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RATEPAYERS APPEAL OF THE §  
DECISION BY WINDERMERE OAKS §  
WATER SUPPLY CORPORATION TO §  
CHANGE WATER AND SEWER RATES §

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS



DIRECT TESTIMONY OF  
MAXINE GILFORD  
RATE REGULATION DIVISION  
PUBLIC UTILITY COMMISSION OF TEXAS  
MAY 5, 2021

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## ATTACHMENTS

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1     **I.       STATEMENT OF QUALIFICATIONS**

2     **Q.       Please state your name and business address.**

3     A.       My name is Maxine Gilford. My business address is 1701 N. Congress Avenue, Austin,  
4               Texas 78701.

5     **Q.       By whom are you employed and in what position?**

6     A.       I am employed by the Public Utility Commission of Texas (Commission) as a Financial  
7               Analyst in the Rate Regulation Division.

8     **Q.       On whose behalf are you testifying in this proceeding?**

9     A.       I am testifying on behalf of Commission Staff (Staff), whose duty it is to represent the  
10              public interest in proceedings related to rates and services of retail public utilities.<sup>1</sup>

11    **Q.       What are your principal responsibilities at the Commission?**

12    A.       My responsibilities include financial and managerial reviews of applications to obtain or  
13              amend a certificate of convenience and necessity and applications for the sale, transfer, or  
14              merger of facilities and certificate rights. I am also responsible for reviewing applications  
15              for pass-through rate changes, Class D annual rate adjustments, requests for authority to  
16              change rates, including the recovery of rate-case expenses, and ratepayer appeals. Finally,  
17              I prepare testimony and exhibits for contested case matters involving investor-owned  
18              water and sewer retail public utilities and assist with settlement negotiations.

19    **Q.       Please describe your professional and educational background.**

20    A.       I received a Bachelor of Business Administration degree with a major in Finance from the  
21              University of Texas at Austin in 1986. I attended the National Association of Regulatory  
22              Utility Commissioners' Rate School in October 2019. I received extensive one-on-one  
23              training from experienced personnel in the Rate Regulation Division on applications for  
24              authority to change rates, rate appeals, and the financial and managerial review of

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<sup>1</sup> Texas Water Code (TWC) § 13.002(a).

investor-owned and publicly owned utilities. While working for the Texas Water Development Board for over 17 years, I performed financial reviews of municipalities, water supply corporations, and investor-owned utilities requesting financial assistance for infrastructure improvements. I presented my findings to the Board members at their monthly meetings. Attachment MG-1 is my résumé detailing my experience.

**Q. Have you previously filed testimony in regulatory proceedings before the Commission?**

A. Yes, please see Attachment MG-2 for a list of previously filed testimony.

## **II. PURPOSE AND SCOPE OF TESTIMONY**

**Q. What is the purpose of your testimony?**

A. The purpose of my testimony is to present my recommendation for the cost of service and revenue requirements, for the purpose of determining the just and reasonable rates for Windermere Oaks Water Supply Corporation (Windermere). Windermere approved the rates that are the subject of this appeal (Appealed Rates) on February 1, 2020. The rates approved on February 1, 2020 went into effect on March 23, 2020 and were appealed by the ratepayers, resulting in this proceeding. I also recommend recovery of reasonable rate-case expenses incurred by Windermere in this proceeding. My testimony addresses the following items in the Commission's Preliminary Order for this docket filed on July 16, 2020:

7. Considering only the information available to Windermere at the time of its decision, what are the just and reasonable rates for Windermere's customers that are sufficient, equitable, and consistent in application to each customer class and that are not unreasonably preferential, prejudicial, or discriminatory under TWC §§ 13.043(e) and (j) and 16 TAC § 24.101(e) and (i)?

a. What is the appropriate methodology to determine just and reasonable rates for Windermere's customers?

b. What is the revenue requirement that would give Windermere sufficient funds to provide adequate retail water and sewer service to petitioners?

8. Were Windermere's outside legal expenses related to defending civil suits included in the rates appealed? Is so, what amount of legal expenses was included in the rates appealed?

9. What are the reasonable expenses incurred by Windermere in this proceeding under TWC § 13.043(e) and 16 TAC § 24.101(e)(2) and (5)?

a. Should the Commission allow recovery of these reasonable expenses?

b. If so, what is the appropriate recovery mechanism?

11. If the Commission establishes rates different from the rates set by Windermere, should the Commission order refunds or allow surcharges to recover lost revenues under TWC § 13.043(e) and 16 TAC § 24.101(e)(4)? If so, what is the appropriate amount and over what period should the refund or surcharge be in place?

**Q. What is the scope of your review?**

A. My review presents an analysis of the Appealed Rates that is based on Windermere's direct testimony, the Ratepayers' direct testimony, and Windermere's responses to various requests for information.

**Q. What standards are you applying to reach your determination regarding the reasonableness of Windermere's revenue requirements?**

A. I am applying standards set forth in TWC § 13.043(e) and (j), which state:

(e) In an appeal under Subsection (b), the utility commission shall hear the appeal de novo and shall fix in its final order the rates the governing body should have fixed in the action from which the appeal was taken. The utility commission may establish the effective date for the utility commission's rates at the original effective date as proposed by the service provider, may order refunds or allow a surcharge to recover lost revenues, and may allow recovery of reasonable expenses incurred by the retail public utility in the appeal proceedings. The utility commission may consider only the information that was available to the governing body at the time the governing body made its decision and evidence of reasonable expenses incurred by the retail public utility in the appeal proceedings. The rates established by the utility commission in an appeal under Subsection (b) of this section remain in effect until the first anniversary of the effective date proposed by the retail public utility for the rates being appealed or until changed by the

1 service provider, whichever date is later, unless the utility  
2 commission determines that a financial hardship exists.

3  
4 (j) In an appeal under this section, the utility commission shall  
5 ensure that every rate made, demanded, or received by any retail  
6 public utility or by any two or more retail public utilities jointly  
7 shall be just and reasonable. Rates shall not be unreasonably  
8 preferential, prejudicial, or discriminatory but shall be sufficient,  
9 equitable, and consistent in application to each class of customers.  
10 The utility commission shall use a methodology that preserves the  
11 financial integrity of the retail public utility. For agreements  
12 between municipalities the utility commission shall consider the  
13 terms of any wholesale water or sewer service agreement in an  
14 appellate rate proceeding.

15  
16 I am also applying standards set forth in 16 TAC § 24.101(e)(2) through (5), which  
17 state:

18  
19 The commission shall hear an appeal under this section de novo  
20 and fix in its final order the rates the governing body should have  
21 fixed in the action from which the appeal was taken. The  
22 commission may:

23 (2) in an appeal under the TWC §13.043(b), include reasonable  
24 expenses incurred by the retail public utility in the appeal  
25 proceedings;

26 (3) establish the effective date;

27 (4) order refunds or allow surcharges to recover lost revenues; and

28 (5) consider only the information that was available to the  
29 governing body at the time the governing body made its decision  
30 and evidence of reasonable expenses incurred in the appeal  
31 proceedings.

32 **Q. What is the standard that you are using to make your recommendation concerning**  
33 **the overall reasonableness of the rate-case expenses requested by Windermere?**

34 **A.** The standard that I am using is 16 Texas Administrative Code (TAC) § 24.44(b), which  
35 states in part:

36 Requirements for claiming recovery of or reimbursement for rate-case  
37 expenses. A utility requesting recovery of its rate-case expenses has the  
38 burden to prove the reasonableness of such rate-case expenses by a  
39 preponderance of the evidence.

1   **Q.    Are you using an additional standard to make your determination concerning the**  
2           **overall reasonableness of Windermere’s rate-case expenses?**

3    A.    I am also using 16 TAC § 24.44(c) which states in part:

4                   Criteria for review and determination of reasonableness. In determining  
5                   the reasonableness of the rate-case expenses, the commission must  
6                   consider the relevant factors listed in subsection (b) of this section and any  
7                   other factor shown to be relevant to the specific case.

8   **Q.    Does 16 TAC § 24.44 apply to a water supply corporation?**

9    A.    I am not an attorney, but 16 TAC 24.44(a) specifically states that the rule applies to “rate-  
10           case expenses...incurred as a result of filing a rate-change application pursuant to TWC  
11           §13.187 or TWC §13.1871.” Although this is not an application under TWC § 13.187 or  
12           § 13.1871, the Commission is permitted to consider “evidence of reasonable expenses  
13           incurred by the retail public utility”<sup>2</sup> in a ratepayer appeal. So, I am using the standard in  
14           16 TAC § 24.44 to evaluate the rate-case expenses Windermere incurred because this is  
15           the best guide available for this type of analysis.

16   **Q.    If you do not address an issue or position in your testimony, should that be**  
17           **interpreted as you supporting Windermere’s or the ratepayers’ position on that**  
18           **issue?**

      A.    No. The fact that I do not address an issue in my testimony should not be construed as  
             agreeing, endorsing, or consenting to any party’s position on that issue.

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<sup>2</sup> TWC § 13.043(e).



1    **III.    SUMMARY OF WINDERMERE’S REVENUE REQUIREMENT**

2    **Q.    Please summarize Windermere’s revenue requirement as related to the Appealed**  
3    **Rates?**

4    A.    To calculate the water and wastewater rates that are the subject of this proceeding,  
5    Windermere presented a total revenue requirement of \$576,192.<sup>3</sup> Approximately 60% of  
6    Windermere’s service revenue is for water and the other 40% is for wastewater.<sup>4</sup> Using  
7    these percentages, the water revenue requirement is \$345,715 and the wastewater revenue  
8    requirement is \$230,477. The test year used to determine the revenue requirement is  
9    Windermere’s calendar year beginning January 1, 2019 and ending December 31, 2019.<sup>5</sup>  
10   Details of the revenue requirement are presented in Attachment MG-3 to this testimony.

11   **IV.    SUMMARY OF STAFF’S RECOMMENDATION**

12   **Q.    Please summarize Staff’s recommendation.**

13   A.    I recommend that the Commission approve a total revenue requirement of \$404,855.  
14   Using the percentages of 60% for water and 40% for wastewater, the water revenue  
15   requirement is \$242,913 and the wastewater revenue requirement is \$161,942. As shown  
16   in Attachment MG-3, I recommend an adjustment of (\$171,337) to the category of  
17   Accounting and Legal Fees. Subtracting this amount from Windermere’s total revenue  
18   requirement of \$576,192 results in the recommended total revenue requirement of  
19   \$404,855. As detailed in this testimony in Section VI, I recommend removal of the entire  
20   amount of outside legal expenses from Windermere’s appealed revenue requirement. The  
21   expenses are associated with unreasonable and unnecessary civil litigation matters

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<sup>3</sup> Windermere Oaks Water Supply Corporation’s Response to Commission Staff’s First Request for Information, Staff 1-5 at 10 (Nov. 9, 2020) (Attachment MG-4).

<sup>4</sup> *Id.*, Staff 1-16 at 32 (Attachment MG-5).

<sup>5</sup> *Id.*, Staff 1-3 at 8 (Attachment MG-6).

1 involving board members of the water supply corporation that are not just and reasonable  
2 for the inclusion in regulated rates.

3 **V. REVENUE REQUIREMENT METHODOLOGY**

4 **Q. What revenue requirement methodology did Windermere use to determine the**  
5 **revenue requirement used to establish the Appealed Rates?**

6 A. Windermere used the cash-needs method<sup>6</sup> to develop its revenue requirements for the  
7 Appealed Rates.

8 **Q. What are the cash-needs and utility methods of ratemaking?**

9 A. Both methods are used to develop a utility's revenue requirement. The following table  
10 provides a comparison of the basic equations and elements of the two methods.

**Table MG-1**

<b>Comparison of Cash-Needs Method and Utility Method</b>	
<b>Cash-Needs Method</b>	<b>Utility Method</b>
Equation: $RR = E + DSC + CI$	$RR = E + D + T + R$
RR = Revenue requirement or cost of service	RR = Revenue requirement or cost of service
E = Operating expenses	E = Operating expenses
DSC = Debt service, added coverage and possibly reserves	D = Depreciation
CI = Annually recurring capital expenditures (not funded by debt)	T = Taxes
	R = return dollars on invested capital

11 The objective of the cash basis or cash-needs approach for developing a cost of service is  
12 to provide enough revenues to recover total cash requirements for a given time.<sup>7</sup>  
13 Generally, government-owned utilities use the cash-needs method.<sup>8</sup>

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<sup>6</sup> *Id.*, Staff 1-2 at 7 (Attachment MG-7).

<sup>7</sup> *Principles of Water Rates, Fees, and Charges, AWWA Manual M1*, sixth Edition at 12.

<sup>8</sup> *Id.*

1    **Q.    What methodology is generally used by water supply corporations to determine**  
2           **revenue requirements for water and sewer service?**

3    A.    Most non-profit entities, such as districts or water supply corporations, use the cash needs-  
4           method because this method focuses on providing enough revenues to pay all debt  
5           obligations in addition to expenses associated with providing utility service. Investor-  
6           owned utilities typically use the utility method that focuses on profit or return on invested  
7           capital. In place of a return, the cash-needs method establishes a revenue requirement that  
8           includes the amount of the utility's annual debt service payments plus an additional  
9           coverage amount expressed as a percentage of the total annual payments, if appropriate,  
10          that should protect the utility's ability to issue debt in the future at acceptable interest  
11          rates. In some cases, contributions to reserve funds are also a part of the cost of a cash-  
12          needs revenue requirement to help ensure payment of debt.

13   **Q.    Is Windermere required to use the cash-needs method or any other method?**

14   A.    No.

15   **Q.    Is the cash-needs method an appropriate way to determine just and reasonable rates**  
16           **in this docket?**

17   A.    Yes. The method is commonly used by water supply corporations and aligns with the  
18           financial objectives of a water supply corporation that include adequate debt service,  
19           reasonable interest rates, ability to maintain facilities, and ability to obtain funding for  
20           future infrastructure.

**VI. WINDERMERE'S OUTSIDE LEGAL EXPENSES**

**Q. Please describe Windermere's outside legal expenses that were included in the Appealed Rates.**

A. Windermere's Appealed Rates include \$171,337 of outside legal expenses incurred through March 23, 2020.<sup>9</sup> Invoices supporting these expenses total \$213,606.96.<sup>10</sup> As shown below in Table MG-2, the composition of the outside legal expenses in the amount of \$213,606.96 consists of the following litigation matters, firms, and amounts.

**Table MG-2<sup>11</sup>**

<b>Litigation Matter</b>	<b>Firm</b>	<b>Amount</b>
Texas Open Meetings Act (TOMA)	Enoch Kever PLLC	\$37,164.18
Ultra Vires <sup>12</sup>	Lloyd Gosselink Rochelle & Townsend, P.C.	\$174,778.78
Public Information Act Request	G3 Public Relations & Applications, Inc.	\$1,664
<b>Total</b>		<b>\$213,606.96</b>

**Q. Were all of the outside legal expenses occurred in connection with litigation?**

A. Not directly. In response to discovery, Windermere estimated that about \$44,682 in legal fees were incurred to prepare responses to requests under the Public Information Act.<sup>13</sup> A review of these requests indicates that many of them were, in some way, connected to the ongoing litigation.<sup>14</sup>

<sup>9</sup> Direct Testimony of Mike Nelson at 16 (Mar. 10, 2021).

<sup>10</sup> *Id.*, Attachment MN-1 at 39-131.

<sup>11</sup> *Id.*

<sup>12</sup> *Rene Ffrench, et al v. Friendship Homes & Hangars, LLC, et al.*, No. 48292 (33rd Dist. Ct., Burnet County, Tex. 2018, pending)

<sup>13</sup> Windermere Oaks Water Supply Corporation's Response to Commission Staff's Second Request for Information at Staff 2-3 (Feb. 8, 2021) (Attachment MG-8).

<sup>14</sup> *Id.* at Voluminous Attachment Staff 2-5 (Attachment MG-9).

