

Filed  
10 November 18 A10:01  
Amalia Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GV-10-001692

CAUSE NO. D-1-GV-10-001692

STATE OF TEXAS,

Plaintiff,

V.

MICHAEL L. O'NEILL, d/b/a  
FRONTIER PARK RESORT and  
MARINA,

Defendant.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

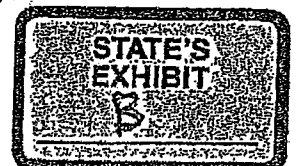
353<sup>RD</sup> JUDICIAL DISTRICT

PLAINTIFF'S SOLDIERS' & SAILORS' AFFIDAVIT


Before me, the undersigned notary, on this day personally appeared Wanda Pittman, a person whose identity is known to me. After I administered an oath to her, upon her oath she said:

1. I hereby certify that I am personally acquainted with the facts stated herein and that the foregoing is true and correct. My name is Wanda Pittman, and I am a legal assistant working under the direction of David Green, the Assistant Attorney General representing the State in this matter, *State of Texas v. Michael L. O'Neill, d/b/a Frontier Park Resort and Marina*, Cause No. D-1-GV-10-001692, in the 353<sup>rd</sup> District Court of Travis County, Texas, and am over the age of eighteen and competent to make this affidavit.

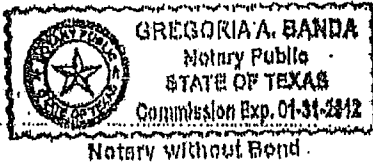
2. On November 17, 2010, I contacted the United States Department of Defense Manpower Data Center and requested a search of its information data banks. I provided the Department of Defense Manpower Data Center with the Social Security Number for Defendant Michael L. O'Neill. The results of that search indicate that Defendant Michael L. O'Neill is currently not on active military duty as to all branches of the United States military. A true and

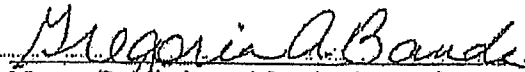


correct copy of the search results is attached hereto as Exhibit "A".

  
WANDA PITTMAN  
Legal Assistant

SWORN TO and SUBSCRIBED before me by Wanda Pittman on November  
17<sup>th</sup>, 2010.



  
Notary Public in and for the State of Texas

Department of Defense Manpower Data Center

Nov-17-2010 13:05:57



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ONEILL	MICHAEL L	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(e).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.



*More Information on "Active Duty Status"*

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

*Coverage Under the SCRA is Broader in Some Cases*

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:U80KGEG&C2

Filed  
10 November 30 P2:56  
Amalia Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GV-10-001692

No. D-1-GV-10-001692

STATE OF TEXAS,

Plaintiff,

v.

MICHAEL L. O'NEILL, d/b/a  
FRONTIER PARK RESORT and  
MARINA,

Defendant.

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

353<sup>rd</sup> JUDICIAL DISTRICT

**AFFIDAVIT FOR ATTORNEY'S FEES**

BEFORE ME, the undersigned authority, on this day personally appeared David Green, whose identity is known to me. After I administered an oath to him, upon his oath he said:

1. My name is David Green and I am an Assistant Attorney General representing the State of Texas in the above captioned matter. I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am a licensed attorney in the State of Texas and have been licensed since November 6, 2002.
3. I am generally familiar with the value of services of an attorney of my experience, reputation, and ability in Travis County and correspondingly value my time at \$225.00 per hour, which I believe to be a modest and reasonable rate. The rate for the legal assistants is \$85.00 per hour, which I believe to be a modest and reasonable rate.



4. I spent 115.25 hours working on this case. These hours comprised file review, legal research, drafting of pleadings, and conferring with agency personnel.

5. The amount of time for legal assistant services performed Wanda Pittman, a legal assistant employed by the Environmental Protection and Administrative Law Division of the Office of the Attorney General, working on the case totals 12.25 hours.

6. I consequently request that the court award attorney's fees in the amount of \$26,972.50, which I believe to be a modest and reasonable fee. These fees were reasonable and necessary for the services performed.

