable in fact said Bellotte was in charge. Carrion replied, yes under certain circumstances.

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8.39 I asked Carrion if Bellotte ever told her that she (Bellotte) "was not going down alone." Carrion affirmed.

8.40 Carrion stated Bellotte told her that she was upset over the Ranger investigation and told her of a similar previous incident. Bellotte told her that when she was employed with Jacinto City, Diaz was the mayor. Bellotte said she had been arrested over a disagreement with the city council and Diaz did not come to her aid. Bellotte told her the incident cost her \$18,000.00 in legal fees. Bellotte then advised her that she was not going down alone. Carrion did not have any additional details regarding the incident.

8.41 I asked Carrion if Administrative Assistant Jessica Duran was present during any of the conversations regarding Bellotte's change in status form. Carrion replied, no.

8.42 I asked Carrion if she was saying Bellotte's version of events with regard to her (Carrion) lying to me was completely fabricated. Carrion replied, "That is a complete fabrication."

8.43 Carrion added she was trained by a previously employed administrative assistant who she identified as Susan Day. Day instructed her that an employee could not authorize their own forms regarding pay or incentives. Carrion recalled being surprised Bellotte authorized her own change in status form.

8.44 I then asked Carrion if she had any questions for me or if there was anything she thought I should know.

8.45 Carrion stated she knew that I was going to talk to Duran. Carrion thought I should know Duran had a friendship with Bellotte. Duran was indebted to Bellotte. When Duran was offered her current administrative assistant position, the standard employee background investigation was not conducted. The process was circumvented under Bellotte's direction, as Bellotte's theory was Duran's position was a lateral move as she (Duran) was already a Harris County employee under the Precinct 2 Commissioner's Office.

8.46 Carrion further advised Duran came to her and told her that she had active warrants for her arrest for unpaid checks. Bellotte later advised Duran that she would take care of it. Carrion accompanied Bellotte to the Harris County Precinct 1 Office and observed Bellotte pay approximately \$700.00 in fines for Duran. Bellotte subsequently discovered Duran had two additional outstanding warrants (totaling approximately \$500.00 in fines) in another Precinct. Bellotte subsequently loaned Duran the money to pay off the remaining fines.

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8.47 Carrion added that she believed Duran had a Possession of Marijuana charge on her criminal history, and she would not have been hired had the required background investigation been conducted. (Note: a search of the Harris County District Clerk's Database indicated Duran did have a 2004 conviction for Possession of Marijuana under 2 ounces).

8.48 I asked Carrion if the chain of command were aware of the circumstances surrounding Duran. Carrion stated she knew Luman had since been made aware.

8.49 I terminated the interview at approximately 10:47 AM.

## **8.50 Interview of Administrative Assistant Jessica Duran**

8.51 On 06/07/2018, at approximately 3:00 PM, I conducted an interview with Harris County Precinct 2 Administrative Assistant Jessica Jean Duran. Duran stated she had been employed with the Precinct 2 Constable's Office for approximately one year. Prior to her employment with Constable Diaz' office she was employed as an administrative assistant with Harris County Commissioner Jack Morman.

8.52 I asked Duran what her duties were at the Precinct 2 Constable's Office. Duran advised she was initially hired as an assistant to Carrion and Lieutenant Bellotte. Her primary duties now included the office's budgeting and purchasing.

8.53 I advised Duran that I interviewed an individual who told me that she was present during a conversation Bellotte and Carrion had regarding Bellotte's change in status form. More specifically, Duran was present when Bellotte and Carrion discussed the changes of their (Bellotte and Carrion's) statuses from exempt to non-exempt.

8.54 Duran advised she, Bellotte, and Carrion had many conversations. Duran then began talking for several minutes about her work capabilities and job experience. I redirected Duran back to my original question regarding the change in status form. Duran stated she was familiar with the form, and specifically cited the form number as a "1341." Duran then talked for several minutes about Carrion not having necessary job knowledge.

8.55 Duran stated she overheard Carrion tell Bellotte on more than one occasion that Bellotte should also be classified as non-exempt as some of the male lieutenants were non-exempt. Duran

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described Carrion as “gung ho” and “pushy” about the subject. Duran stated it “always seemed like Mary Ann was trying to get the equality thing going.” She heard Bellotte tell Carrion to call someone and check the permissibility of a lieutenant being non-exempt.

8.56 I asked Duran if she recalled anything else about those conversations. Duran replied she remembered the exempt/non-exempt subject seeming like it was not a big deal. I then allowed Duran to openly talk for several more minutes. I had great difficulty getting Duran to give me a direct answer without receiving a significant amount of irrelevant information.

8.57 I advised Duran that I was also told during a previous interview she owed Bellotte money. Duran stated she in fact owed Bellotte \$178.00. I asked Duran what she owed Bellotte money for. Duran advised she discovered she had active warrants for her arrest and knew she could not work for Diaz with open warrants. She obtained a loan to pay off the majority of the warrants. Bellotte loaned her the remaining money to pay off the additional warrants.

8.58 I asked Duran if she had knowledge the standard background had not been done on her. Duran stated she was under the impression Sergeant Cindy Varra-Leija conducted a background investigation on her. Carrion and Bellotte came to her with the warrant information.

8.59 I asked Duran if she had any questions for me or if there was anything else she thought I should know.

8.60 Duran advised the fact she owed Bellotte money should not affect her credibility. Bellotte would have done for others what she did for her. Bellotte was responsible for getting several others jobs at the Precinct 2 Constable’s Office.

8.61 I asked Duran two more times if she had any other questions for me or if there were anything else she thought I should know. Each time, Duran would enter into irrelevant dialogue for about five to seven minutes. Duran did not provide any additional information or clarity with regard to my questions of investigative value.

8.62 I terminated the interview at approximately 3:43 PM.

8.63 During the entire course of this interview, Duran’s pervasive dialogue was often off subject and odd.



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8.64 On 06/08/2018, at approximately 8:15 AM, I received an unusual call from Duran. Duran advised me that she reviewed her bank records and discovered she still owed Bellotte \$178.00. Duran apologized and stated she would come in for an additional recorded interview. I asked Duran if I was understanding her correctly that she was saying she did in fact still owe Bellotte the \$178.00. Duran affirmed. I advised Duran this would not be necessary and terminated the call.

8.65 I did not tell Duran that she had already told me this on the day prior.

## Activity Location

Originating Invest #: 2018I-TRA-50023688

Location Name:

Street:

City:

County:

Country: US - United States of America (USA)

Location Description:

Zip Code:

State: Texas

Mile Mark:

## Personnel

Originating Invest #: 2018I-TRA-50023688

## Involved Persons

Originating Invest #: 2018I-TRA-50023688

## Involved Vehicle

Originating Invest #: 2018I-TRA-50023688

## Involved Location

Originating Invest #: 2018I-TRA-50023688

## Involved Business

Originating Invest #: 2018I-TRA-50023688

## Attachments

Originating Invest #: 2018I-TRA-50023688

Attachment Name(s):

File Link(s):