1   **Q.     Why is Windermere only able to provide an estimate of the costs incurred to**  
2       **respond to Public Information Act requests?**

3   A.     According to the discovery response, the law firm that assisted with preparing these  
4       responses did not bill in a way that allows for a specific calculation of how much time was  
5       dedicated to tasks related to Public Information Act requests.<sup>15</sup>

6       **A.     Texas Open Meetings Act**

7   **Q.     Please describe the litigation matter that you label in Table MG-1 above as TOMA.**

8   A.     The first matter, *TOMA Integrity, v. WOWSC*, Cause No. 47531 in the 33<sup>rd</sup> District Court  
9       of Burnet County, Texas, involves two issues described by ratepayer witness Kathryn E.  
10       Allen as questions of whether the Windermere Board of Directors violated the Texas Open  
11       Meetings Act and whether the court should void the approval and authorization for a real  
12       estate transaction between Windermere and then-director Donna Martin and her entity  
13       Friendship Homes & Hangars.<sup>16</sup> The trial court's final judgment confirmed the TOMA  
14       violations but did not void the approval or authorization of the real estate transaction.<sup>17</sup>  
15       The trial court's judgment was appealed, and on June 21, 2019, the court of appeals held  
16       that the declaratory relief sought, a declaration that the Board's past actions were void,  
17       was not available under TOMA.<sup>18</sup> The appellate court concluded that a decision that  
18       merely addressed past violations would have "no practical effect on the parties."<sup>19</sup> The  
19       Supreme Court declined to review the case, and it was concluded on February 20, 2020.<sup>20</sup>

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<sup>15</sup> Attachment MG-8

<sup>16</sup> Direct Testimony of Kathryn E. Allen at 3-4 (Apr. 7, 2021). For balance, Staff is also filing Windermere's response to Staff 2-1(iv), which asked for a description of each case for which related legal expenses were included in the revenue requirement used to set the Appealed Rates. However, these responses provide much less detail than Ms. Allen's testimony. Windermere Oaks Water Supply Corporation's Response to Commission Staff's Second Request for Information at Staff 2-3 (Feb. 8, 2021) (Attachment MG-10).

<sup>17</sup> *Id.* at 5.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

1           **B.      Ultra Vires**

2   **Q.      Please describe the litigation matter that you label in Table MG-1 above as Ultra**  
3   **Vires .**

4   A.      The second matter, *Rene Ffrench, John Richard Dial, Stuart Bruce Sorgen, as*  
5           *Representatives for Windermere Oaks Water Supply Corporation v. Friendship Homes &*  
6           *Hangars, LLC, WOWSC, and its Directors*, arises from the real estate transaction  
7           mentioned above and is described in the direct testimony of Ms. Allen as resulting from  
8           alleged fiduciary impropriety.<sup>21</sup> The litigation centers around a disposition of real estate,  
9           potentially valued at more than \$700,000, to a sitting Windermere director for only  
10          \$200,000. Discovery in this case is ongoing and the case is set for trial in August 2021.<sup>22</sup>

11          **C.      PIA Request**

12   **Q.      Please describe the litigation matter that you label in Table MG-1 above as PIA**  
13   **Request.**

14   A.      The third matter, *Windermere Oaks Water Supply Corporation v. The Honorable Ken*  
15           *Paxton, Attorney General of Texas*, is a suit that Windermere filed against the Texas  
16           Attorney General (AG) appealing the AG's decision that legal invoices requested by  
17           Danny Flunker were not exempted from disclosure under the Public Information Act.<sup>23</sup>  
18           At the conclusion of the TOMA matter described above, Mr. Flunker submitted a request  
19           under the Public Information Act for legal invoices for the period of time covered by the  
20           TOMA litigation.<sup>24</sup> Windermere sought an AG Opinion that it was not required to  
21           disclose the invoices.<sup>25</sup> Recently, Windermere withdrew its objections to disclosure and

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<sup>21</sup> *Id.* at 8.

<sup>22</sup> *Id.* at 11.

<sup>23</sup> *Id.* at 11.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

1 published the invoices on its website.<sup>26</sup> As a result, Windermere has filed a Notice of  
2 Non-Suit in the case.<sup>27</sup>

3 **Q. Did you perform an independent review of all of the invoices provided to support**  
4 **the outside legal expenses?**

5 A. Yes.

6 **Q. What is your primary recommendation regarding Windermere's inclusion of**  
7 **outside legal expenses in its appealed revenue requirement?**

8 A. As my primary recommendation, I propose removing the entire \$171,337 for outside legal  
9 expenses from the revenue requirement used to set Windermere's Appealed Rates. The  
10 expenses are associated with multiple civil matters that originate with a decision to enter  
11 into a real estate transaction with a sitting Windermere Board member. While I do not  
12 have an opinion one way or another as to whether the transaction was appropriate, I  
13 understand why some might have concerns that the transaction was not conducted at arm's  
14 length. Given the plausibility of these concerns, Windermere has failed to show that the  
15 legal expenses incurred to litigate these matters are just and reasonable expenses that may  
16 be recovered through rates. Nor has Windermere shown how these expenses result in  
17 benefits to its ratepayers such as lowered rates or improved service. Further, the outcome  
18 of the Ultra Vires matter is not yet known, so a decision on what amount, if any, should  
19 be recovered in rates, is premature.

20 **Q. Are there additional reasons why you recommend excluding these outside legal**  
21 **expenses from Windermere's revenue requirement?**

22 A. Yes. The outside legal expenses represent a cumulative amount incurred outside of a  
23 single test year instead of an annual, recurring amount. The outside legal expenses are  
24 extraordinary, unusual, and non-recurring and do not represent a normal, ongoing cost of

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<sup>26</sup> *Id.* at 12.

<sup>27</sup> *Id.*

1 providing water and wastewater utility services. Additionally, inclusion of the outside  
2 legal expenses places an unreasonable burden on Windermere's ratepayers, that on a per  
3 connection basis equals approximately \$332.05 (\$171,337 divided by the sum of 271  
4 water accounts and 245 wastewater accounts).<sup>28</sup> Because some ratepayers subscribe to  
5 both water and wastewater service, the amount exceeds \$664 per year for those customers.  
6 Finally, inclusion of the outside legal expenses sends a signal to utilities that could  
7 encourage potentially unnecessary litigation without a proven benefit to ratepayers.

8 **Q. Based on the information that you reviewed, has Windermere shown that the outside**  
9 **legal expenses and associated managerial decisions to engage in litigation were**  
10 **reasonable and necessary expenses of providing water and wastewater utility**  
11 **services to its customers?**

12 A. No. Based on the information that I reviewed in this proceeding, I am unable to express  
13 an opinion as to the prudence of Windermere's managerial decisions to engage in  
14 litigation and incur \$171,337 in outside legal expenses. While I understand that  
15 Windermere could not just ignore the TOMA and Ultra Vires suits, Windermere did not  
16 provide information as to why litigating these matters was a necessary choice as opposed  
17 to other options available at the time such as mediation.

18 **Q. Do you believe that Commission precedent supports your recommendation?**

19 A. I believe that the Commission's decision in Docket No. 35717 relating to litigation  
20 expenses of an electric utility is applicable. The Commission found as follows: "[i]n  
21 computing rates, liability insurance for self-insured utilities does not include liability  
22 coverage for intentional torts or for employee misconduct such as discrimination."<sup>29</sup> In  
23 that proceeding, the Commission recognized that a utility is permitted to self-insure

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<sup>28</sup> Direct Testimony of Joe Gimenez, III at 9 (Mar. 10, 2021).

<sup>29</sup> *Application of Oncor Electric Deliver Company, LLC for Authority to Change Rates*, Docket No. 35717, Order on Rehearing at Finding of Fact No. 99 (Nov. 30, 2009).



1 against “potential liability or catastrophic property loss, including windstorm, fire, and  
2 explosion losses, that could not have been reasonably anticipated and included under  
3 operating and maintenance expenses.”<sup>30</sup> The Commission approved that utility’s self-  
4 insurance plan because it found that the coverage is in the public interest; and the plan,  
5 considering all of its costs, was a lower cost alternative to purchasing commercial  
6 insurance; and ratepayers received the benefits of the savings.<sup>31</sup> However, the  
7 Commission did not allow recovery of self-insurance funding for expenses related to  
8 intentional torts or for employee misconduct. Akin to the utility’s request in Docket No.  
9 35717, Windermere requests annual recovery of outside legal expenses to defend lawsuits  
10 related to TOMA violations, required disclosures under the PIA, and alleged ultra vires  
11 acts linked to board member fiduciary matters that even Windermere’s insurance company  
12 has refused to reimburse.<sup>32</sup> Much like the Commission’s decision to deny recovery of  
13 self-insurance funding for expenses incurred as a result of intentional torts or employee  
14 misconduct, I believe my recommendation to disallow Windermere’s outside legal  
15 expenses protects its ratepayers from board member behavior that is unreasonable and  
16 contrary to public policy.

17 **Q. Please explain what you mean when you say that Windermere’s insurance provider**  
18 **has refused reimbursement for a claim related to the litigation.**

19 A. As noted in Windermere’s response to RFI Staff 2-7(ii), Allied World Specialty Insurance  
20 Company declined to provide coverage for legal expenses incurred by Windermere related  
21 to *Rene Ffrench, et al. v. Friendship Homes & Hangars, LLC, et al.*<sup>33</sup> Allied World  
22 claimed multiple exceptions to excuse its duty to provide coverage. Allied World stated

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<sup>30</sup> *Id.*, Order on Rehearing at Conclusion of Law No. 17.

<sup>31</sup> *Id.*

<sup>32</sup> Windermere Oaks Water Supply Corporation’s Response to Commission Staff’s Second Request for Information at Staff 2-7 (Feb. 8, 2021) (Attachment MG-11); *id.* at Attachment Staff 2-7(ii).

<sup>33</sup> *Id.* at Attachment Staff 2-7(ii) at 1.

1           that it was not required to provide coverage because the expenses were due to “the insured  
2           gaining any profit, advantage, or remuneration to which the insured is not legally  
3           entitled.”<sup>34</sup> Amongst other exclusions, Allied World also raised the Violation of Law  
4           exclusion, claiming that it had no duty to provide coverage for damages, defense expenses,  
5           costs, or loss arising from the insured’s willful violation of any federal, state, or local law,  
6           rule, or regulation.<sup>35</sup> Windermere challenges this denial of coverage.<sup>36</sup> The dispute  
7           between Windermere and Allied World is currently unresolved.<sup>37</sup>

8   **Q.   Why do you recommend disallowing the full \$171,337 if some portion of that is for**  
9   **expenses incurred to respond to Public Information Act requests?**

10  A.   As stated earlier in my testimony, a review of these requests indicates that many of them  
11       were in some way connected to the ongoing litigation. However, it is my understanding  
12       that Windermere is obligated to respond to Public Information Act requests whether they  
13       are connected to litigation or not. So, it would be reasonable for the Commission to find  
14       that the portion of this amount that is attributable to Public Information Act responses was  
15       a reasonable and necessary expense that is recoverable in rates. In order to make this  
16       finding, the Commission would need an amount that was known to the Windermere Board  
17       at the time it made the decision to increase the rates. Windermere’s response to Staff 2-3  
18       demonstrates that it did not know the specific amount of legal expenses incurred to  
19       respond to Public Information Act requests at the time the Board voted to increase rates.  
20       Therefore, I recommend disallowing the full \$171,337.

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<sup>34</sup> *Id.* at 9.

<sup>35</sup> *Id.* at 13.

<sup>36</sup> *Id.* at 1

<sup>37</sup> *Id.*

1   **Q.    If the Commission disagrees with your primary recommendation, do you propose an**  
2       **alternate recommendation?**

3    A.    Yes. I recognize that TWC § 13.043(j) requires that the Commission use a methodology  
4           that preserves the financial integrity of the retail public utility. If Windermere provides  
5           sufficient evidence in its rebuttal testimony to demonstrate that recovery of the outside  
6           legal expenses are necessary to preserve its financial integrity, then I recommend that the  
7           Commission consider that information.

8   **Q.    Did Windermere provide evidence in its direct case that demonstrates recovery of**  
9       **the outside legal expenses is necessary to preserve its financial integrity?**

10   A.    No. As discussed in the direct testimony of Staff witness Spencer English, Windermere  
11          has access to funds that could be used as a reserve fund for future capital expenditures and  
12          it can change its rates at any time because it is only subject to the Commission's appellate  
13          jurisdiction. Further, Windermere is pre-approved for additional debt of up to \$300,000  
14          from CoBank.<sup>38</sup>

15   **Q.    If the Commission decides to include Windermere's outside legal expenses in its**  
16       **rates, based on the preservation of financial integrity, can you describe your**  
17       **recommended method of recovery of the expenses?**

18   A.    Yes. If the Commission decides to allow recovery of the outside legal expenses, then I  
19          recommend a four-year amortization period. The expenses began to accrue in 2016 and  
20          Windermere implemented its appealed rates in March 2020. Because the expenses at issue  
21          accumulated over four years, I recommend that the Commission spread a potential  
22          recovery over the same period of time, four years.

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<sup>38</sup> Gimenez Direct at 21.

1   **Q.     Please explain why you do not recommend a surcharge to recover the outside legal**  
2       **expenses.**

3   A.    A surcharge would be the most appropriate way to recover the outside legal expenses  
4       incurred because the surcharge would terminate once the full amount is recovered.  
5       However, Windermere's tariff does not expressly authorize the Board to impose a  
6       surcharge on its ratepayers.<sup>39</sup> The tariff does authorize Windermere to implement a year-  
7       end true-up.<sup>40</sup> So, it is unclear whether Windermere is permitted to surcharge customers.  
8       If Windermere cannot implement a surcharge, the four-year amortization is a reasonable  
9       method of recovery of the outside legal expenses because it smooths the financial effect  
10      on individual ratepayers, whereas, a year-end true-up could impose an unexpected burden  
11      of \$332 per connection on Windermere's customers.

12   **VII.   RATE CASE EXPENSES**

13   **Q.     What is the total amount of rate-case expenses requested by Windermere at the time**  
14       **of your testimony?**

15   A.    Windermere's requested rate-case expenses for the period May 1, 2020, through February  
16       28, 2021 are \$148,747.12.<sup>41</sup>

17   **Q.     Does the Texas Water Code address recovery of rate-case expenses for a rate case**  
18       **filed under TWC § 13.043(e)?**

19   A.    Yes, TWC § 13.043(e) allows the Commission to consider "evidence of reasonable  
20       expenses incurred by the retail public utility in the appeal proceedings."

21   **Q.     Did you perform an independent review of all of the invoices provided to support the**  
22       **requested rate-case expenses?**

23   A.    Yes.

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<sup>39</sup> *Id.*, Attachment JG-1.

<sup>40</sup> *Id.*, Attachment JG-1 at 43-44.

<sup>41</sup> Direct Testimony of Jamie L. Mauldin at 8 (Mar. 10, 2021).

1   **Q.    What is your recommendation regarding the recovery of rate-case expenses?**

2    A.    I recommend that the Commission allow recovery of rate-case expenses in the amount of  
3       \$148,747.12.

4   **Q.    If the Commission allows recovery of rate-case expenses, how should they be**  
5       **recovered?**

6    A.    If Windermere is permitted to impose a surcharge, I recommend that Windermere recover  
7       these rate-case expenses through a monthly surcharge to all of its customers over a five-  
8       year period. I recommend that the monthly amount equal the total rate-case expenses  
9       divided by the current number of connections, divided by five years, divided by twelve  
10       months. I recommend that the Commission limit recovery to the earlier of 60 months or  
11       such time that Windermere recovers the full amount of allowed rate-case expenses. For  
12       the expenses incurred through February 28, 2021, the monthly surcharge per water  
13       connection and per wastewater connection equals \$4.80 (\$148,747.12 divided by the sum  
14       of 271 water accounts and 245 wastewater accounts<sup>42</sup> divided by 60 months).