7. In the event that proceedings to collect judgment in this case become necessary, I believe that additional attorney's fees in the amount of \$2,000.00 would be a reasonable amount. In the event of an appeal of this judgment to the Court of Appeals, I believe that additional attorney's fees in the amount of \$5,000.00 would be a reasonable amount. In the event of a petition for review before the Texas Supreme Court by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$8,000.00 would be a reasonable amount. And, in the event that the Texas Supreme Court should grant review of the petition by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$15,000.00 would be a reasonable amount. I therefore request that the Court award attorney's fees in these amounts, which I believe to be modest and reasonable.

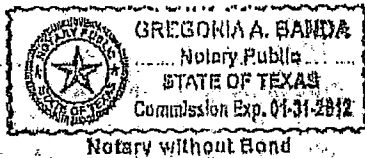
  
\_\_\_\_\_  
DAVID GREEN

Assistant Attorney General  
State Bar No. 24037776

On this day personally appeared DAVID GREEN, known to me to be the person whose name is subscribed to the foregoing instrument, and after being duly sworn, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on November 30<sup>th</sup>, 2010.

(Seal)



Megoria A. Banda  
Notary Public in and for the State of Texas

My commission expires: 1/31/2012

Filed Date	Category	Description	Additional Info
10/4/2010	PET-PL	ORIGINAL PETITION/APPLICATION	PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR PERMANENT INJUNCTION
10/6/2010	OTHER	LETTER	LETTER FROM WANDA PITTMAN (CITATION REQUEST)
11/18/2010	OTHER	AFFIDAVIT	PLAINTIFF'S SOLDIER'S & SAILOR'S AFFIDAVIT
11/30/2010	OTHER	AFFIDAVIT	AFFIDAVIT FOR ATTORNEY'S FEES
12/7/2010	OTHER	CERT OF LAST KNOWN ADDRESS	CERTIFICATE OF LAST KNOWN ADDRESS
12/7/2010	SRVPRO...	EXE SERVICE OF CITATION	MICHAEL L. O'NEILL



Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 27, 2014

**Via Hand Delivery**  
**Via Certified Mail Return Receipt Requested**  
**Article No. 7002 2030 0005 7061 4074**  
**Via First Class Mail, Postage Pre-Paid**

Michael Lantz O'Neill  
360 Frontier Drive  
Hemphill, Texas 75948

Re: Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina  
Docket No. 2013-1429-UCR-E;  
Notice of Renewal of Emergency Order and of Hearing to Modify, Affirm, or  
Set Aside

Dear Mr. O'Neill:

On January 27, 2014, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made the subject to this order is Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina. The Emergency Order renewed the appointment of Sabine River Authority as temporary manager of the public water system located off Ranch Road 1, Box 1690, Hemphill, Sabine County, Texas.

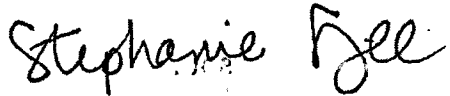
Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on January 27, 2014. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **February 26, 2014**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. A copy of the record of the materials that have been submitted to the Chief Clerk's Office and will be used in the Texas Commission on Environmental Quality Agenda process will be provided to you at a later time.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order**. An Administrative Law Judge will be available to conduct a hearing at Agenda on February 26, 2014, should you so

Mr. O'Neill  
January 27, 2014  
Page 2

request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0600.

Sincerely,



Stephanie Frazee, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
[Stephanie.Frazee@tceq.texas.gov](mailto:Stephanie.Frazee@tceq.texas.gov)

Enclosure

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Jerry Clark, Executive Vice President and General Manager, Sabine River Authority, P.O. Box 579, Orange, Texas 77631

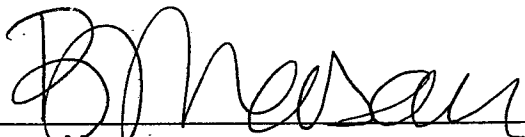
**AFFIDAVIT OF BRITTANY MASON**

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

My name is Brittany Mason. I am a Legal Secretary in the Office of Legal Services at the Texas Commission on Environmental Quality. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On January 27, 2014, I prepared the mailings for the Emergency Order Renewing the Appointment of a Temporary Manager of a Wastewater Utility, Docket No. 2013-1405-UCR-E, and the Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility, Docket No. 2013-1429-UCR-E, set for the February 26, 2014, Commission Agenda. The Emergency Orders and cover letter were mailed via first class mail and via certified mail on January 27, 2014, to Michael Lantz O'Neill, 360 Frontier Drive, Hemphill, Texas 75948.



