



## Collin County Judge Chris Hill

### County Judge Chris Hill's Statement on the Collin County District Clerk's Office

Since 2019, the Collin County Commissioners Court has been compelled to respond to a series of legal, financial, and personnel issues originating in the office of the Collin County District Clerk. In November 2020, County Judge Chris Hill sent a letter to the county's attorney detailing the issues and seeking guidance on how to protect the county from potential liabilities.

As part of the ongoing inquiry into the District Clerk's office, Judge Hill submitted a formal request for selected emails from the District Clerk's official email account. The request was submitted through official channels, and the District Clerk and the County Commissioners were informed about Judge Hill's inquiry. Before any emails were provided or reviewed, the county's attorney evaluated the inquiry and advised the Commissioners Court that the request was legal and valid.

It is unfortunate that the District Clerk has failed to address the underlying issues that plague her office and continues to demonstrate the poor leadership that caused these issues in the first place.

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## Collin County Judge Chris Hill

November 19, 2020

Mr. Herb Bristow, Esq.  
Haley & Olson  
100 North Ritchie Road Suite 200  
Waco, Texas 73712  
Also sent via email to [hbristow@haleyolson.com](mailto:hbristow@haleyolson.com)

Dear Mr. Bristow:

I am seeking your legal advice about a county government matter that is very troubling. The Commissioners Court has wrestled with some of these issues for many months, and some of these issues are relatively new. But the accumulation of these issues has reached a point that is both outrageous and untenable. Under Texas state law, what recourse is available in the circumstance of an elected official that is absent or derelict in the execution of her official duties? The Collin County District Clerk has demonstrated a consistent pattern of poor leadership and poor judgment across her tenure of elected service, and it has now become common knowledge that the District Clerk has abandoned the job and neglected the duties to which she was elected. An explanation of the circumstances that have given rise to my inquiry follows below.

### **Passport Office**

As a direct result of the actions of Collin County District Clerk Lynne Finley, the District Clerk's office lost the ability to provide passport services to the citizens of Collin County.

In early 2019, Mrs. Finley found herself in the midst of a conflict with the United States Department of State, which ultimately removed/undesigned the Collin County District Clerk from the Passport Application Acceptance Program. The official reason provided by the State Department was the



identification of “a potential conflict of interest/inappropriate relationship between staff from the District Clerk... and a local passport and visa expediting company.” Mrs. Finley vehemently contends that there was no conflict of interest, and indeed, informal conversations with a State Department official revealed that Mrs. Finley’s demeanor and the manner of her communications with the State Department were a significant reason that no resolution was reached. The Commissioners Court intervened and (unsuccessfully) attempted to salvage the relationship, contacting State Department officials directly in an attempt to reassure the officials that the Commissioners Court would do whatever necessary to keep the passport office open and operating with integrity.

As a result of the closure of the county’s passport office, the citizens of Collin County lost a valuable and important passport resource that was consistently in high demand, the County lost approximately \$1,000,000 in annual passport-related revenue, and seven county employees in the District Clerk’s passport office lost their jobs.

### **Magistration Office**

At Mrs. Finley’s direction, the District Clerk’s office refused to provide the administrative support for the Collin County Magistrate Judge that is required by Texas state law.

In late 2019, the county’s newly appointed Magistrate Judge began performing her judicial duties, supported by a team of four clerks from the District Clerk’s office. According to Texas Government Code section 54.2210, “The district clerk serves as clerk of the magistrate court” and “The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court” and “The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter.” Mrs. Finley, fully aware of the requirements of state law, unilaterally decided in late December 2019 that her office would immediately stop performing the duties associated with the magistrate court. In her explanation, Mrs. Finley declared that four clerks were inadequate to accomplish the work of the magistrate court and she would no longer support the office unless the Commissioners Court provided additional clerks for her department.

The decision by Mrs. Finley to stop performing her duties and the corresponding lack of notice created a significant challenge in the operations of the magistration office, which oversees the daily arraignment docket for individuals arrested and booked into the Collin County jail. All persons who are arrested and jailed in Texas have a statutory right to be seen by a magistrate within 24-48 hours to hear the charges



against them and to be instructed about the justice process and their legal options. Mrs. Finley's refusal to support the magistration process left the Commissioners Court and the Magistrate Judge scrambling for a solution to provide these essential services. To keep the office functioning in the immediate short term, administrative employees from the Commissioners Court staff were shifted to support the Magistrate Judge. On January 6, 2020, the Commissioners Court voted to transfer the four clerks from the District Clerk's office to a newly created magistration department. Under new leadership, these four employees have demonstrated that they can adequately support the magistrate court and have even taken on additional duties.

#### **Preservation, Restoration, and Records Archive Plan**

As a direct result of Mrs. Finley's actions, the District Clerk's office is currently at risk of forfeiting the records management and preservation fee, which will result in the termination of three employees that work in the records preservation department.