15   **Q.    What is your recommendation related to the recovery of Windermere's rate-case**  
16       **expenses if it cannot impose a surcharge?**

17    A.    My secondary recommendation is that Windermere obtain recovery of its rate-case  
18       expenses through the true-up mechanism as allowed under its tariff. A one-time true up  
19       mechanism equals \$288.27 (\$148,747.12 divided by the sum of 271 water accounts and  
20       245 wastewater accounts<sup>43</sup>) per each water and each wastewater connection.

21       Another alternative is that Windermere recover the rate-case expenses using a five-year  
22       amortization period in rates. This alternative produces an annual rate-case expense  
23       allowance of \$29,749.42 (\$148,747.12 divided by five).

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<sup>42</sup> Gimenez Direct at 9.

<sup>43</sup> *Id.*

1    **Q.     What is your recommendation related to the rate-case expenses Windermere incurs**  
2           **subsequent to February 28, 2021?**

3    A.    I recommend that the Administrative Law Judge leave the record open and allow  
4           Windermere to update its rate-case expenses after the hearing and closer to the time a final  
5           order is issued to limit the amount of trailing rate-case expenses resulting from this  
6           proceeding. For the expenses incurred after the close of the record, I recommend that  
7           Windermere request recovery of the trailing expenses in a compliance proceeding where  
8           its residual rate-case expenses can be reviewed. Windermere must provide supporting  
9           documentation for the expenses at that time. Because Windermere is a non-investor  
10          owned utility, it will not have the opportunity to recover the trailing expenses unless its  
11          ratepayers present another appeal to the Commission. A compliance proceeding provides  
12          the opportunity for Windermere to recover those expenses incurred subsequent to the  
13          close of the record.

14   **VIII. REFUNDS AND SURCHARGES**

15   **Q.     What is your recommendation regarding the over-recovery Windermere will have**  
16           **collected if the rates as recommended by Mr. Mendoza are approved?**

17   A.    My primary recommendation is that Windermere refund the difference between the  
18           Appealed Rates and the rates recommended by Mr. Mndoza for the period starting on the  
19           effective date of March 23, 2020 and the first billing on or about September 1, 2021, if  
20           the Commission approves a final rate in this proceeding by that date. I recommend that  
21           Windermere provide the refund over the same number of months it was collected, or  
22           sooner. If the Commission approves Mr. Mendoza's recommended rates, the calculation  
23           of the monthly refunds and surcharges appear in Table MG-3. If the Commission  
24           approves different rates, I recommend updating Table MG-3 accordingly.

**Table MG-3**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D= C-B</b>
<b>Meter Size</b>	<b>Windermere Implemented Water and Sewer Rate</b>	<b>Staff Recommended Water and Sewer Rate</b>	<b>Monthly (Refund) or Surcharge</b>
$\frac{3}{4}$ "	\$156.80	\$79.79	(\$77.01)

1    **Q.**    **To the extent that Windermere's financial integrity is impaired by a potential refund**  
2            **described above, do you offer an alternate recommendation?**

3    A.    Yes. If the Commission determines that a refund of the difference between Windermere's  
4            Appealed Rates and the final Commission-approved rate impairs Windermere's financial  
5            integrity, I recommend that the Commission allow Windermere to forego a refund as it is  
6            not required under Commission rules.

7    **Q.**    **Does this conclude your direct testimony?**

8    A.    Yes.

9

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**Maxine Gilford**

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**Professional Experience**

- **Public Utility Commission of Texas**  
Financial Analyst  
Rate Regulation Division  
May 2019 - Present
- **Texas Commission on Environmental Quality**  
Financial Analyst  
Water Quality Division  
October 2018 – May 2019
- **Texas Water Development Board**  
Financial Analyst  
Water Development Division  
April 1998 – August 2015
- **Texas Department of Commerce/Economic Development**  
Financial Analyst  
November 1995 – April 1998
- **Texas Department of Banking**  
Commissioned Bank Examiner  
December 1987 – November 1995

**Education**

- **University of Texas, Austin, Texas**  
Bachelor of Business Administration  
Major – Finance  
May 1986
- **National Association of Regulated Utility Commissioners' Rate School (NARUC)**  
October 2019



**Attachment MG - 2 - List of Previous Testimony**

<b>Docket</b>	<b>Case</b>
PUC 50944	
SOAH 473-20-4709.WS	Application of Monarch Utilities I, L.P. for Authority to Change Rates
PUC 50557	
SOAH 473-21-0477.WS	Application of Corix Utilities (Texas), Inc. for Authority to Change Rates

**PUBLIC UTILITY COMMISSION OF TEXAS**  
**Windermere Oaks Water Supply Corporation**  
**SOAH Docket No. 473-20-4071.WS**  
**PUC Docket No. 50788**  
**Revenue Requirement-Detail**

	Windermere Oaks Water Supply Corporation Total Revenue Requirement	Staff Adjustment	Staff-Adjusted Total Revenue Requirement	60% Water Revenue Requirement	40% Sewer Revenue Requirement
<b>OPERATIONS &amp; MAINTENANCE COSTS</b>					
Contract Labor	\$ 117,865		\$ 117,865	\$ 70,719	\$ 47,146
Chemicals and Treatment	\$ 12,035		\$ 12,035	\$ 7,221	\$ 4,814
Utilities	\$ 20,922		\$ 20,922	\$ 12,553	\$ 8,369
Repairs and Maintenance	\$ 71,060		\$ 71,060	\$ 42,636	\$ 28,424
Office Expenses - Billing	\$ 15,679		\$ 15,679	\$ 9,407	\$ 6,272
Accounting and Legal	\$ 171,337	\$ (171,337)	\$ -	\$ -	\$ -
Office Supplies	\$ 4,707		\$ 4,707	\$ 2,824	\$ 1,883
Telephone	\$ 6,549		\$ 6,549	\$ 3,929	\$ 2,620
Travel and Entertainment	\$ 1,130		\$ 1,130	\$ 678	\$ 452
Equipment Rental	\$ 250		\$ 250	\$ 150	\$ 100
Insurance - WC and Liability	\$ 14,160		\$ 14,160	\$ 8,496	\$ 5,664
License and Dues	\$ 178		\$ 178	\$ 107	\$ 71
Postage and Freight	\$ 2,710		\$ 2,710	\$ 1,626	\$ 1,084
Sampling	\$ 8,459		\$ 8,459	\$ 5,075	\$ 3,384
Depreciation	\$ 56,273		\$ 56,273	\$ 33,764	\$ 22,509
Materials and Supplies	\$ 6,730		\$ 6,730	\$ 4,038	\$ 2,692
Miscellaneous	\$ 1,250		\$ 1,250	\$ 750	\$ 500
Purchased Water	\$ 8,490		\$ 8,490	\$ 5,094	\$ 3,396
Slug Removal	\$ 2,363		\$ 2,363	\$ 1,418	\$ 945
Bookkeeping	\$ 4,163		\$ 4,163	\$ 2,498	\$ 1,665
<b>SUBTOTAL - OPERATIONS &amp; MAINTENANCE COSTS</b>	\$ 526,310	\$ (171,337)	\$ 354,973	\$ 212,984	\$ 141,989
Long Term Debt	49,882		49,882	\$ 29,929	\$ 19,953
<b>NET REVENUE REQUIREMENT</b>	\$ 576,192	\$ (171,337)	\$ 404,855	\$ 242,913	\$ 161,942

PUBLIC UTILITY COMMISSION OF TEXAS  
Windermere Oaks Water Supply Corporation  
SOAH Docket No. 473-20-4071.WS  
PUC Docket No. 50788  
Revenue Requirement-Detail

Attachment MG-3  
Page 1 of 1

	Windermere Oaks Water Supply Corporation Total Revenue Requirement	Staff Adjustment	Staff-Adjusted Total Revenue Requirement	60% Water Revenue Requirement	40% Sewer Revenue Requirement
<b>OPERATIONS &amp; MAINTENANCE COSTS</b>					
Contract Labor	\$ 117,865		\$ 117,865	\$ 70,719	\$ 47,146
Chemicals and Treatment	\$ 12,035		\$ 12,035	\$ 7,221	\$ 4,814
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Office Expenses - Billing	\$ 15,679		\$ 15,679	\$ 9,407	\$ 6,272
Accounting and Legal	\$ 171,337	\$ (171,337)	\$ -	\$ -	\$ -
Office Supplies	\$ 4,707		\$ 4,707	\$ 2,824	\$ 1,883
Telephone	\$ 6,549		\$ 6,549	\$ 3,929	\$ 2,620
Travel and Entertainment	\$ 1,130		\$ 1,130	\$ 678	\$ 452
Equipment Rental	\$ 250		\$ 250	\$ 150	\$ 100
Insurance - WC and Liability	\$ 14,160		\$ 14,160	\$ 8,496	\$ 5,664
License and Dues	\$ 178		\$ 178	\$ 107	\$ 71
Postage and Freight	\$ 2,710		\$ 2,710	\$ 1,626	\$ 1,084
Sampling	\$ 8,459		\$ 8,459	\$ 5,075	\$ 3,384
Depreciation	\$ 56,273		\$ 56,273	\$ 33,764	\$ 22,509
Materials and Supplies	\$ 6,730		\$ 6,730	\$ 4,038	\$ 2,692
Miscellaneous	\$ 1,250		\$ 1,250	\$ 750	\$ 500
Purchased Water	\$ 8,490		\$ 8,490	\$ 5,094	\$ 3,396
Slug Removal	\$ 2,363		\$ 2,363	\$ 1,418	\$ 945
Bookkeeping	\$ 4,163		\$ 4,163	\$ 2,498	\$ 1,665
<b>SUBTOTAL - OPERATIONS &amp; MAINTENANCE COSTS</b>	\$ 526,310	\$ (171,337)	\$ 354,973	\$ 212,984	\$ 141,989
Long Term Debt	49,882		49,882	\$ 29,929	\$ 19,953
<b>NET REVENUE REQUIREMENT</b>	\$ 576,192	\$ (171,337)	\$ 404,855	\$ 242,913	\$ 161,942

**WOWSC'S RESPONSE TO STAFF'S FIRST RFI**

**Staff 1-5** Please identify the revenue requirement that was used to calculate the water rates that are the subject of this appeal.

**RESPONSE:** The revenue requirement used to calculate the water rates totals \$576,192. See Attachment Staff 1-1.

Prepared by: Mike Nelson  
Sponsored by: Mike Nelson

**SOAH DOCKET NO. 473-20-4071.WS  
PUC DOCKET NO. 50788**

**WOWSC'S RESPONSE TO STAFF'S FIRST RFI**

**Staff 1-16** For any expenses that are not exclusively incurred to provide either water or sewer service, please explain how Windermere allocated these expenses between the revenue requirement used to calculate the appealed water rates and the revenue requirement used to calculate the appealed sewer rates.

**RESPONSE:** See Attachment Staff 1-1. TRWA Employee James Smith's analysis supports a WOWSC rate increase of \$65.73 per month. In Mr. Smith's analysis, he only applied an increase to water services and not to both water and waste water services. The analysis shows Water min charge increase from \$50.95 to \$116.68.

$$\$50.95 + \$65.73 = \$116.68$$

Approximately 60% of WOWSC's service revenue is for water and the other ~40% of service revenue is for waste water. Partitioning the rate increase:

1.  $\$65.73 \times 0.60 = \$39.44$
2.  $\$65.73 \times 0.40 = \$26.29$

The Rate analysis supports new Water min charge:  $\$50.95 + \$39.44 = \$90.39$  and new Waste Water min charge:  $\$40.12 + \$26.29 = \$66.41$

The Rate analysis supports new total min charge:  $\$90.39 + \$66.41 = \$156.80$ .

Cost increases to be spread evenly across all members and are not based on water usage.

Mr. Smith's suggested minimum bill of \$174.59 is based on TRWA's recommendation to use updated depreciation rates. WOWSC did not update the depreciation rates and determined that a \$174.59 minimum bill created too much of a rate increase and adopted a \$156.80 minimum bill.

Prepared by: Mike Nelson  
Sponsored by: Mike Nelson

**SOAH DOCKET NO. 473-20-4071.WS  
PUC DOCKET NO. 50788**

**WOWSC'S RESPONSE TO STAFF'S FIRST RFI**

**Staff 1-3** Please identify the 12-month period used to determine the water and sewer revenue requirements that were used to calculate rates that are the subject of this appeal.

**RESPONSE:** January 1, 2019 to December 31, 2019.

Prepared by: Joe Gimenez  
Sponsored by: Joe Gimenez

**SOAH DOCKET NO. 473-20-4071.WS  
PUC DOCKET NO. 50788**

**WOWSC'S RESPONSE TO STAFF'S FIRST RFI**

**Staff 1-2** Please state the methodology Windermere used to establish the water and sewer revenue requirements that were used to calculate the rates that are the subject of this appeal. In your response, please specify whether Windermere used the utility method or cash needs method, if applicable.

**RESPONSE:** TRWA employee James Smith used TRWA's rate sheet to calculate WOWSC's water and sewer revenue requirements. TRWA's rate sheet uses the cash needs basis methodology.

Prepared by: Joe Gimenez  
Sponsored by: Joe Gimenez

**SOAH DOCKET NO. 473-20-4071.WS  
PUC DOCKET NO. 50788**

**WOWSC'S RESPONSE TO STAFF'S SECOND RFI**

**Staff 2-3**      Reference the \$169,000 in legal expenses included in the revenue requirement used to set the rates that are the subject of this appeal. Please identify what portion of this amount, if any, is for legal expenses incurred to respond to Public Information Act Requests.

**RESPONSE:**

Approximately \$44,682. Lloyd Gosselink Rochelle & Townsend, P.C. did not distinguish between different matters when invoicing the WOWSC if the work was performed by the same person on the same day. While some entries were solely for work related to the PIA requests, others included work on separate matters, including assistance with member challenges to board actions on interpretations of bylaws and the articles of incorporation, a member removal petition, and compliance with Open Meetings Act law, including a new law of the 2019 Texas Legislature relating to member comments. Therefore, it is not possible to discern the exact time spent on which activity. Accordingly, this figure is an estimate as the billing practice does not allow for a specific calculation.

Prepared by: Joe Gimenez; Mike Nelson  
Sponsored by: Joe Gimenez; Mike Nelson



SOAH DOCKET NO. 473-20-4071.WS  
PUC DOCKET NO. 50788

**WOWSC'S RESPONSE TO STAFF'S SECOND RFI**

**Staff 2-5** For each Public Information Act Request for which legal counsel was sought, please provide a description of the request, along with a brief explanation of why Windermere sought counsel regarding its response to the request.

**RESPONSE:**

WOWSC has provided copies of each applicable PIA request, along with comments explaining the reason for seeking legal counsel, in voluminous Attachment Staff 2-5, being provided in electronic file-format on CD.

The WOWSC is a non-profit corporation and the Board of Directors are all volunteers. The volunteer board members are not required by law or the WOWSC's bylaws to have background and training on the Public Information Act. Prior to 2019, WOWSC had traditionally received only a few PIA requests per year (approximately 3-4) and these were just handled by various board members with some assistance from legal counsel. The WOWSC did not have a Public Information Officer at this time as it was not needed to handle the relatively small number of requests. However, in 2019, the WOWSC saw an exponential increase in PIA requests, going from an average of 3-4 per year up to a total of 46 requests in 2019. It is important to emphasize that the vast majority of these requests were from people involved in the TOMA lawsuit, described above.