Brittany Mason  
Texas Commission on Environmental Quality

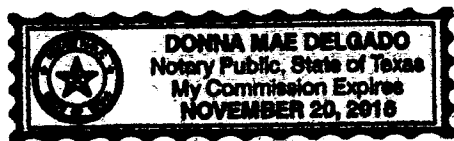
Before me, the undersigned authority, on this day personally appeared Brittany Mason, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 4<sup>th</sup> day of February, A.D., 2014.



Notary Stamp

Notary Signature



Notary without Bond

**AFFIDAVIT OF RONALD HEBERT**

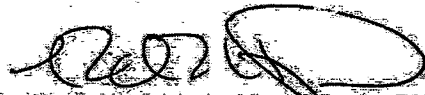
STATE OF TEXAS

COUNTY OF SABINE

10/10/13

My name is Ronald Hebert. I am the Water Section Manager for the Beaumont Regional office of the Texas Commission on Environmental Quality. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

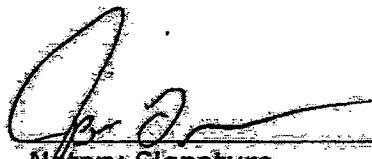
On January 30, 2014, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I personally hand delivered to Michael Lantz O'Neill at 360 Frontier Drive, Hemphill, Texas 75948, the Emergency Order Renewing the Appointment of a Temporary Manager of a Wastewater Utility, Docket No. 2013-1405-UCR-E, and the Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility, Docket No. 2013-1429-UCR-E, set for the February 26, 2014, Commission Agenda.



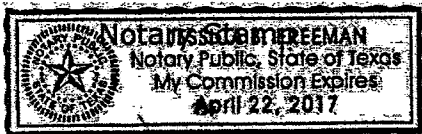
Ronald Hebert  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day appeared Ronald Hebert, personally known to me to be the person whose name is subscribed to the foregoing instrument and upon his oath acknowledged to me that the facts herein are true and correct.

Given under my hand and seal of office this 4<sup>th</sup> day of February, A.D., 2014.



Notary Signature





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Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 27, 2014

**Via Hand Delivery**

**Via Certified Mail Return Receipt Requested**

**Article No. 7002 2030 0005 7061 4067**

**Via First Class Mail, Postage Pre-Paid**

Michael Lantz O'Neill  
360 Frontier Drive  
Hemphill, Texas 75948

Re: Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina  
Docket No. 2013-1405-UCR-E;  
Notice of Renewal of Emergency Order and of Hearing to Modify, Affirm, or  
Set Aside

Dear Mr. O'Neill:

On January 27, 2014, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5, 13, and 26, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 291 and 305. The party made the subject to this order is Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina. The Emergency Order renewed the appointment of Sabine River Authority as temporary manager of the wastewater system located 6 miles east of Milam in Carrice Creek, Sabine County, Texas.


Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on January 27, 2014. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **February 26, 2014**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. A copy of the record of the materials that have been submitted to the Chief Clerk's Office and will be used in the Texas Commission on Environmental Quality Agenda process will be provided to you at a later time.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order**. An Administrative Law Judge will be available to conduct a hearing at Agenda on February 26, 2014, should you so

Mr. O'Neill  
January 27, 2014  
Page 2

request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0600.

Sincerely,



Stephanie Frazee, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
[Stephanie.Frazee@tceq.texas.gov](mailto:Stephanie.Frazee@tceq.texas.gov)

Enclosure

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Jerry Clark, Executive Vice President and General Manager, Sabine River Authority, P.O. Box 579, Orange, Texas 77631

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
[Stephanie.Frazee@tceq.texas.gov](mailto:Stephanie.Frazee@tceq.texas.gov)

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Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Mr. Jerry Clark, Executive Vice President and General Manager, Sabine River  
Authority, P.O. Box 579, Orange, Texas 77631



Filed  
10 November 18 A10:01  
Amalia Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GV-10-001692

CAUSE NO. D-1-GV-10-001692

STATE OF TEXAS,

Plaintiff,

V.

