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December 5, 2025

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By Email

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

Attorney Bacon:

I'm writing on behalf of Barbara Rivera, a resident within WCID # 92, who has sent multiple FOIA requests to the Municipal Utility District (the "MUD").

This letter does not capture all of the outstanding responsive information that has not yet been provided and remains overdue. But it provides some helpful examples to get you started. I expect we will have more correspondence in the near future. If the MUD has a records retention policy or records retention schedule, I think it would be helpful for you to provide me a copy. I am not aware of any basis in Texas law for a MUD to destroy or withhold bank statements or copies of checks, relating to management of its general fund and/or the financial controls (if any) that the MUD has implemented in relation to its handling of taxpayer funds.

Merely providing a printout from some book-keeping software (which appears to be Quickbooks and thus lacks a proper and reliable audit trail), is no substitute for bank statements and checks, when the purpose evident on the face of a FOIA request reflects a public-integrity-minded effort to "tie out" representations inserted into the bookkeeping software, by comparing the line entries in software with actual statements and records received by a public body from its financial institution(s). If I am mistaken and the MUD's book-keeper is using something other than Quickbooks, then I would ask you to help get me up to speed about the audit trail for the software that is in use. I will also soon enlist the

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assistance of a forensic accountant here in Houston, to help with the wording of additional public records requests.

On or about October 24, 2025, you acknowledged by email to Barbara Rivera, receipt of two FOIA forms, the first of which requested, for the period 1/1/2025 to 10/20/2025:

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.

You did not timely designate any records as exempt, provide a Vaughn index of withheld records, or seek an extension of time. Accordingly, at the very latest, ten (10) business days elapsed on or before Monday, November 10. Needless to say, not all the requested records have been provided to Ms. Rivera, even today.

Similarly, on or about October 24, 2025, you acknowledged receipt of a FOIA form that requested:

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, copy 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?

Again, none of the 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 not all of the documents specified in the request, actually have been turned over.

If you would like to discuss a timetable to get all the responsive documents to me, please feel free to call.

The third issue that I would like to address in this letter is the continued difficulty that both the MUD and Ms. Rivera have experienced, pinning down exactly what public funds have been spent, and for what, relating to her still-outstanding request, for:

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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

in the period 1/1/2025 through 6/18/2025. As you are aware, 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.

As a result of a FOIA request, we do have some of the canceled checks from the first half of 2025, including several paychecks to Robert Cowart (if the MUD has images of the reverse sides of these instruments, that would be appreciated), dated 1/6/25, 2/3/25, 3/3/25, and 4/7/25 – each in the amount of \$5,546.35 or \$5,546.36. Attached, please find an Employee Quick Report generated on June 24, 2025, for Robert Cowart, and some related bank records.

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 FOIA 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.

Thanks for your attention to this matter.

Very truly yours,

Eric C. Grimm

cc: Harris County Attorney, FOIA division.