Notably, on March 19, 2019, the WOWSC received its first PIA request from Rene Ffrench. Mr. French was a plaintiff in the TOMA lawsuit, which at that time was in the appeals process at Mr. Ffrench's and the other plaintiff's request. Not only was Mr. Ffrench involved in the TOMA litigation, but also he and the other requestors behind a majority of the 2019 requests were involved in a separate litigation pertaining to the same land sale under dispute in the TOMA lawsuit, which the WOWSC would ultimately be brought into in May 2019 (the Double F Hangar lawsuit). The WOWSC was therefore concerned that many of these requests were attempts to get around the formal discovery process in that case. Furthermore, the requestors had clearly demonstrated a penchant for litigation, and the WOWSC was afraid the requestors would aggressively pursue any civil and criminal penalties available if the WOWSC did not respond in the precise time and manner required by the Public Information Act. Accordingly, the WOWSC frequently sought the help of legal counsel to best ensure compliance with the requirements of each request and the hope of avoiding further lawsuits and legal penalties.

Prepared by: Joe Gimenez  
Sponsored by: Joe Gimenez

3/23/2019

Gmail - Record Request

Attachment Staff 2-5  
Page 1 of 113



Mister Flunker <dflunker@gmail.com>

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## Record Request

2 messages

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**Mister Flunker** <dflunker@gmail.com>  
To: David A Bertino Jr <dbertinojr@me.com>  
Cc: George Burriss <watermgmt@yahoo.com>

Sun, May 20, 2018 at 1:40 PM

David/George,

I am requesting a copy of the recent letter sent to Mr Romo from Joe Gimenez. You dont have to waste any WOWSC money, you can simply scan it and send it to me via email Thank you both for your time and effort.

Sincerely,

Danny Flunker

---

**David Bertino** <dbertinojr@me.com>  
To: Mister Flunker <dflunker@gmail.com>  
Cc: George Burriss <watermgmt@yahoo.com>

Sun, May 20, 2018 at 4 18 PM

Danny,

I am not aware of a letter that was sent. But if there is one. The water board is not trying to hide anything. I will look into it in the next few weeks and get back with you

Thanks

David Bertino

[Quoted text hidden]

From: Mister Flunker <dflunker@gmail.com>

Subject: Re: Public Information Request

Date: December 31, 2018 at 2:41:26 PM CST

To: David Bertino <dbertinojr@me.com>

Cc: Dorothy Taylor <dtaylor27@me.com>

David,

The records I am looking for may be in Les Romos files, however they are in the WOWSC files as well. You, as the president, were the recipient of the email chain between Les Romo, Dana Martin and the board and since Ms Martin was a part of this email chain and not on the board, attorney client privilege can not be invoked. The letter from Joe Gimenez to Les Romo was also sent to you via certified mail, so again this is in the WOWSC files or should be. I am attaching my request for that letter dated May 20th of 2018 of which my request went unanswered for a full seven months (see attached). I appreciate your time and effort.

Regards,

Danny

On Sun, Dec 30, 2018 at 3:15 PM David Bertino <dbertinojr@me.com> wrote:

Danny,

We have received your TPIA request and will respond as soon as possible. It is my understanding that Lloyd Gosselink requested all of Les Romo's files when they were engaged. I am coordinating with Lloyd Gosselink to secure and then review those files for information responsive to your request. Please expect our follow-up response within the next several days and within the deadlines required by the TPIA.

Sent from my iPhone

On Dec 27, 2018, at 10:55 AM, Mister Flunker <dflunker@gmail.com> wrote:

David and Dorothy,

I am submitting a public information request per my rights under the Texas Public Information Act to obtain an electronic copy of the email chain between Les Romo, Dana Martin and the WOWSC board dated 7/23/2018 (see attachment for reference). I am also requesting a copy of the letter Joe Gimenez sent to Les Romo in May of 2018. Texas Local Government Code Section 552.228(b) provides:

If public information exists in an electronic or magnetic medium, the requester may request a copy in an electronic medium, such as on diskette or on magnetic tape. A governmental body shall provide a copy in the requested medium if:

- (1) the governmental body has the technological ability to produce a copy of the requested information in the requested medium;
- (2) the governmental body is not required to purchase any software or hardware to accommodate the request; and
- (3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the governmental body and a third party.

If a governmental body is unable to provide the information in the requested medium for any of the reasons described by section 552.228(b), the governmental body shall provide the information in another medium that is acceptable to the requester. A governmental body is not required to use material provided by a requester, such as a diskette, but rather may use its own supplies to comply with a request.

If an email copy cannot be obtained, I will accept a hard copy and I will submit payment for this service.

Also, Section 552.221 of the Local Government Code states that "The officer for public information must "promptly" produce public information in response to an open records request. "Promptly" means that a governmental body may take a reasonable amount of time to produce the information but may not delay. It is a common misconception that a governmental body may wait ten business days before releasing the information. In fact, as discussed above, the requirement is to produce information "promptly." What constitutes a reasonable amount of time depends on the facts in each case. The volume of information requested is highly relevant to what constitutes a reasonable period. I do not suspect obtaining these documents should be cumbersome to the public information officer.

Please let me know if you have any questions on my request and when I can anticipate this information.

Regards,

Danny



joe gimenez <1129jgg@gmail.com>

---

## Fwd: Open Records Request - email from 2018

1 message

---

**Dorothy Taylor** <dtaylor27@me.com>

Wed, Jul 24, 2019 at 1:46 PM

To: Joe Gimenez <1129jgg@gmail.com>

Begin forwarded message:

----- Original message -----

From: patti flunker <patriciaflunker@yahoo.com>

Date: 3/20/18 3:16 PM (GMT-06:00)

To: Dorothy Taylor <dorothy@tstar.net>

Cc: George Burriss <watermgmt@yahoo.com>, Jerry Ingham

<jyingham80@gmail.com>, Bill Billingsley Jr <lcbaviation@hotmail.com>, Bill

Stein <wp\_stein@yahoo.com>, Jeff Hagar <jeff.hagar@gmail.com>

Subject: Re: Open Records Request

Dorothy,

Thank you for your response to my request. Please let me know what the cost will be and I will promptly get this payment to the corporation.

I would be remiss not to debunk your misleading statements in your email. The email you are referring to that I sent out back in 2017 was related to the Windermere Property Owners Association sharing confidential information not the WSC. The POA is not subject to the Texas Public Information Act, and thus there is more confidentiality with member personal information as opposed to the WSC. Please remember these are two completely different entities subject to different laws. The WSC is considered a "government entity" and as such is subject to the Texas Open Meetings Act and the Texas Public Information Act.

I was led to believe that George Burriss was the PIA Officer, hence why the originally request email was sent to him. Moving forward I will make sure I address any additional open records request to you, the Certified Public Information Officer for the WSC.

I am concerned as a member of the WSC that the board is spending unwarranted money on legal fees to get an opinion on something that the Texas Attorney offers free advice on such as PIA requests. As you know from taking the required PIA training, towards the end of the video the presenter states "we offer free legal advice for any questions related to PIA requests". A simple call the to the Texas Attorney – Open Government Hotline at 512-476-6736 would have been free.

Finally, my open records request was made as a WOPOA member, it came from my personal email, not my work email address. Maybe George or you should have clarified this with me prior to the attorney calling TRWA. Nevertheless, because you and or George negligently miscommunicated to the attorney that I was making this request as TRWA staff member does not excuse this violation of the PIA. I guess you would probably considered this an oversight just like you stated to the members in a meeting last year that it was an oversight that the board forgot to list the sale of the airport property on the agenda.

Sincerely,  
Patti Flunker

---

**From:** Dorothy Taylor <dorothy@tstar.net>  
**To:** Patti Flunker <patriciaflunker@yahoo.com>  
**Cc:** George Burriss <watermgmt@yahoo.com>; Jerry Ingham <jyingham80@gmail.com>; Bill Billingsley Jr <lcbaviation@hotmail.com>; Bill Stein <wp\_stein@yahoo.com>; Jeff Hagar <jeff.hagar@gmail.com>  
**Sent:** Monday, March 19, 2018 8:06 PM  
**Subject:** Re: Open Records Request

Patti,

As Board President I am the officer of Public Information and I will get you the information that you requested.

Given your concern regarding "Privacy" issues in your emails back in December 2017 regarding release of information, I sought legal advice before considering the release of the list of WOWSC members and their addresses.

I had reached out to TRWA regarding some WOWSC election and ballot questions, since you are not allowed to consult with us, I was told that I would need to have our attorney contact your supervisor. If the attorney inquired about the request, it was probably to ask why a TRWA employee was asking for information about a TRWA member.

I will be able to get that information in the mail to you in the next several days.

Thanks  
Dorothy

On Mar 18, 2018, at 4:53 PM, patti flunker <patriciaflunker@yahoo.com> wrote:

One week ago I made an open records request as a "wowsc member". As of today I have not received any communication back related to the

request below. Please advise me on when this information will be ready and what the cost will be. This is not a burdensome request. Also, just incase you are unfamiliar with the Texas Public Information Act (which you can download your own copy at [https://texasattorneygeneral.gov/files/og/PIA\\_handbook\\_2018.pdf](https://texasattorneygeneral.gov/files/og/PIA_handbook_2018.pdf) ) you are prohibited from asking me why I am making this request. That includes having your current attorney call my sperviosr at TRWA to inquire on why as a WOWSC Member I am making this request, surely I would expect an attorney would know this is a violation of the Public Information Act.

Please let me know when I can expect to obtain this information and the amount I will owe to the system. Thank you for your time.

Patti Flunker, WOWSC Member

On Sunday, March 11, 2018, 6:47 05 PM CDT, patti flunker <patriciaflunker@yahoo.com> wrote

George,

I wanted to make an open records request of the WOWSC Members. The only information I am requesting is the members names and address, no other information is needed. This request is being made per the rights afforded to me by Texas Open Meetings Act, the WOWSC Tariff and Texas Utility Code. Thanks and hope all is well.

Sincerely,

Patti



## Public Information Request 19 March 2019

From: Rene Ffrench (lrffrench@gmail.com)

To: JGimenezIII@yahoo.com, u2torche@yahoo.com, brownsandniners@aol.com; dbertinojr@me.com; normanrmorse@gmail.com

Cc: Bill@aleshirelaw.com

Date: Tuesday, March 19, 2019, 10:24 AM CDT

To the Board of Directors of WOWSC,

With this email I am submitting a public information request per my rights under the Texas Public Information Act (TPIA) to obtain the following information items:

1. A copy of the current WOWSC election process procedure,
2. A copy of all pages of the Key Control Roster maintained to track possession of WOWSC office keys that identified each and every person who possessed had access to WOWSC office keys where the blank and/or completed and/or rejected WOWSC March 9 election ballots and any election records or documents were kept. The roster period of interest will begin with the last date of lock/key changes to the WOWSC offices until re-keying or changing of the locks occurred, or if re-keying has not yet occurred, to the date of this PIA request.
3. If no Key Control Roster exists, then a list of the same information of key holders or individuals with access to the keys for the period described in item one (1) is requested.
4. A copy of all pages of the Key Control Roster maintained to track possession of WOWSC bill drop off box(es) where ballots could have been submitted for the March 9 election for the Key Roster period from the last date of lock/key changes to the WOWSC bill drop box until the date of this PIA request.
5. If no Key Control Roster exists, then a list of the same information of key holders or individuals with access to the keys for the period described in item four (4) is requested.
6. Copies of any professional or legal opinions received in any written or electronic media since July 2016 concerning organizing elections, election procedures, office security, document protection, election candidate nomination documents, election candidate qualifications, and/or member privacy or data security.

NOTE. In the event that the exact information in any of the listed PIA requested items is not available, then the closest information available to the requested items shall be provided. The answers to these requests can be sent individually when prepared.

Furthermore, each item listed shall be considered a separate PIA request and in the event that any PIA requested item cannot be provided because of an illegal or proprietary reason, then the Referenced Reason for non-production of that item is to be clearly stated, and all the other requested items listed in this PIA request are still to be produced.

For your information, Section 552.221 of the Local Government Code states that "The officer for public information must 'promptly' produce public information in response to an open records request. 'Promptly' means that a governmental body may take a reasonable amount of time to produce the information but may not delay. It is a common misconception that a governmental body may wait ten business days before releasing the information. In fact, as discussed above, the requirement is to produce information 'promptly.' What constitutes a reasonable amount of time depends on the facts in each case. The volume of information requested is highly relevant to what constitutes a reasonable period. I do not suspect obtaining these documents should be cumbersome to the public information officer.

Please let me know if you have any questions concerning my request and when I can anticipate this information.  
Thank You.

Regards,

L. Rene' Ffrench

[LRFFRENCH@GMAIL.COM](mailto:LRFFRENCH@GMAIL.COM)

+1-512-547-7164

^\_PIA^\_ Request March 21, 2019

From Mister Flunker (dflunker@gmail.com)  
To jgimeneziii@yahoo.com  
Cc u2torche@yahoo.com; brownsandniners@aol.com; dbertinojr@me.com; normanrmorse@gmail.com; lrrfrench@gmail.com  
Date Thursday, March 21, 2019, 05:55 PM CDT

All,

Not sure who the PIA officer is so I am sending this to the entire board.

Pursuant to the **Public** Information Act, I am respectfully requesting a copy of the auditors official report (any and all related documents) that was presented to the board at the March 9th annual meeting

I am also requesting the minutes from the 2018 Annual Members meeting.

If an email copy cannot be obtained, I will accept a hard copy.

Section 552.221 of the Local Government Code states that "The officer for public information must "promptly" produce public information in response to an open records request. "Promptly" means that a governmental body may take a reasonable amount of time to produce the information but may not delay. It is a common misconception that a governmental body may wait ten business days before releasing the information. In fact, as discussed above, the requirement is to produce information "promptly." What constitutes a reasonable amount of time depends on the facts in each case. The volume of information requested is highly relevant to what constitutes a reasonable period. Obtaining this documents should NOT be cumbersome to the public information officer.

**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**

[https://www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA\\_handbook\\_2018\\_0.pdf](https://www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA_handbook_2018_0.pdf)

Please let me know if you have any questions concerning my request and when I can anticipate this information.

Warm Regards,

Danny Flunker

## Public Information Request March 21, 2019

From J R (Dick) Dial (jrdial@hal-pc.org)

To. jgimeneziii@yahoo.com

Cc brownsandniners@aol.com; dbertinojr@me.com, u2torche@yahoo.com, normanrmorse@gmail.com, lrffrench@gmail.com

Date Thursday, March 21, 2019, 03:40 PM CDT

**Pursuant to the Public Information Act I am respectfully requesting a copy of the canceled check for the 2015 Hinton appraisal, the contract between the WOWSC and Jimmy Hinton to do the appraisal, the agenda where this action item was placed and a copy of the minutes showing that this action took place and how the board voted.**

For your information, Section 552.221 of the Local Government Code states that "The officer for public information must "promptly" produce public information in response to an open records request. "Promptly" means that a governmental body may take a reasonable amount of time to produce the information but may not delay. It is a common misconception that a governmental body may wait ten business days before releasing the information. In fact, as discussed above, the requirement is to produce information "promptly." What constitutes a reasonable amount of time depends on the facts in each case. The volume of information requested is highly relevant to what constitutes a reasonable period. I do not suspect obtaining these documents should be cumbersome to the public information officer.

Please let me know if you have any questions concerning my request and when I can anticipate this information.

Regards,

J R (Dick) Dial



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RE: Public Information Request March 21, 2019

From: J. R. (Dick) Dial (jrdial@hal-pc.org)  
To: jgimeneziii@yahoo.com  
Cc: brownsandniners@aol.com, dbertinojr@me.com, normanrmorse@gmail.com, u2torche@yahoo.com;  
mgershon@lglawfirm.com, lrffrench@gmail.com  
Date: Tuesday, April 2, 2019, 05:22 PM CDT

Mr. Gimenez,

I requested three items and not all of the minutes from 2015 and 2016, so I will list the items to try and clarify my request so it will be easier to understand. You may want to consult with Dana Martin as she answered the question I asked at the annual meeting as to who ordered the Hinton Appraisal and who paid for it? Her answer was "the board ordered it and the board paid for it."

**LIST OF ITEMS I AM REQUESTING**

1. A COPY OF THE CANCELLED CHECK FOR THE 2015 HINTON APPRAISAL. (If this has been lost the bank will be able to provide a copy.)