MICHAEL L. O'NEILL, d/b/a  
FRONTIER PARK RESORT and  
MARINA,

Defendant.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

353<sup>RD</sup> JUDICIAL DISTRICT

PLAINTIFF'S SOLDIERS' & SAILORS' AFFIDAVIT

Before me, the undersigned notary, on this day personally appeared Wanda Pittman, a person whose identity is known to me. After I administered an oath to her, upon her oath she said:

1. I hereby certify that I am personally acquainted with the facts stated herein and that the foregoing is true and correct. My name is Wanda Pittman, and I am a legal assistant working under the direction of David Green, the Assistant Attorney General representing the State in this matter, *State of Texas v. Michael L. O'Neill, d/b/a Frontier Park Resort and Marina*, Cause No. D-1-GV-10-001692, in the 353<sup>rd</sup> District Court of Travis County, Texas, and am over the age of eighteen and competent to make this affidavit.

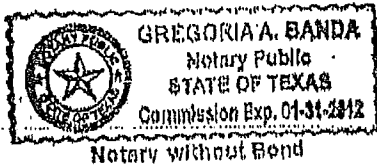
2. On November 17, 2010, I contacted the United States Department of Defense Manpower Data Center and requested a search of its information data banks. I provided the Department of Defense Manpower Data Center with the Social Security Number for Defendant Michael L. O'Neill. The results of that search indicate that Defendant Michael L. O'Neill is currently not on active military duty as to all branches of the United States military. A true and

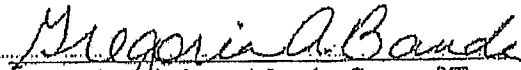


correct copy of the search results is attached hereto as Exhibit "A".

  
WANDA PITTMAN  
Legal Assistant

17<sup>th</sup>, 2010. SWORN TO and SUBSCRIBED before me by Wanda Pittman on November



  
Notary Public in and for the State of Texas

Department of Defense Manpower Data Center

Nov-17-2010 13:05:57



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ONEILL	MICHAEL L	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

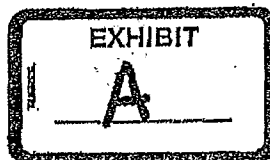
Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL, <http://www.defenseink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.



<https://www.dmdc.osd.mil/appj/sora/popreport.do>

11/17/2010

***More Information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:U80KGEG&C2

Filed  
10 November 30 P2:56  
Amalia Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GV-10-001692

No. D-1-GV-10-001692

STATE OF TEXAS,

Plaintiff,

v.

MICHAEL L. O'NEILL, d/b/a  
FRONTIER PARK RESORT and  
MARINA,

Defendant.

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

353<sup>rd</sup> JUDICIAL DISTRICT

**AFFIDAVIT FOR ATTORNEY'S FEES**

BEFORE ME, the undersigned authority, on this day personally appeared David Green, whose identity is known to me. After I administered an oath to him, upon his oath he said:

1. My name is David Green and I am an Assistant Attorney General representing the State of Texas in the above captioned matter. I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am a licensed attorney in the State of Texas and have been licensed since November 6, 2002.
3. I am generally familiar with the value of services of an attorney of my experience, reputation, and ability in Travis County and correspondingly value my time at \$225.00 per hour, which I believe to be a modest and reasonable rate. The rate for the legal assistants is \$85.00 per hour, which I believe to be a modest and reasonable rate.



4. I spent 115.25 hours working on this case. These hours comprised file review, legal research, drafting of pleadings, and conferring with agency personnel.

5. The amount of time for legal assistant services performed Wanda Pittman, a legal assistant employed by the Environmental Protection and Administrative Law Division of the Office of the Attorney General, working on the case totals 12.25 hours.

6. I consequently request that the court award attorney's fees in the amount of \$26,972.50, which I believe to be a modest and reasonable fee. These fees were reasonable and necessary for the services performed.

7. In the event that proceedings to collect judgment in this case become necessary, I believe that additional attorney's fees in the amount of \$2,000.00 would be a reasonable amount. In the event of an appeal of this judgment to the Court of Appeals, I believe that additional attorney's fees in the amount of \$5,000.00 would be a reasonable amount. In the event of a petition for review before the Texas Supreme Court by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$8,000.00 would be a reasonable amount. And, in the event that the Texas Supreme Court should grant review of the petition by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$15,000.00 would be a reasonable amount. I therefore request that the Court award attorney's fees in these amounts, which I believe to be modest and reasonable.

