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By Email

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Re: Multiple FOIA requests (**Second Letter**) – Harris County Municipal Utility District #92 (WCID #92).

Attorney Bacon:

Further to my prior correspondence dated December 5, 2025, on behalf of Barbara Rivera, I want to encourage you to fulfill your obligations and the obligations of your client – WCID # 92 – to respond to Ms. Rivera's open records requests.

1. **Records Retention Policy.**

Whether or not my letter dated December 5, 2025, is packaged as a filled PIA [FOIA] form, it constitutes a PIA request when it specifically asks in writing for "the MUD ... records retention policy or records retention schedule." More than ten days have elapsed since I requested this document in writing, and you have not provided it. Nor have you responded in writing that no such documents exist, if in fact the MUD has been so delinquent as not to adopt a records retention policy or records retention schedule, at this late date.

2. **Documents Identifying Accounting Software.**

2.a. **Current "Snapshot" Backup of MUD Accounting Data Files.**

I don't care whether it is office personnel of the MUD, or a purported "outside contractor,"[*] or some other entity, who prepares printouts using an accounting package on behalf of the MUD. There's a reason why Vince Gilligan, in the series BREAKING BAD (Season 4, Episode 9), specifically references the software package Quickbooks® when Skylar and Ted are under an IRS audit for a money-laundering scheme. If you or your client conduct a reasonable search of documents within the direct or effective possession, custody or control (a screenshot of the startup screen – a document – showing the title and version currently in operation, will do), you will undoubtedly have no difficulty at all complying with your current obligations under the PIA to answer the simple question I already posed to you more than ten (10) days ago. It is already too late for you to assert a PIA exemption to the simple, initial question. Now, having reviewed records – including checks, bank statements, payroll records, and other items already available to Ms. Rivera – it is pretty obvious to me that thousands of dollars of glaring irregularities are present, requiring follow-up investigation, and that it will be entirely appropriate for me to ask a follow-up question. Namely, I need to secure (and to deliver to a forensic accountant for analysis) a current "snapshot" of all the MUD's accounting data files,[**] for analysis (if Quickbooks, these public records will typically be found by searching the hard drive for *.qbb *.qb or *.qbw file extensions). Simply exporting a complete backup (and keeping an identical copy at the MUD for forensic integrity purposes), should do just fine. THIS IS A FORMAL REQUEST FOR PUBLIC RECORDS UNDER THE TEXAS PUBLIC INFORMATION ACT (Chapter 52, TEXAS GOVERNMENT CODE) and the TEXAS WATER CODE (Chapter 49). You have ten (10) days under the statute. For additional security, I would recommend that, at time of production, one or both of us generate a one-way cryptographic hash (SHA-256 will do) so as to make certain that the copy produced by the MUD will remain unaltered by anyone

[*] See, e.g., Open Records Decision No. 499 (1988) — records held by a private attorney employed by a municipality that relate to legal services performed at the request of the municipality; Open Records Decision No. 462 (1987) — records regarding the investigation of a university football program prepared by a law firm on behalf of the university and kept at the law firm's office; Open Records Decision No. 437 (1986) — the records prepared by bond underwriters and attorneys for a utility district and kept in an attorney's office.

[**] Section 552.002(b) of the GOVERNMENT CODE states the Public Information Act applies to recorded information in practically any medium, including: paper; film; a magnetic, optical, solid state or other device that can store [a digital, quantum, "spin" or electronic] signal; tape; Mylar; and any physical material on which information may be recorded, including linen, silk, and vellum.

throughout the analysis process.

To be clear, the accounting "snapshot" that needs to be produced includes all "recreation" accounting, all MUD accounting, and all "satellite" or ancillary bank accounts or debit or credit card accounts relating to the MUD, its "recreation" enterprise, or any other ancillary activities related to the MUD (including, without limitation, all personal credit or debit card accounts being reimbursed, or that have in the last five (5) years, been reimbursed, in whole or in part by the MUD).

3. **Belt Press Operations Documents.**

Just producing a subset of the same items that Ms. Rivera already has, over and over again, when the MUD's prior responses do not answer the following PIA request, does literally nothing to deliver timely, complete, and informative responses to the following:

> Copies of all Invoices, checks, bank statements and names of person or persons doing the Belt Press operations, mowing and persons receiving the salaries and wages. [Period – 1/1/2025 to 10/20/2025].