2. A COPY OF THE CONTRACT BETWEEN THE WOWSC AND JIMMY HINTON TO PROVIDE THE APPRAISAL.

3. A COPY OF THE AGENDA SHOWING THIS ACTION ITEM AND THE MINUTES SHOWING THE ACTION TO HAVE THE HINTON APPRAISAL DONE AND HOW THE BOARD VOTED. (I do not need or want minutes that do not concern my request.)

Regards,

J. R. (Dick) Dial

**From:** Joe Gimenez [mailto:jgimeneziii@yahoo.com]  
**Sent:** Tuesday, April 02, 2019 12:25 PM  
**To:** J. R. (Dick) Dial  
**Cc:** Hannah Ging  
**Subject:** Re: Public Information Request March 21, 2019

Mr Dial,

You may review the following minutes for the time period possibly including the actions at the following links:

- [2016-11-19 WOWSC Approved Minutes \( PDF / 288 KB \)](#)
- [2016-10-15 WOWSC Approved Board Minutes \( PDF / 325 KB \)](#)

- [2016-8-17 WOWSC Approved Board Minutes](#) ( PDF / 146 KB )
- [6-25-2016 Approved Minutes](#) ( PDF / 138 KB )
- [2016-04-30 Annual Mtg minutes approved 4.22.17](#) ( PDF / 347 KB )
- [4-25-2016 Approved Minutes](#) ( PDF / 129 KB )
- [2016-04-20 WOWSC Minutes approved](#) ( PDF / 235 KB )
- [3-28-2016 Approved Minutes](#) ( PDF / 246 KB )
- [1-25-2016 Minutes](#) ( PDF / 173 KB )
- [2-22-2016 Approved Minutes](#) ( PDF / 67 KB )
- [2015-12-19 WOWSC Minutes Ap](#) ( PDF / 169 KB )
- [2015-12-07 WOWSC Minutes Ap](#) ( PDF / 1,751 KB )
- [2015-10-31 WOWSC Minutes Ap](#) ( PDF / 197 KB )
- [2015-10-01 WOWSC Minutes Ap](#) ( PDF / 168 KB )
- [2015-07-16 WOWSC Minutes Ap](#) ( PDF / 3,228 KB )
- [2015-05-13 Draft of WOWSC Minutes](#) ( PDF / 107 KB )
- [2015-04-06 Draft WOWSC Minutes](#) ( PDF / 38 KB )
- [2015-03-16 WOWSC Minutes Ap](#) ( PDF / 137 KB )
- [2015-02-02 WOWSC Minutes Ap](#) ( PDF / 38 KB )
- [2015-01-17 WOWSC Minutes approved](#) ( PDF / 152 KB )

On Thu, Mar 21, 2019 at 3:40 PM J. R. (Dick) Dial <[jrdial@hal-pc.org](mailto:jrdial@hal-pc.org)> wrote:

**Pursuant to the Public Information Act I am respectfully requesting a copy of the canceled check for the 2015 Hinton appraisal, the contract between the WOWSC and Jimmy Hinton to do the appraisal, the agenda where this action item was placed and a copy of the minutes showing that this action took place and how the board voted.**

For your information, Section 552.221 of the Local Government Code states that "The officer for public information must "promptly" produce public information in response to an open records request. "Promptly" means that a governmental body may take a reasonable amount of time to produce the information but may not delay. It is a common misconception that a governmental body may wait ten business days before releasing the information. In fact, as discussed above, the requirement is to produce information "promptly." What constitutes a reasonable amount of time depends on the facts in each case. The volume of information requested is highly relevant to what constitutes a reasonable period. I do not suspect obtaining these documents should be cumbersome to the public information officer.

Please let me know if you have any questions concerning my request and when I can anticipate this information.

Regards,

J R (Dick) Dial

RE: Public Information Request March 21, 2019

From: J. R. (Dick) Dial (jrdial@hal-pc.org)  
To: JGimenezIII@yahoo.com  
Cc: mgershon@lglawfirm.com, lrfrench@gmail.com  
Date: Thursday, April 4, 2019, 09:18 AM CDT

**Mr. Gimenez III**

I would like to amend my PIA request to the following:

1. Copy of check from WOWSC front and back #1012 to Jim J. Hinton II, dated 01/05/2016 in the amount of \$600.00
2. Copy of the contract between the WOWSC and Jim Hinton II, to provide the appraisal on 10.85 acres Piper Lane.
3. I have obtained the minutes I need from the list you sent me but I would like copy of the agenda and action items for the WOWSC meeting that was held on 12/19/2015

Regards,

Dick Dial

**From:** Joseph Gimenez III [mailto:JGimenezIII@yahoo.com]  
**Sent:** Wednesday, April 03, 2019 11:30 AM  
**To:** J. R. (Dick) Dial  
**Cc:** Mike Gershon; Rene Ffrench  
**Subject:** Re: Public Information Request March 21, 2019

Mr. Dial,

Thank you for clarifying your request so that it is easier to understand.

We are continuing to locate the records you request.

With regards to item 3, given the large number of documents that would be required for our review on your behalf, it may be that we would have to charge you \$15 per hour for someone's time to do that. This is allowed by state law when our review of a certain number of pages is required. I will check that threshold number with our attorney and give you the option of purchasing that if so.

Warm regards,  
Joe Gimenez  
713.478.8034

On Tuesday, April 2, 2019, 5:22 56 PM CDT, J. R. (Dick) Dial <[jrdial@hal-pc.org](mailto:jrdial@hal-pc.org)> wrote

**Mr. Gimenez,**

I requested three items and not all of the minutes from 2015 and 2016, so I will list the items to try and clarify my request so it will be easier to understand. You may want to consult with Dana Martin as she answered the question I asked at the annual meeting as to who ordered the Hinton Appraisal and who paid for it? Her answer was "the board ordered it and the board paid for it."

**LIST OF ITEMS I AM REQUESTING**

1. A COPY OF THE CANCELLED CHECK FOR THE 2015 HINTON APPRAISAL. (If this has been lost the bank will be able to provide a copy.)
2. A COPY OF THE CONTRACT BETWEEN THE WOWSC AND JIMMY HINTON TO PROVIDE THE APPRAISAL.
3. A COPY OF THE AGENDA SHOWING THIS ACTION ITEM AND THE MINUTES SHOWING THE ACTION TO HAVE THE HINTON APPRAISAL DONE AND HOW THE BOARD VOTED. (I do not need or want minutes that do not concern my request.)

Regards,

J. R. (Dick) Dial

**From:** Joe Gimenez [<mailto:jgimeneziii@yahoo.com>]  
**Sent:** Tuesday, April 02, 2019 12:25 PM  
**To:** J. R. (Dick) Dial  
**Cc:** Hannah Ging  
**Subject:** Re: Public Information Request March 21, 2019

Mr Dial,

You may review the following minutes for the time period possibly including the actions at the following links:

- [2016-11-19 WOWSC Approved Minutes](#) ( PDF / 288 KB )
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- [2016-04-20 WOWSC Minutes approved](#) ( PDF / 235 KB )
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- [2015-03-16 WOWSC Minutes Ap](#) ( PDF / 137 KB )
- [2015-02-02 WOWSC Minutes Ap](#) ( PDF / 38 KB )
- [2015-01-17 WOWSC Minutes approved](#) ( PDF / 152 KB )

On Thu, Mar 21, 2019 at 3:40 PM J. R. (Dick) Dial <[jrdial@hal-pc.org](mailto:jrdial@hal-pc.org)> wrote:

**Pursuant to the Public Information Act I am respectfully requesting a copy of the canceled check for the 2015 Hinton appraisal, the contract between the WOWSC and Jimmy Hinton to do the appraisal, the agenda where this action item was placed and a copy of the minutes showing that this action took place and how the board voted.**

For your information, Section 552.221 of the Local Government Code states that "The officer for public information must "promptly" produce public information in response to an open records request. "Promptly" means that a governmental body may take a reasonable amount of time to produce the information but may not delay. It is a common misconception that a governmental body may wait ten business days before releasing the information. In fact, as discussed above, the requirement is to produce information "promptly." What constitutes a reasonable amount of time depends on the facts in each case. The volume of information requested is highly relevant to what constitutes a reasonable period. I do not suspect obtaining these documents should be cumbersome to the public information officer.

Please let me know if you have any questions concerning my request and when I can anticipate this information.

Regards,



J R (Dick) Dial



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Texas Public Information Act Request - April 4, 2019

From Rene Ffrench (lrffrench@gmail.com)  
To JGimenezIII@yahoo.com, u2torche@yahoo.com, brownsandniners@aol.com, dbertinojr@me.com,  
normanrmorse@gmail.com  
Cc Bill@aleshirelaw.com  
Date Friday, April 5, 2019, 06:09 AM CDT

To the Board of Directors of WOWSC,

With this email I am submitting a public information request per my rights under the Texas Public Information Act (TPIA) to obtain the following information items.

1. A copy of the current Directors and Officers liability insurance policy detailing the coverage and conditions and the policy coverage period.
2. A copy of all pages of the real estate sale contract (potentially TREC) that was used by the WOWSC as seller of the approximately 4 acres of airport land near Piper Lane in Spicewood Texas around 11 March 2016. Include with those pages any and all agreements to any first right of refusal to buy other WOWSC property. In the event that WOWSC files cannot be located for these documents, they should be available from Service Title Company in or around Marble Falls, Texas.

NOTE:

Since documents are still not provided from the PIA request sent to the WOWSC on 19 March 2019 that concern the recent election, the 30 day deadline to challenge elements of the election that is mentioned in your Election Procedures that were not followed and were never officially activated, released, or posted, does not apply.

Please let me know if you have any questions concerning my request and the included Note and when I can anticipate your response. Thank You.

Regards,

L. Rene' Ffrench

[LRFFRENCH@GMAIL.COM](mailto:LRFFRENCH@GMAIL.COM)

+1-512-547-7164

^\_PIA^\_ Request 4/4/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: brownsandniners@aol.com, normanrmorse@gmail.com, dbertinojr@me.com; u2torche@yahoo.com, mgershon@lglawfirm.com, lrffrench@gmail.com  
Date: Thursday, April 4, 2019, 06:50 PM CDT

All,

Pursuant to the **Public Information Act**, I am respectfully requesting a copy of any communication between Molly Mitchell, Clay Johnson, Five J Holdings LLC, Bill Earnest, Dana Martin and WOWSC regarding the taxiway easement on what is now part of the 3.886 acres. I am sure Bill Earnest can point you in the right direction since he facilitated the purchase of the taxiway easement for \$25,000 back in 2013 from Spence Mann when he sat on the WOWSC board (purchase had the explicit purpose of selling WOWSC land as airport property). The dates of this communication would be between July 2012 and July 2013.

On a side note, I noticed in a communication between Mike Gershon and David Bertino that Mike said he was sorry that David was getting so many PIA requests. Please note, there had never been a contested election in WOWSC history prior to Dana Martin and Bob Mebane running to save the system in 2015 kicking Dorothy Taylor and Scott Penner to the curb (you remember that Bill), in fact they had to beg people to run. Furthermore, I would venture a guess that there had never been a PIA request prior to that point. Heck, when Marvin Lewis asked for the financials Les Romo told him to do a PIA request for that information.

I understand that there may be charges, please calculate.

[https://www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA\\_handbook\\_2018\\_0.pdf](https://www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA_handbook_2018_0.pdf)

My apologies for wanting information, I believe in open and transparent government, something we were sorely lacking prior to 2017.

Warmest regards,

Danny

--

As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

RE: Rene Ffrench Public Information Request 19 March 2019 #6

From: Mister Flunker (dflunker@gmail.com)

To: 1129jjg@gmail.com

Cc: normanrmorse@gmail.com; brownsandniners@aol.com; dbertinojr@me.com; u2torche@yahoo.com; mgershon@lglawfirm.com; lrffrench@gmail.com

Date: Thursday, April 11, 2019, 09:05 AM CDT

All,

On March 19th, 2019 Rene Ffrench did a PIA request. This communication is in regards to #6 of his request.

**6. Copies of any professional or legal opinions received in any written or electronic media since July 2016 concerning organizing elections, election procedures, office security, document protection, election candidate nomination documents, election candidate qualifications, and/or member privacy or data security.**

On January 28th I went to the WOWSC open board meeting and presented a packet of information to the board (see attached). I questioned Bill Earnests ability to run because of his deed being in Mooney Circle LLC and not his name, questioned whether or not he was a member and that Mooney Circle LLC was defunct via forfeited existence. At our 1pm meeting with George on March 9th I brought that up, explained it as it happened in the January meeting then asked George if he remembered, George told us yes and that Lori handled that. When will that information be given to Rene in regards to his PIA request?

Warmest regards,

Danny

--

As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.



Fore PDF  
37.9kB



art (1) PDF  
116.2kB



Deed to Airport Property.pdf  
185.3kB



BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY Mooney Circle.pdf  
74.8kB



BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY Mo.pdf  
77kB

^\_PIA^\_ 5/12/19

From stuart (ssorgen@msn.com)

To JGimenezIII@yahoo.com, u2torche@yahoo.com, brownsandniners@aol.com, dbertinojr@me.com;  
normanrmorse@gmail.com, mgershon@lglawfirm.com

Date Sunday, May 12, 2019, 05:50 PM CDT

Joe,

Please accept this as my PIA request.

Rene Ffrench previously asked for (# 6 see below) and the board subsequently voted to give certain legal opinions to him so **I am making that request once again** based on information I found on the Burnet CAD website (see attached.) I have since found, while looking up the addresses for the 2015 board members, that in fact Mr Earnest changed his deed which is dated March 1st and was recorded on March 4th, five days before the annual meeting. I am also requesting all legal invoices from Les Romo & Loyd Gosselink, and any and all information pertaining to the WOWSC whistle blower policy.

I know from a conversation with a past board member, that the board asked for a legal opinion concerning the question of Title and Water Account linkage of Bill Earnest as his eligibility to be a candidate for election to this board. The trigger for this information came from Danny Flunker's questions (see attached) at the 1/28/19 open board meeting.

***6. Copies of any professional or legal opinions received in any written or electronic media since July 2016 concerning organizing elections, election procedures, office security, document protection, election candidate nomination documents, election candidate qualifications, and/or member privacy or data security.***

Regards,

Bruce



January282019MeetingInfo.pdf  
84.9kB



MooneyToEarnestDeed.pdf  
90kB



Deed to Airport Property (1).pdf  
185.3kB



Fore (1).PDF  
37.9kB



art (1) (1).PDF  
116.2kB



BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY Mooney Circle (1).pdf



74.8kB



BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY Mo (1).pdf  
77kB

^\_PIA^\_ Request 5/17/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: normanrmorse@gmail.com, brownsandniners@aol.com, dbertinojr@me.com, mgershon@lglawfirm.com, u2torche@yahoo.com  
Date: Friday, May 17, 2019, 05:10 PM CDT

Joe,

Pursuant to the **Public** Information Act, I would like to request any and all correspondence from the D&O insurance provider regarding the TOMA Integrity suit.

Warmest regards,

Danny

--

As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

^\_PIA^\_ 5/28/19

From Mister Flunker (dfunker@gmail.com)  
To 1129jjg@gmail.com  
Cc normanrmorse@gmail.com, brownsandniners@aol.com, dbertinojr@me.com, u2torche@yahoo.com, mgershon@lglawfirm.com, hging@lglawfirm.com  
Date Tuesday, May 28, 2019, 05:36 PM CDT

Joe

I am requesting per the PIA, copies of all legal invoices from 3/7/18 to today's date, that is all invoices of all work done by Les Romo and Lloyd Goosling for WOWSC.

Do you understand this request?