Texas Government Code section 51.305 allows a Commissioners Court to impose a fee when documents are filed with the District Clerk, such fees to be used for the preservation and restoration of public records and archives. However, state law also clarifies that before the Commissioners Court may impose the fee, the District Clerk of the county must prepare an annual written plan for the preservation and restoration of the court records, and then present that plan at a public hearing held by the Commissioners Court.

The Commissioners Court granted Mrs. Finley's request to hold her annual public hearing on October 19, 2020. Unfortunately, Mrs. Finley, without notice or explanation, chose not to attend her public hearing, and the Court was obliged to reschedule. The District Clerk's office requested that the hearing be rescheduled for December 7, 2020, and the request was granted. Unfortunately, the Commissioners Court has now been informed that Mrs. Finley does not intend to attend her rescheduled public hearing. Mrs. Finley has been apprised that she must participate in her own public hearing, and it remains to be seen whether she will in fact choose to attend. In previous years, this public hearing has typically required less than five minutes from start to finish. If the public hearing is not completed by the end of 2020, Collin County will be statutorily prohibited from collecting the associated fees in 2021 and will forfeit the anticipated fee revenue (approximately \$70,000 annually), will no longer have an official records preservation plan, and three employees that work in the District Clerk's records preservation department will be terminated.



## Work Attendance

It has long been rumored among the county staff, but not previously substantiated, that Mrs. Finley does not often show up at the courthouse for work. Following her failure to appear at her public hearing and the notice that she would not attend the rescheduled public hearing, I was provided with a formal report detailing Mrs. Finley's presence at any of the county facilities.

Since March 10, Mrs. Finley has been to work on campus a total of four days, and during the six months between March 10 and September 14, it appears that she did not come to the courthouse on a single occasion. Employees from the District Clerk's office have also validated the report, verifying that they have not seen Mrs. Finley in person since March 10. It is impossible to provide direct leadership and supervision to the approximately 100 employees in the District Clerk's office when you don't show up for work even once in six months.

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✓ Days that District Clerk Lynne Finley was present at one of the Collin County facilities.



### **Equal Employment Opportunity Commission (EEOC) Discrimination Claims**

The situation surrounding Mrs. Finley's job performance and work attendance is rendered significantly worse by the fact that there are currently two EEOC discrimination claims (one pending and one imminent) against the District Clerk's office. Both employees have provided documentation from their respective physicians that purport that the employees have significant underlying health conditions that make it impossible for them to work in an office environment while COVID-19 is spreading, and both employees seek an accommodation to work from home.

Mrs. Finley has denied both employees the opportunity to work remotely and has instead sought to terminate the employees for failure to return to the office. The Human Resources Department has placed the employees on a temporary leave of absence while working with the District Clerk's office in an attempt to identify an acceptable compromise. Mrs. Finley's actions have exposed the county to tremendous financial liability, particularly when it is noted that Mrs. Finley has not been working in the office regularly since March 10, even while she hypocritically refuses to extend the same accommodation to her employees with significant underlying health conditions.

Lastly, Mrs. Finley denied a request from a different employee who sought a similar accommodation to work from home while undergoing treatment for stage 4 cancer. The employee, unable to work in an office environment due to a severely diminished immune system, chose to resign (thereby forfeiting her county health insurance benefits) rather than return to the office or seek legal remedy.

### **Summary**

Many of our citizens have lost their jobs or been furloughed this year, and it is unconscionable that Mrs. Finley neglects her duties while simultaneously collecting a six-figure salary from the taxpayers. If she was an employee of the county, she would have already been terminated for cause. But as an elected official, it appears there is very little that can be done to hold her accountable until the next election.

All of these issues are directly related to the performance of her official duties, and her office directly impacts the 13 District Courts in Collin County and all citizens who have business before the courts. Additionally, each of these issues has created a significant burden on county employees outside of the District Clerk's office and has exposed the county to unnecessary financial liability. In my official capacity as the County Judge, I have no authority or oversight of the District Clerk, and therefore no



ability to require improvements. Indeed, the Commissioners Court has attempted to work with the District Clerk for many months, both to hold her accountable and to resolve the various issues that have arisen, but the Court has typically been stymied in its efforts. Even so, I have already reached out to Mrs. Finley to discuss these various issues directly and privately and to appeal to her sense of duty and personal pride, but my calls have neither been answered nor returned.

I welcome your legal advice on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Hill", with a stylized, flowing script.

Chris Hill

cc: Honorable Susan Fletcher, Collin County Commissioner, Precinct 1  
Honorable Cheryl Williams, Collin County Commissioner, Precinct 2  
Honorable Darrell Hale, Collin County Commissioner, Precinct 3  
Honorable Duncan Webb, Collin County Commissioner, Precinct 4  
Honorable Emily Miskel, Collin County Local Administrative District Judge  
Mr. Bill Bilyeu, Collin County Administrator