You were more than ten (10) days overdue when I sent my prior letter. You are now more than an additional month overdue. Complete responses are necessary, and the next step is to escalate either to a governmental enforcement mechanism, or court, or both.

4. **Payroll and Non-Payroll Payments to Jose Almaders.**

Similarly, just producing a subset of the same items that Ms. Rivera already has, over and over again, when the MUD's prior responses do not answer the following PIA request, does literally nothing to deliver timely, complete, and informative responses to the following:

> Copies of All documents including but not limited to Jose Almaders Insurance invoice for the premium monthly payment of $686.44 reimbursed! Name of the Insurance company [presumably, on the statements – records – that were paid include the name of the insurance company that was paid], cop[ies] of the checks and bank statements. Copies of all the insurance invoices, checks, bank statements, company names and who is insured, under Group insurance payments of $459.91 and Insurance monthly premium of $226.53 under recreation. Who are we insuring and for what, ie: Health, Vehicle, what?

Still, none of the already-requested records have been timely designated as exempt, no Vaughn index was timely prepared, and no extension of the 10-day deadline claimed. And yet, I think you already are aware that most of the documents specified in the request, have not been turned over.

The timetable to come into compliance with Chapter 52, TEXAS GOVERNMENT CODE) and Chapter 49, TEXAS WATER CODE, is not more than ten (10) days from the date of this letter.

5. **Robert Cowart Payment Records.**

Despite your claims that you have responded to the following, a careful review of public records already available to Ms. Rivera discloses that the following request has not fully been answered and remains outstanding:

> All documents including copy of Check salary of Robert Cowart in the amount of $21,491.17. Copy of Check for Robert Cowart amount $7002.10 also Bank statement copies. Copy of Check from Robert Cowart in the amount of $17,300.00 for purchase of Ram pickup truck. Copy of all Bank of America Platinum Plus for Business Credit card statements that are in Robert Cowarts name. [period – 1/1/2025 through 6/18/2025.

As you are aware, it is still the case that no requested public records are exempt and no Vaughn index has been provided. No extension applies to the deadline for the June, 2025 records request.

You were more than ten (10) days overdue when I sent my prior letter. You are now more than an additional month overdue. Complete responses are necessary, and the next step is to escalate either to a governmental enforcement mechanism, or court, or both.

6. **Reverse sides of checks.**

More than ten (10) days have elapsed since my prior written correspondence with you, which sought the following public records (all exemptions have been waived by the MUD and no Vaughn index has been provided):

> [I]f the MUD has images of the reverse sides of . . . instruments [checks already

produced, then please deliver the images of the reverse sides].

You are now more than a month overdue. Complete responses are necessary, and the next step is to escalate either to a governmental enforcement mechanism, or court, or both.

7. **Records to Confirm or Refute Payroll Tax Compliance by MUD**

The following paragraph from my prior correspondence has not been answered, and in particular (unless the MUD can turn over records demonstrating otherwise) it appears that the MUD has overlooked or disregarded its income reporting obligations to the Internal Revenue Service, and its obligation to pay payroll taxes on all income that current or former employees received from the MUD:

> At your earliest convenience, please give me a call to discuss what the book-keeping report labels a "Paycheck" in the amount of $16,500.00, dated 4/7/2025 (over and above Mr. Cowart's regular paycheck of $5,546.35, paid the same day). The face of the check for $16,500.00, is anomalous and inconsistent with the regular payroll checks to this former employee. Among other things that appear missing from the MUD's [PIA] response, is any record documenting timely payment of FICA (Social Security and Medicare) and Federal Income Tax withholding, relating to the $16,500.00 payment. As you might imagine, my client and I have many other reasonable questions about the legal basis, if any, for this anomalous transaction apparently benefitting an "insider" with taxpayer dollars.

Further records review indicates tax-related irregularities for additional workers and/or contractors in relation to the MUD and/ot its "recreation" enterprise. I need complete documentation to ascertain or refute whether the MUD is actually fulfilling its income and payroll tax obligations.

More than ten (10) days have elapsed since my prior written correspondence with you (all exemptions have been waived by the MUD and no Vaughn index has been provided). You are, further, more than a month overdue. Complete responses are necessary, and the next step is to escalate either to a governmental enforcement mechanism, or court, or both.

Thanks for your attention to this matter.

Very truly yours,

Eric C. Grimm

cc: Harris County Attorney, FOIA division.