Danny

--

**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**



^\_PIA^\_ Request 6/5/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: brownsandniners@aol.com; dbertinojr@me.com; normanrmorse@gmail.com; u2torche@yahoo.com; mgershon@lglawfirm.com; hging@lglawfirm.com  
Date: Wednesday, June 5, 2019, 10:38 AM CDT

Mr. Gimenez,

Pursuant to the **Public** Information Act, I am respectfully requesting any and all correspondence with (both to and from WOWSC or its agents to Insurer) the D&O insurance provider regarding the petition to remove Dana Martin, TOMA Integrity suit, etc. I am listing points of reference from the letter dated January 30th 2018, given to me per PIA Request dated 5/17/19, so as to better help target time frames of correspondence with the insurance carriers.

"This matter was originally submitted to us on January 24, 2017."

"The matter was disclaimed under both coverage parts in a letter to you dated March 22, 2017."

Do you understand this request?

Thank you for your prompt attention to this matter.

Regards,

Mr. Flunker

--

As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

^\_PIA^\_ Request 6/10/19

From Mister Flunker (dflunker@gmail.com)  
To 1129jjg@gmail.com  
Cc normanrmorse@gmail.com, dbertinojr@me.com, brownsandniners@aol.com, u2torche@yahoo.com, mgershon@lglawfirm.com; hging@lglawfirm.com  
Date Monday, June 10, 2019, 04:14 PM CDT

Joe,

I am respectfully requesting per the TPIA, the resignation letter/email from William Bill Stein, the approximate date of that would be 4/10/18.

Please simply honor my request per the TPIA. The Texas legislature has made this process simple and easy for both you and I, there is no need for you to make lemonade (whatever that means).

Regards,

Danny

[https://www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA\\_handbook\\_2018\\_0.pdf](https://www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA_handbook_2018_0.pdf)

<https://g3publicrelations.com>

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As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

^\_PIA^\_ Request 6/14/19

From Mister Flunker (dflunker@gmail.com)  
To 1129jjg@gmail.com  
Cc normanrmorse@gmail.com; brownsandniners@aol.com, dbertinojr@me.com, u2torche@yahoo.com,  
mgershon@lglawfirm.com, hging@lglawfirm.com; tbrewer@lglawfirm.com  
Date Friday, June 14, 2019, 10:20 PM CDT

Mr Gimenez,

I am respectfully requesting per the TPIA, the draft minutes (as soon as they are available) for the 6/12/19 WOWSC meeting.

Please simply honor my request per the TPIA. The Texas legislature has made this process simple and easy for all, there is no need for you to make lemonade.

Regards,

Mr. Flunker  
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**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**

^\_PIA^\_ 6/20/19

From Mister Flunker (dflunker@gmail.com)  
To 1129jgg@gmail.com  
Cc mgershon@lglawfirm.com, brownsandniners@aol.com, dbertinojr@me.com, normanrmorse@gmail.com, u2torche@yahoo.com  
Date Thursday, June 20, 2019, 07:11 PM CDT

Mr Gimenez,

Per the TPIA, I am respectfully requesting any follow up response letter from the insurance carrier to Jose De le Fuentes letter dated 5/31/19 and any other correspondence regarding cause # 48292 since the date of 5/31/19.

Regards,

Mr Flunker

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**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**

^\_PIA^\_ 6/21/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: brownsandniners@aol.com, normanrmorse@gmail.com, dbertinojr@me.com, u2torche@yahoo.com, mgershon@lglawfirm.com, hging@lglawfirm.com  
Date: Friday, June 21, 2019, 11:05 PM CDT

Mr Gimenez,

As follow up to my 6/14/19 TPIA request, I am respectfully requesting per the TPIA, the draft minutes for the 6/12/19 WOWSC meeting. I do understand that the Texas Public Information Act and opinions of the Attorney General only applies to information already in existence and does not require the water supply corporation to inform me or make information available when it comes into existence after the date of my request, however in the interest of full transparency, I would hope that you would simply make that information available to the community as soon as it is available. If this information is not available, please let me know when this information may be available.

Your cooperation is much appreciated and thank you for your service.

Regards,

Mr. Flunker

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As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

^\_PIA^\_6/24/2019

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: dbertinojr@me.com, brownsandniners@aol.com, normanrmorse@gmail.com, u2torche@yahoo.com, mgershon@lglawfirm.com  
Date: Monday, June 24, 2019, 04:48 PM CDT

Mr. Gimenez,

Per the TPIA I am respectfully requesting the email that was omitted in my previous PIA request (see snip). The reference for this omitted email is as follows and is below in the snip, Ms Martin sent an email to WOWSC Directors Dorothy Taylor, Bob Mebane and Jeff Hagar on July 27, 2017 at 9:18 pm. Please furnish me a copy of this email. Do you understand this request?

Regards,

Mr Flunker

**"Truth is treason in an empire of lies." - George Orwell**

Re: FW: ^\_PIA^\_ Request 6/5/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jgg@gmail.com  
Cc: normanrmorse@gmail.com, brownsandniners@aol.com, dbertinojr@me.com, mgershon@lglawfirm.com, u2torche@yahoo.com  
Date: Wednesday, June 26, 2019, 05:35 PM CDT

Mr Gimenez,

Thanks for all the information thus far, it is greatly appreciated. You said that you consider this request closed, however there is a missing document. In my request I asked for any and all correspondence with **(both to and from WOWSC or its agents to Insurer)** the D&O insurance provider regarding the petition to remove Dana Martin. The letter dated March 23, 2017 was a response letter sent to Dana Martin so clearly there had to be a letter sent by Dana Martin to APR Claims/Insurance provider to elicit the March 23, 2017 letter. If you would be so kind as to send me a copy of that correspondence it would be much appreciated.

Regards,

Mr Flunker

On Wed, Jun 26, 2019 at 10:57 AM Joe Gimenez <[1129jgg@gmail.com](mailto:1129jgg@gmail.com)> wrote:

Mr. Flunker,

The responsive document, dated March 23, 2017 from the insurance company, is attached. There is no letter dated March 22, 2017 as was indicated in the January 2018 letter from the insurance company. We believe this one-day date discrepancy to have been an error on their part.

Other information requests related to this PIA inquiry were provided yesterday. We consider this request closed.

Regards,  
Joe

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

From: **Joe Gimenez** <[1129jgg@gmail.com](mailto:1129jgg@gmail.com)>  
Date: Wed, Jun 19, 2019 at 8:57 PM  
Subject: Fwd: FW: PIA Request 6/5/19  
To: Mister Flunker <[dflunker@gmail.com](mailto:dflunker@gmail.com)>

Mr. Flunker,

This email follows up on your email request below dated Wednesday, June 5<sup>th</sup> at 10:38 AM. Please see the seven attachments to this email that are responsive to your request.

I certify that Windermere Oaks Water Supply Corporation needs additional time to finish reviewing its files to ensure you are being provided everything responsive to your request. I will follow up with you no later than Wednesday, June 26<sup>th</sup> at 5:00 pm with any additional responsive documents that are located.

Warm regards,

Joe Gimenez

713.478.8034

**From:** Mister Flunker <[dflunker@gmail.com](mailto:dflunker@gmail.com)>  
**Sent:** Wednesday, June 5, 2019 10:38 AM  
**To:** joe gimenez <[1129jjg@gmail.com](mailto:1129jjg@gmail.com)>  
**Cc:** Brownsandniners <[brownsandniners@aol.com](mailto:brownsandniners@aol.com)>; David A Bertino Jr <[dbertinojr@me.com](mailto:dbertinojr@me.com)>; Norman Morse <[normanrmorse@gmail.com](mailto:normanrmorse@gmail.com)>; Bill Earnest <[u2torche@yahoo.com](mailto:u2torche@yahoo.com)>; Mike Gershon <[mgershon@lglawfirm.com](mailto:mgershon@lglawfirm.com)>; Hannah Ging <[hging@lglawfirm.com](mailto:hging@lglawfirm.com)>  
**Subject:** PIA Request 6/5/19

Mr. Gimenez,

Pursuant to the **Public** Information Act, I am respectfully requesting any and all correspondence with (both to and from WOWSC or its agents to Insurer) the D&O insurance provider regarding the petition to remove Dana Martin, TOMA Integrity suit, etc. I am listing points of reference from the letter dated January 30th 2018, given to me per PIA Request dated 5/17/19, so as to better help target time frames of correspondence with the insurance carriers.

"This matter was originally submitted to us on January 24, 2017."

"The matter was disclaimed under both coverage parts in a letter to you dated March 22, 2017."

Do you understand this request?

Thank you for your prompt attention to this matter.

Regards,

Mr. Flunker

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As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

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As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.

"Truth is treason in an empire of lies." - George Orwell



Re: ^\_PIA^\_ 6/20/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: mgershon@lglawfirm.com, brownsandniners@aol.com, dbertinojr@me.com; normanrmorse@gmail.com; u2torche@yahoo.com; hging@lglawfirm.com  
Date: Monday, July 8, 2019, 03:37 PM CDT

Mr Gimenez,

With all due respect, my request was exceedingly simple and its clear that you are doing this intentionally to slow down my request or keep the information from me. I expect this to be honored today.

I want any communication, correspondence, either way, to or from, WOWSC and the insurance carrier since 5/31/19.

Regards,

Mr Flunker

On Mon, Jul 8, 2019 at 3:21 PM Joe Gimenez <[1129jjg@gmail.com](mailto:1129jjg@gmail.com)> wrote:

Mr. Flunker,

The purpose of this email is to ask you to clarify your request submitted to Windermere Oaks WSC under the Texas Public Information Act which was submitted after office hours on June 20, 2019 and processed by WOWSC the following day on June 21, 2019. Pursuant to Section 552.222(b) of the Texas Government Code, WOWSC hereby asks that you provide clarification regarding the information you are requesting.

Specifically, you requested "any follow up response letter from the insurance carrier to Jose De le Fuentes [sic] letter dated 5/31/19 and any other correspondence regarding cause # 48292 since the date of 5/31/19."

WOWSC is unclear on the scope of your request. Would you please clarify whether "any other correspondence regarding cause # 48292" means (1) any other such correspondence between WOWSC's insurance carrier and Mr. de la Fuente, (2) any such correspondence between the insurance carrier and WOWSC, or (3) any other such correspondence among/between *any* party regarding Cause No. 48929 within the timeframe you've specified?

In accordance with the Texas Public Information Act, we must receive a written response within 61 days from the date of this email or your request will be considered withdrawn.

Warm regards,

Joe Gimenez

On Sun, Jul 7, 2019 at 4:21 PM Mister Flunker <[dfunker@gmail.com](mailto:dfunker@gmail.com)> wrote:  
Mr. Gimenez,

FYI, this was due to me Friday 7/5/19.

I am looking forward to my request being honored tomorrow.

Regards,

Mr. Flunker

On Thu, Jun 20, 2019 at 7:10 PM Mister Flunker <[dfunker@gmail.com](mailto:dfunker@gmail.com)> wrote.  
Mr Gimenez,

Per the TPIA, I am respectfully requesting any follow up response letter from the insurance carrier to Jose De le Fuentas letter dated 5/31/19 and any other correspondence regarding cause # 48292 since the date of 5/31/19.

Regards,

Mr Flunker

--

**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**

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**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**

**"Truth is treason in an empire of lies." - George Orwell**

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**As the Texas Constitution states, "All political power is inherent in the people," and that means a free government should work for the people, not the other way around.**

**"Truth is treason in an empire of lies." - George Orwell**

^\_PIA^\_ Request 7/15/19

From: Mister Flunker (dflunker@gmail.com)  
To: 1129jjg@gmail.com  
Cc: brownsandniners@aol.com, dbertinojr@me.com, normanrmorse@gmail.com, u2torche@yahoo.com, mgershon@lglawfirm.com  
Date: Monday, July 15, 2019, 08:59 AM CDT

Mr Gimenez,

I am respectfully requesting per the TPIA copies of all TPIA request that the WOWSC has received from 3/9/19 to current. You can simply scan them and send them to me via email.

Do you understand this request?

Regards,

Mr Flunker

--

**"Truth is treason in an empire of lies." - George Orwell**

## Conflict of Interest Policy

From patti flunker (patriciaflunker@yahoo.com)  
To jgimeneziii@yahoo.com  
Date Tuesday, July 16, 2019, 06:18 PM CDT

Mr. Gimenez,

This is an open records request as a **WSC Member** for the current copy of the board adopted conflict of interest policy (required by our bylaws) along with each current board members signature page and date signed affirming they will abide by this policy.

Please let me know when I can expect these documents and how much this request will cost and I will gladly drop a check in the drop box. Additionally, I prefer to receive a copy of this request via email.

Also, for clarity I would like to know what your title is for receiving open records request, is it public information officer? Thank you

Sincerely,

Patti Flunker



joe.gimenez <1129jjg@gmail.com>

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## Fw: New Website Contact - Minutes from last board meeting

**George Burriss** <watermgmt@yahoo.com>

Thu, Jul 18, 2019 at 11:05 AM

To: Joe Gimenez <1129jjg@gmail.com>

Joe, Lori sent this to me. This lady lives on Bedford just northeast of the pavilion. I have not called her back, but would be happy to, if that would be the best approach. George.

----- Forwarded Message -----

**From:** WOWSC billing <wondermerewater@gmail.com>

**To:** GEORGE BURRISS <watermgmt@yahoo.com>

**Sent:** Thursday, July 18, 2019, 08:00:09 AM CDT

**Subject:** Re: New Website Contact - Minutes from last board meeting

On Wed, Jul 17, 2019 at 11:16 AM Anita Dismuke <no-reply@ruralwaterimpact.com> wrote:

You have received the following Customer Contact Submission Form from your website.

Date: Jul 17, 2019 11:16:53AM

Contact Name Anita Dismuke

Email anita.hillcountryliving@gmail.com

Phone 830-637-9129

Account Number.

Department. Customer Support, New Service or Billing

Subject: Minutes from last board meeting

Comments:

I live at 412 Bedford Dr. I am requesting a copy of the board members approval that the board elected to pay Joe Menendez. ( Don't know if I have the correct spelling). There is a petition going around and I would like to state that this was all illegal and get over it. I am not taking a stand, just would like to have correct answers so I talk the talk that is the truth. Thank you, Anita Dismuke 412 Bedford Dr. Spicewood, TX 78669

Sent from wowsc.org

Sender's IP address 70.112.135.160

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Have a wonderful day!

Sincerely,  
Lori Cantrell  
WOWSC billing Department  
(830)598-7511x1



joe gimenez <1129jjg@gmail.com>

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## Request to Inspect and Copy Corporate Books and Records

**Rene Ffrench** <lrffrench@gmail.com>

Fri, Jul 19, 2019 at 12:09 AM

To: joe gimenez <1129jjg@gmail.com>, David A Bertino Jr <dbertinojr@me.com>,

Brownsandniners <brownsandniners@aol.com>, Norman Morse

<normanrmorse@gmail.com>, Bill Earnest <u2torche@yahoo.com>

Mr. Gimenez, et.al.,

Based upon receiving the WOWSC Customer newsletter dated July 10, 2019, under the provisions of Article 12 Section 3 of the WOWSC By-Laws, I am requesting to inspect and make copies of only the following corporate books and records with my agent(s). The listed documents are a subset of "All books and records of the corporation" as is written in your recorded by-laws. I will bring equipment to make the copies so the WOWSC will not have to bear this expense. If electronic copies are more convenient than providing paper originals of the requested documents for copying, I will bring electronic media to record those documents. This inspection should occur at the principal office of WOWSC within the next 15 days during normal office hours.

Documents of interest are:

From 2017:

2017 Closing Reports and Documents (P & L, Balance Sheet, Asset Lists, etc ), 2017 original budget and performance to that budget at year end and all Tax documents filed for 2017.

From 2018:

The 2018 Closing Reports and Documents (P & L, Balance Sheet, Asset Lists, etc.), 2018 Bank Statements, 2018 Chart of Accounts, 2018 original budget and performance to that budget at year end, 2018 Expense Summary by each WOWSC Supplier, a list of bad debts and write-offs for 2018, and all tax documents filed for 2018.