  
\_\_\_\_\_  
DAVID GREEN,

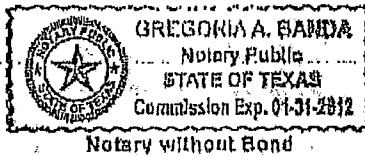


Assistant Attorney General  
State Bar No. 24037776

On this day personally appeared DAVID GREEN, known to me to be the person whose name is subscribed to the foregoing instrument, and after being duly sworn, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on November 30<sup>th</sup>, 2010.

(Seal)



*Gregoria A. Banda*  
Notary Public in and for the State of Texas

My commission expires: 1/31/2012

Filed Date	Category	Description	Additional Info
10/4/2010	PET-PL	ORIGINAL PETITION/APPLICATION	PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR PERMANENT INJUNCTION
10/6/2010	OTHER	LETTER	LETTER FROM WANDA PITTMAN (CITATION REQUEST)
11/18/2010	OTHER	AFFIDAVIT	PLAINTIFF'S SOLDIER'S & SAILOR'S AFFIDAVIT
11/30/2010	OTHER	AFFIDAVIT	AFFIDAVIT FOR ATTORNEY'S FEES
12/7/2010	OTHER	CERT OF LAST KNOWN ADDRESS	CERTIFICATE OF LAST KNOWN ADDRESS
12/7/2010	SRVPRO...	EXE SERVICE OF CITATION	MICHAEL L. O'NEILL

CCN/12689/CO/  
20140318/EMERGENCY ORDER

## TCEQ Interoffice Memorandum

**To:** Anne Idsal, General Counsel

**From:** *ja* Lena Roberts, Staff Attorney  
Agenda Coordinator, Litigation Division

**Date:** February 28, 2014

**Subject:** **Backup Revision**  
**February 26, 2014 Commission Agenda**  
Item No. 4 - Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina  
Docket No. 2013-1429-UCR-E; Order Affirming Emergency Order

RECEIVED  
JUL 01 2014  
TCEQ  
CENTRAL FILE ROOM

Enclosed please find the following:

A corrected copy of the Order Affirming Emergency Order:

*The Order filed with the Chief Clerk on February 5, 2014, inadvertently omitted the CCN number for the Water Utility.*

Contact information for the respondent is:

Michael Lantz O'Neill  
360 Frontier Drive  
Hemphill, Texas 75948  
Phone: 936.201.1796

Please do not hesitate to call me at (512) 239-0019 if you have any questions regarding this matter.

cc: Remington Burkland, Enforcement Division  
Stuart Beckley, Enforcement Division  
Blas Coy, Public Interest Counsel  
Gill Valls, Office of the General Counsel  
Michael Lantz O'Neill, Respondent

2014 FEB 28 PM 4:24  
CHIEF CLERK'S OFFICE  
TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY

**IN THE MATTER OF  
AN ENFORCEMENT ACTION  
CONCERNING MICHAEL LANTZ  
O'NEILL D/B/A FRONTIER PARK  
RESORT AND MARINA;  
RN101278034;  
CCN12689**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**ORDER AFFIRMING EMERGENCY ORDER  
DOCKET NO. 2013-1429-UCR-E**

On February 26, 2014, the Texas Commission on Environmental Quality ("TCEQ" or "Commission") considered whether to affirm, modify, or set aside an Emergency Order in the matter regarding Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina ("Mr. O'Neill"). The Emergency Order was issued by the Executive Director without a hearing on January 27, 2014. The Emergency Order and the notice of the February 26, 2014, agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail return receipt requested, and sent by first class mail, postage prepaid to the last known address of Mr. O'Neill on January 27, 2014. The Emergency Order was also hand delivered to Mr. O'Neill on January 30, 2014. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in Chapters 5 and 13 of the Texas Water Code have been satisfied.

**THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
ORDERS THAT:**

The January 27, 2014, Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

TEXAS  
COMMISSION ON  
ELECTIONS

FEB 21 11 41:24

CHIEF CLERK'S OFFICE