From 2019:

The 2019 Monthly Reports and Documents, 2019 Bank Statements, 2019 Chart of Accounts, 2019 original budget and performance to that budget Year to Date (YTD), 2019 YTD Expense Summary by each WOWSC Supplier, a list of all bad debts and write-offs for 2019 YTD.

Sincerely,

L. R. Ffrench

lrffrench@gmail.com

+1-512-547-7164



joe.gimenez &lt;1129jjg@gmail.com&gt;

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**Re: Conflict of Interest Policy**

patti flunker &lt;patriciaflunker@yahoo.com&gt;

Mon, Jul 22, 2019 at 5:23 PM

To: Joe Gimenez &lt;jgimeneziii@yahoo.com&gt;, "1129jjg@gmail.com" &lt;1129jjg@gmail.com&gt;

Cc: Norman Morse &lt;normanmorse@gmail.com&gt;, "David A. Bertino Jr"

&lt;dbertinojr@me.com&gt;, "VicePresident@wowsc.org" &lt;VicePresident@wowsc.org&gt;,

"SecretaryTreasurer@wowsc.org" &lt;SecretaryTreasurer@wowsc.org&gt;

Mr. Gimenez,

On July 16, 2019, I submitted a Texas Pubic Information Request for the Windermere Oaks Water Supply Corporation Conflict of Interest Policy which is required by our bylaws in **Article 8 – Directors, #18 Conflict of Interest** which states that the “board of directors shall adopt and maintain a conflict of interest policy designed to promote the business of the Corporation and serve the interest of the membership”.

Currently, I have not received any communication from you on my request.

Furthermore, I understand you have decided to respond at your discretion to answer certain public information request and not answer others, so to speak picking and choosing who you would like to respond to and who you are ignoring. I find this interesting, especially now that the ratepayers are paying you a salary of \$5,000 a year to be in charge of all public information request for the water supply corporation.

I understand you have received a handful of financial records request from various ratepayers, please let me direct you to the language in the Windermere Oaks Water Supply Corporation bylaws, **Article 12 – Miscellaneous, Item #3, Books and Records** which implies that the “Corporation shall keep correct and complete books and records at the corporation’s office and which may be inspected by any member or his agent or attorney for any purpose at any reasonable time when so requested in writing.” I understand that you are asserting that financial request will take several hours even upwards to 15 hours plus to fulfill as this information is not readily available. Once again, please let me refer you to the bylaws **Article 12, Miscellaneous, Item #3** on your requirements to keep updated financial documents at the WSC office for inspection. This should be a simple request to fulfill and not require the many hours you claim it will take.

And while we are on the subject of bylaws, please let me point you to **Article 7 – Members, item #2 Annual Meeting** which states “the annual meeting of the members for the election of directors and for the transaction of all other business which may come before the meeting shall be held on the first Saturday in February each year...”

The WSC has not been in compliance with our bylaws when holding our annual

meeting on this prescribed date for several years now. I have mentioned this noncompliance bylaw issue to George Burris and the previous President David Bertino, however it simply fell on deaf ears. As you know you have signed an affirmation prior to running for the WSC board that you have read and will comply with our bylaws and governing documents. So, moving forward I expect you will be complying with our bylaws when it comes to holding the annual meeting in February.

Furthermore, while we're talking about non-compliance issues with the bylaws, on page 19, under **Article 10 – Certificates of Memberships, Etc., item 6, Membership Fees** specifies a membership fee of \$350.000. However, the WSC is currently charging a board approved membership fee of \$402.50. Once again, you have signed an affirmation that you will comply with our bylaws and governing documents and on April 15, 2019 you signed a resolution to approve the new tariff and all the new rates without changing the bylaws to reflect this new membership fee. So, we are currently charging a membership fee in inconsistent with our bylaws. Also, please keep in mind that anything in the bylaws affecting the membership such as membership fees cannot be changed without a vote of the membership.

Finally, please review the Windermere Oaks Water Supply Corporation Articles of Incorporation which can be found on the Windermere Oaks Water Supply Corporation website at [https://www.wowsc.org/documents/778/WOWSC\\_Articles\\_of\\_Incorporation.pdf](https://www.wowsc.org/documents/778/WOWSC_Articles_of_Incorporation.pdf). **Article 6 – Restrictions and Requirements** regarding directors and officers being paid states that, “no income of the Corporation may be distributed to the members, directors or officers in these roles” So, please inform me where is the \$5,000 coming from to pay you for the public information duties as a volunteer of our WSC?

Also, there have been many Texas Open Meetings Act and Public Information Act amendments from the 86<sup>th</sup> Legislative Session including the general public addressing the board prior to any action item listed on an agenda, I recommend you make yourself aware of all these new changes which are effective September 1, 2019.

When can I expect a copy of my earlier public information request?

Sincerely,

Patti Flunker

On Tuesday, July 16, 2019, 06:18:15 PM CDT, patti flunker <patriciaflunker@yahoo.com> wrote

Mr. Gimenez,

This is an open records request as a **WSC Member** for the current copy of the board adopted conflict of interest policy (required by our bylaws) along with each current board members signature page and date signed affirming they will abide by this policy.



Please let me know when I can expect these documents and how much this request will cost and I will gladly drop a check in the drop box. Additionally, I prefer to receive a copy of this request via email.

Also, for clarity I would like to know what your title is for receiving open records request, is it public information officer? Thank you

Sincerely,

Patti Flunker



joe gimenez <1129jjg@gmail.com>

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## PIA Request 7/24/19

**Mister Flunker** <dflunker@gmail.com>

Wed, Jul 24, 2019 at 9:48 AM

To: joe gimenez <1129jjg@gmail.com>

Cc: Brownsandniners <brownsandniners@aol.com>, David A Bertino Jr  
<dbertinojr@me.com>, Norman Morse <normanrmorse@gmail.com>, Bill Earnest  
<u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

I am respectfully requesting an emailed copy of the current managers contract.

Do you understand this request?

Regards,

Mr Flunker

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"Truth is treason in an empire of lies." - George Orwell



joe gimenez <1129jjg@gmail.com>

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## PIA Request 7/24/19 #2

**Mister Flunker** <dflunker@gmail.com>

Wed, Jul 24, 2019 at 4:58 PM

To: joe gimenez <1129jjg@gmail.com>

Cc: Brownsandniners <brownsandniners@aol.com>, Norman Morse  
<normanrmorse@gmail.com>, Bill Earnest <u2torche@yahoo.com>, David A Bertino Jr  
<dbertinojr@me.com>, Mike Gershon <mgershon@lglawfirm.com>

I am respectfully requesting an emailed copy of the current Corix contract.

Do you understand this request?

Regards,

Mr Flunker

--

"Truth is treason in an empire of lies." - George Orwell



joe gimenez <1129jjg@gmail.com>

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**PIA 7/25/19**

**Mister Flunker** <dflunker@gmail.com>

Thu, Jul 25, 2019 at 2:50 PM

To: joe gimenez <1129jjg@gmail.com>

Cc: Brownsandniners <brownsandniners@aol.com>, David A Bertino Jr  
<dbertinojr@me.com>, Norman Morse <normanrmorse@gmail.com>, Bill Earnest  
<u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

I am respectfully requesting the draft minutes for the 7/10/19 WOWSC meeting.

Regards,

Mr. Flunker

--

"Truth is treason in an empire of lies." - George Orwell



joe gimenez <1129jjg@gmail.com>

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## PIA Request 8/1/19

**Mister Flunker** <dflunker@gmail.com>

Thu, Aug 1, 2019 at 8:00 AM

To: joe gimenez <1129jjg@gmail.com>

Cc: George Burriss <watermgmt@yahoo.com>, Brownsandniners <brownsandniners@aol.com>, David A Bertino Jr <dbertinojr@me.com>, Norman Morse <normanmorse@gmail.com>, Bill Earnest <u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

I am respectfully requesting a copy of the current contract between Water Management Inc and Corix. The WOWSC board unanimously approved of the entering into this contract (see attached minutes).

Discussion was held by Board on entering into a contract with Corix Utilities for repair and maintenance of WOWSC Water and Sewer System. George Burriss reviewed with the board the proposal from Corix. Pat Mulligan made a motion that WOWSC BOD approve that George Burriss ( Water Management Inc. ) enter into a contract with Corix to provide Operation and repair and maintenance to WOWSC contingent upon our attorney approving the contract. Seconded by Mike Madden Unanimous approval by board members present.


Regards,

Mr Flunker

--

"Truth is treason in an empire of lies." - George Orwell

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 2015-12-19\_WOWSC\_Minutes\_Ap\_.pdf  
170K



joe gimenez <1129jjg@gmail.com>

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## Re: Conflict of Interest Policy

patti flunker <patriciaflunker@yahoo.com>

Fri, Aug 2, 2019 at 4:33 PM

To: Joseph Gimenez III <JGimenezIII@yahoo.com>, "president@wowsc.org" <president@wowsc.org>, "vicepresident@wowsc.org" <vicepresident@wowsc.org>, "David A. Bertino Jr" <dbertinojr@me.com>, Norman Morse <normanrmorse@gmail.com>, Bill Earnest <u2torche@yahoo.com>, "secretarytreasurer@wowsc.org" <secretarytreasurer@wowsc.org>

WOWSC President,

Thank you so much for taking the time to respond to my open records request to obtain a copy of the Windermere Oaks Water Supply Corporation Conflict of Interest Policy along with each current board members signed page stating all their potential conflicts with regard to their director position on the Windermere Oaks Water Supply Corporation board.

Your reply "there are no responsive documents" to my email request to obtain a copy of the current Windermere Oaks Conflict of Interest Policy suggest based on the Texas Civil Rules of Procedure that "no items have been identified after a diligent search" and that the materials are non-existent, is this correct?

As you know from signing your Application for Board of Directors Position of the Windermere Oaks Water Supply Corporation back on January 18, 2019, (which is attached) you declared that you had reviewed the corporation's bylaws and certificate of formation. Additionally, you agreed if elected, to comply with all governing documents and board policies. Since you declared that you have reviewed the Windermere Oaks Water Supply Corporation governing documents in your board application, surely you comprehend that the Windermere Oaks Water Supply Corporation bylaws on page 12, item 18 has a provision which states "the board of directors **shall adopt and maintain** a conflict of interest policy."

Let me make my third request for this policy more comprehensible to you and your team, I am requesting the current Windermere Oaks Water Supply Corporation Conflict of Interest Policy or possibly called the Windermere Oaks Water Supply Corporations Ethical Standards and Conflict of Interest Policy along with the certified page containing each current board members signature. I have attached the 2016 Windermere Oaks Water Supply Corporation Ethical Standards and Conflict of Interest Policy copy in case you are perplexed as to what this document may look like.

As stated above, your reply “there are no responsive documents” to my email request leads the average person to conclude that the Windermere Oaks Water Supply Corporation is not maintaining a conflict of interest policy as required in Windermere Oaks Water Supply Corporation bylaws. If so, then when I request a copy of the 2019 IRS 990 Form, I anticipate that I will see in Section B Policies, item 12a a “no” answer for the organization does not have a written conflict of interest policy.

If my reply to this third request is once again “there are no responsive documents” I will consider this answer as a declaration by you that Windermere Oaks Water Supply Corporation is not maintaining a conflict of interest policy.

Sincerely,

Patti Flunker/WOWSC Member

On Tuesday, July 30, 2019, 01:53:47 PM CDT, Joseph Gimenez III <JGimenezIII@yahoo.com> wrote:

Ms. Flunker,

Thank you for your interest in WOWSC.

Please use email address "president@wowsc.org" for future communications about WOWSC matters, including public information act requests. My title is public information officer as well as president.


There are no responsive documents to your request.

Regards,  
Joe Gimenez

[Quoted text hidden]

---

**2 attachments**

 **2019\_01\_28\_10\_20\_31 - 2019 Director applications - 5.pdf**  
446K

 **2016 WOWSC Board Conflict of Interest signed.pdf**  
5121K



joe gimenez <1129jjg@gmail.com>

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**PIA 8/5/19**

**Mister Flunker** <dflunker@gmail.com>

Mon, Aug 5, 2019 at 4:18 PM

To: joe gimenez <1129jjg@gmail.com>

Cc: David A Bertino Jr <dbertinojr@me.com>, Brownsandniners  
<brownsandniners@aol.com>, Norman Morse <normanrmorse@gmail.com>, Bill Earnest  
<u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

I am respectfully requesting emailed copies of any communication/correspondence,  
between WOWSC (or its agents) and the insurance carrier since 6/19/19 to today's  
date..

Do you understand this request?

Regards,

Mr Flunker

--

**"No man in the wrong can stand up against a fellow that's in the right and keeps on a-  
comin'."**

*– Bill McDonald*



## Agenda Items from 8/21/19

From markmc@nctv.com

To u2torche@yahoo.com, brownsandniners@aol.com, dbertinojr@me.com, JGimenezIII@yahoo.com,  
normanmorse@gmail.com

Date Thursday, August 22, 2019 05:18 PM CDT

I still did not get an answer last night on the resolution from Joe(per the attorney) as to whether it is a "required" document from the WOWSC to secure a note from CoBank? As a result, I am asking again please for a truthful answer? I also feel strongly that you should NEVER ask your Board to vote on such long winded, complex matters without them having read it. I am also requesting a copy so that I may read it as well. Surely I do not have to trouble you with a public information request?

Additionally, I remain confused by your erroneous assertion that we do not have a conflict of interest policy. Clearly it is in our bylaws under Article 8, section 18. In fact, it was signed by the entire Board in 2016. Are you telling me that none of you on the current Board have signed a conflict of interest statement?

Article 7, section 2 clearly states that the annual meeting is to be the first Saturday in February of each year, and a random move of this is clearly in conflict with the bylaws. Is there some extenuating circumstance for the desire to move the date?

Lastly, I do understand the huge commitment of time, energy and resources it takes to serve on any Board. Unfortunately, due to the alleged frauds of a prior Board, you are being held accountable to a higher level of transparency. Producing an expensive, 3000 word resolution on how you are going to manage our finances may not have been in your best interest. I heard things in the fast reading of the resolution that seemed to go way beyond the scope of your authority to act in a fiduciary capacity on behalf of our membership. Our trust factor is very low, and the fact remains that until Dana did us wrong, we never had such issues on the Board. I truly find it alarming that two of you continue to defend her actions, and to consult with her in any way about what is right, correct and truthful. In light of this, I will continue to hold you accountable for all of your actions. I have much better things to do, but will make it a point to be at every meeting from now on. I truly hoped that you would do better by us, but simply cannot trust that.

Respectfully submitted,

Mark McDonald - Agent/Broker

McDonald Agency Insurance

1008 Avenue J

Marble Falls, TX 78654

Office 830-693-4613

Fax 830-693-7312

RE: Agenda Items from 8/21/19

From: markmc@nctv.com (markmc@nctv.com)

To: u2torche@yahoo.com, brownsandniners@aol.com, dbertinojr@me.com, JGimenezIII@yahoo.com, normanmorse@gmail.com

Date: Friday, August 23, 2019 08:11 AM CDT

I would also like to see the appraisal that Bill referenced from six months ago please. Thank you.

Mark McDonald - Agent/Broker

McDonald Agency Insurance

1008 Avenue J

Marble Falls, TX 78654

Office 830-693-4613

Fax 830-693-7312

**From:** markmc@nctv.com <markmc@nctv.com>

**Sent:** Thursday, August 22, 2019 5:18 PM

**To:** Bill Earnest (u2torche@yahoo.com) <u2torche@yahoo.com>, 'brownsandniners@aol.com' <brownsandniners@aol.com>, David Bertino (dbertinojr@me.com) <dbertinojr@me.com>, JGimenezIII@yahoo.com, Norm Morse (normanmorse@gmail.com) <normanmorse@gmail.com>

**Subject:** Agenda Items from 8/21/19

I still did not get an answer last night on the resolution from Joe(per the attorney) as to whether it is a "required" document from the WOWSC to secure a note from CoBank? As a result, I am asking again please for a truthful answer? I also feel strongly that you should NEVER ask your Board to vote on such long winded, complex matters without them having read it. I am also requesting a copy so that I may read it as well. Surely I do not have to trouble you with a public information request?

Additionally, I remain confused by your erroneous assertion that we do not have a conflict of interest policy. Clearly it is in our bylaws under Article 8, section 18. In fact, it was signed by the entire Board in 2016. Are you telling me that none of you on the current Board have signed a conflict of interest statement?

Article 7, section 2 clearly states that the annual meeting is to be the first Saturday in February of each year, and a random move of this is clearly in conflict with the bylaws. Is there some extenuating circumstance for the desire to move the date?

Lastly, I do understand the huge commitment of time, energy and resources it takes to serve on any Board. Unfortunately, due to the alleged frauds of a prior Board, you are being held accountable to a higher level of transparency. Producing an expensive, 3000 word resolution on how you are going to manage our finances may not have been in your best interest. I heard things in the fast reading of the resolution that seemed to go way beyond the scope of your authority to act in a fiduciary capacity on behalf of our membership. Our trust factor is very low, and the fact remains that until Dana did us wrong, we never had such issues on the Board. I truly find it alarming that two of you continue to defend her actions, and to consult with her in any way about what is right, correct and truthful. In light of this, I will continue to hold you accountable for all of your actions. I have much better things to do, but will make it a point to be at every meeting from now on. I truly hoped that you would do better by us, but simply cannot trust that.

Respectfully submitted,

Mark McDonald - Agent/Broker

McDonald Agency Insurance

1008 Avenue J

Marble Falls, TX 78654

Office 830-693-4613

Fax 830-693-7312



joe gimenez <1129jjg@gmail.com>

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## Request

**Mister Flunker** <dflunker@gmail.com>

Mon, Aug 26, 2019 at 12:24 PM

To: joe gimenez <1129jjg@gmail.com>

Cc: David A Bertino Jr <dbertinojr@me.com>, Brownsandniners  
<brownsandniners@aol.com>, Norman Morse <normanrmorse@gmail.com>, Bill Earnest  
<u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

May I have a copy of this packet (front page attached) that you handed out at a recent meeting. I am missing a few pages.

Regards,

Mr Flunker

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*"Knowledge will forever govern ignorance; and a people who  
mean to be their own governors must arm themselves with  
the power which knowledge gives."*

-James Madison

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 **FinancialManagement.pdf**  
180K



joe gimenez <1129jjg@gmail.com>

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## PIA Records Request - Dated: August 28th 2019

stuart <ssorgen@msn.com>

Wed, Aug 28, 2019 at 12:12 PM

To: Joe Gimenez <1129jjg@gmail.com>, "313kendall@gmail.com" <313kendall@gmail.com>, "u2torche@yahoo.com" <u2torche@yahoo.com>, David A Bertino Jr <dbertinojr@me.com>, Norman Morse <normanrmorse@gmail.com>, "brownsandniners@aol.com" <brownsandniners@aol.com>

All,

Per the Public Information Act, I am respectfully requesting copies of the following items;

- 1) Copies of checks made payable to Joe Gimenez or any entity related to Mr. Gimenez by WOWSC
- 2) Copies of all invoices submitted to WOWSC by Water Management Inc or Corix for repair work done between July 1, 2019 through August 28th, 2019.
- 3) Emailed copies of any and all communication between WOWSC or its agents and the insurance carrier since August 5th 2019 to August 28th, 2019
- 4) A copy of the resolution read by Joe Gimenez at the August 21st, 2019 meeting relating to agenda item 12, loan offer from Cobank.

Please consider each of these requests as separate requests.

Bruce Sorgen



joe gimenez <1129jjg@gmail.com>

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## Draft Minutes 8/21/19

Mister Flunker <dfunker@gmail.com>

Mon, Sep 2, 2019 at 5:46 PM

To: joe gimenez <1129jjg@gmail.com>

Cc: David A Bertino Jr <dbertinojr@me.com>, Brownsandniners  
<brownsandniners@aol.com>, Norman Morse <normanrmorse@gmail.com>, Bill Earnest  
<u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

I am requesting a copy of the draft minutes for the 8/21/19 Open Board Meeting.

Regards

--

*"Knowledge will forever govern ignorance; and a people who  
mean to be their own governors must arm themselves with  
the power which knowledge gives."*

-James Madison



joe gimenez <1129jjg@gmail.com>

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## PIA Request 9/26/19

**Mister Flunker** <dflunker@gmail.com>

Thu, Sep 26, 2019 at 10:11 AM

To: joe gimenez <1129jjg@gmail.com>

Cc: David A Bertino Jr <dbertinojr@me.com>, Brownsandniners  
<brownsandniners@aol.com>, Bill Earnest <u2torche@yahoo.com>, Mike Gershon  
<mgershon@lglawfirm.com>

I am requesting a copy of the draft minutes from the 9/18/19 meetings.

I am also requesting copies of all communication/correspondence between WOWSC and Roger Jay Grissom.

Regards,

Mr Flunker

--

*"Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives."*

-James Madison



joe gimenez <1129jjg@gmail.com>

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## PIA Request 9/26/19

**Mister Flunker** <dflunker@gmail.com>

Thu, Sep 26, 2019 at 10:17 AM

To: joe gimenez <1129jjg@gmail.com>

Cc: David A Bertino Jr <dbertinojr@me.com>, Brownsandniners  
<brownsandniners@aol.com>, Bill Earnest <u2torche@yahoo.com>, Mike Gershon  
<mgershon@lglawfirm.com>

I would also like a copy of the code of conduct policy the board voted on at its last meeting.

Regards

[Quoted text hidden]





joe gimenez <1129jjg@gmail.com>

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## Request - SAPA contract with WOWSC

2 messages

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**Joe Gimenez** <1129jjg@gmail.com>

Tue, Oct 15, 2019 at 10:42 AM

To: robbve@gmail.com

Bcc: Troupe Brewer <tbrewer@lglawfirm.com>


Rob,

You had asked during Oct. 9 meeting for the SAPA contract with WOWSC. I've attached the responsive document.

Regards,

Joe

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 **SAPA Contract - Executed (1).pdf**  
1923K

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**Robb Van Eman** <robbve@gmail.com>

Tue, Oct 15, 2019 at 11:06 AM

Reply-To: robbve@gmail.com

To: Joe Gimenez <1129jjg@gmail.com>

Thank you Joe. I appreciate the follow-up.

~Robb

Robb S. Van Eman  
+1.512.484.3090 (m)

[Quoted text hidden]



joe gimenez <1129jjg@gmail.com>

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## Public Information Request

**Bruce Sorgen** <ssorgen@msn.com>

Fri, Oct 11, 2019 at 9:43 AM

To: Mike Gershon <mgershon@lglawfirm.com>, David A Bertino Jr <dbertinojr@me.com>, Mike Nelson <brownsandniners@aol.com>, "u2torche@yahoo.com" <u2torche@yahoo.com>, Joe Gimenez <1129jjg@gmail.com>, Dorothy Taylor <dtaylor27@me.com>

Please fulfill the Following Public Information Requests per the Texas Government Code, Chapter 552.

- 1 ) Provide copies of the petition signed by over 30% of the WOWSC members, requesting the resignation or removal of Joe Gimenez as Officer and Director that was presented to secretary Mike Nelson, and admitted into the record at the meeting on Oct. 9, 2019.
- 2.) Provide ALL communication/correspondence between WOWSC (and Directors) and CoBank.

Regards,  
Bruce Sorgen



joe gimenez <1129jjg@gmail.com>

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## PIA 10/14/19

**Mister Flunker** <dflunker@gmail.com>

Mon, Oct 14, 2019 at 8:17 AM

To: joe gimenez <1129jjg@gmail.com>

Cc: Brownsandniners <brownsandniners@aol.com>, Bill Earnest <u2torche@yahoo.com>, Mike Gershon <mgershon@lglawfirm.com>

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Please provide copies of the 9/18/19 meeting minutes, both special and regular. If they havent been approved yet please provide copies of the draft minutes.

Regards



joe gimenez <1129jjg@gmail.com>

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## PIA 10/27/19

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**Mister Flunker** <dfunker@gmail.com>

Sun, Oct 27, 2019 at 10:06 AM

To: joe gimenez <1129jjg@gmail.com>

Cc: Brownsandniners <brownsandniners@aol.com>, Bill Earnest <u2torche@yahoo.com>, Dorothy Taylor <dtaylor27@me.com>, Mike Gershon <mgershon@lglawfirm.com>

This is a PIA request

A copy of the emails and the email chains regarding such in their entirety that was read at the 10/26/19 meeting from Bob Mebane, Sandy Neilson and Nancy Lerner. Also any other correspondence between WOWSC and any members from 7/1/19 to 10/27/19.

Copies of Bank Statements and cancelled checks from March 2018 to current. If there is a cost for this portion of the request let me know.

Do you understand this request?

Regards



joe gimenez <1129jjg@gmail.com>

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## Special Member Meeting

**Josie Fuller** <josiefuller1@gmail.com>

Mon, Oct 21, 2019 at 9:40 PM

To: Joe Gimenez <1129jjg@gmail.com>, president@wowsc.org, "Cc: Dorothy Taylor"

<dtaylor27@me.com>, Bill Earnest <u2torche@yahoo.com>, Brownsandniners

<brownsandniners@aol.com>

I'm requesting a current list of all WOWSC members, names and billing addresses along with email addresses. This is a formal notice from the 30% of its members that signed the petition to remove Joe Gimenez from WOWSC board. This members notice is calling a special members meeting on Nov 16, 2019 under the Texas Non profit Code Sec 22-155 Special Meeting of Members. A special meeting of a corporation may be called by:

1. the president:
2. The board of directors:
3. members having not less than one tenth of the votes entitled to be cast at the meeting:

Should you have any questions or concerns feel free to email me along with the list of members I have requested.

Thank you

Josie Fuller



joe.gimenez <1129jjg@gmail.com>

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## PIA Request

2 messages

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**patti flunker** <patriciaflunker@yahoo.com> Sun, Oct 20, 2019 at 5:17 PM

To: Joe Gimenez <1129jjg@gmail.com>, "president@wowsc.org" <president@wowsc.org>

Cc: Dorothy Taylor <dtaylor27@me.com>, Bill Earnest <u2torche@yahoo.com>,

Brownsandniners <brownsandniners@aol.com>, Mike Gershon

<mgershon@lglawfirm.com>

Per the Public Information Act please accept this as my open records request for the following information listed below. If there is a cost for copies of these items please let me know.

List of all vacant lots in Windermere Oaks Property Owners Association Community which currently pay standby fees.

List of all vacant lots in Windermere Oaks Property Owners Association Community which have current notices or liens filed against them in Burnet County for past due standby fees.

List of all vacant lots in Windermere Oaks Property Owners Association Community which have been foreclosed on for past due standby fees in the past 20 years.

List of all vacant lots in Windermere Oaks Property Owners Association Community which had past due standby fees that Dana Martin made a motion to forgive while a director on the WOWSC Board.

List of all vacant lots with the exception of vacant lots in Windermere Oaks Property Owners Association Community but in the WOWSC CCN service area that pay standby fees.

Total amount of standby fees collected for each individual years beginning 2000, 2001 and thereafter up to 2019.

WOWSC IRS Form 990 submitted to IRS for years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018.

Regards

Patti Flunker



joe.gimenez <1129jjg@gmail.com>

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## Public Information Act Request

**Bruce Sorgen** <ssorgen@msn.com>

Sun, Nov 10, 2019 at 11:09 PM

To: Dorothy Taylor <dtaylor27@me.com>, Joe Gimenez <1129jjg@gmail.com>, Mike Nelson <brownsandniners@aol.com>, "u2torche@yahoo.com" <u2torche@yahoo.com>  
Cc: Bruce Sorgen <ssorgen@msn.com>

All,

Per the Public Information Act I would like copies of the following items;

All correspondence or communication between WOWSC and Willis Sherman and Associates from June 2017 to June 2018.

All invoices from Willis Sherman and Associates from June 2017 to June of 2018.

All cancelled checks paid to Willis Sherman and Associates from June 2017 to June 2018.

Do you understand what I am asking for? Let me know what if any costs are associated so I can get that to you asap.

Regards,  
Bruce

## Public Information Act Request

From Dana Martin (skybounddana@gmail.com)  
To 1129jgg@gmail.com  
Date Saturday, November 30, 2019, 04:08 PM CST

Hi Joe,

Since you are the official WOWSC PIR Officer, I have a request.

Can you provide me with a copy of all the public information requests made in 2018 and 2019? I am happy to pay for any copy fees for your trouble.

Thanking you in advance for all your hard work.

Sincerely,  
Dana

Dana J. Martin  
205 Coventry Rd  
Spicewood, TX 78669





joe.gimenez <1129jjg@gmail.com>

---

## Public Information Request

**Dana Martin** <skybounddana@gmail.com>  
To: Joe Gimenez <1129jjg@gmail.com>

Fri, Dec 6, 2019 at 11:26 AM

Hi Joe,

I would like to make a Public Information Request for the contact information on the Members of the WOWSC.

Thanking you in advance

Sincerely,  
Dana



joe gimenez <1129jjg@gmail.com>

---

## Public Information Request 2/5/2020

Mister Flunker <dflunker@gmail.com>

Wed, Feb 5, 2020 at 6:25 PM

To: joe gimenez <1129jjg@gmail.com>, Patricia Gerino <pgerino@gmail.com>, Brownsandniners <brownsandniners@aol.com>, Dorothy Taylor <dtaylor27@me.com>, richard.t.schaefer@gmail.com

Cc: Mike Gershon <mgershon@lglawfirm.com>

All,

Per the Texas Public Information Act I am respectfully requesting the notes taken by Mike Nelson at the February 1st open board meeting and or draft minutes for the same meeting. So there is no mistake I am talking about the second WOWSC meeting that day not the members meeting.

I am also sharing a link with an Attorney General opinion so you don't have to spend more of the members money asking the "Joe Gimenez legal team" what OUR board is required to do. One would think that anyone that has taken the TPIA training and received the certificate would already know.

<https://www2.texasattorneygeneral.gov/opinions/openrecords/50abbott/orl/2011/htm/or201106192.htm>

***However, we note the minutes of a public meeting of a governmental body are public records when entered, are public in whatever form they exist, and public access may not be delayed until formal approval is obtained. Open Records Decision No. 225 (1979).***

Regards

Mr Flunker



joe gimenez <1129jjg@gmail.com>

---

## Public records request

2 messages

---

**Rosas, Jessica** <J.Rosas@quadiant.com>

Fri, Feb 7, 2020 at 2:01 PM

To: "President@wowsc.org" <President@wowsc.org>

Hello Joe,

I was directed by the secretary treasurer as you are the PIO.

I am writing to make a public records request. Specifically, I am requesting a copy of the lease, rental, or purchase agreement for the postage/ mailing equipment used at:

**Windermere Oaks WSC**

424 Coventry Rd.  
Spicewood, TX 78669

If this department processes its mail through another department, please send a copy of their agreement for their postage/ mailing equipment.

If there is no equipment anywhere, and they make its mailings through the post office, if you could please reply with whether they use stamps or stamps.com.

I would like any documents pertaining to this request via email if possible.

Thank you in advance for helping me with this request.

Sincerely,  
Jessica Rosas  
j.rosas@quadiant.com  
2033013951  
Neopost  
478 Wheelers Farms Road  
Milford, CT 06461

---

**Joe Gimenez** <1129jjg@gmail.com>

Fri, Feb 7, 2020 at 2:03 PM

To: "Rosas, Jessica" <J.Rosas@quadiant.com>

Yes, I received it. We are processing your request.

best regards,

joe

[Quoted text hidden]

