

CAUSE NO. 494-01973-2026

TO THE PRESIDING JUDGE OF THE FIRST ADMINISTRATIVE  
JUDICIAL REGION

MICHAEL G. BENNETT and  
DOUGLAS B. CHARLES,  
*Relators,*

IN THE DISTRICT COURT

v.

494 JUDICIAL DISTRICT

IN THE MATTER OF THE  
REMOVAL OF

WILLIAM (BILL) BEAVERS,  
Board President of Prosper ISD,  
AND  
DENA DIXON,  
Board Vice President of Prosper ISD,  
AND  
THOMAS (TOMMY) VAN WOLFE,  
Board Secretary of Prosper ISD,  
AND  
JORDEN DIAL, Trustee of Prosper ISD,  
AND  
DAVID WEBB, Trustee of Prosper ISD,  
*Respondents.*

OF COLLIN COUNTY, TEXAS

FILED  
2026 MAR 25 PM 4:31  
MICHAEL COULD  
DISTRICT CLERK  
COLLIN COUNTY, TX  
BY Reminded DEPUTY

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PETITION FOR REMOVAL OF SCHOOL BOARD TRUSTEES  
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 87

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Relators, Doug Charles and Michael Bennett, files this original petition, complaining of Bill Beavers, Dena Dixon, Jordan Dial, Tommy Van Wolfe, and David Webb, and for cause of action respectfully shows:

DISCOVERY-CONTROL PLAN

1. Relators intends to conduct discovery under level 3 of Texas Rule of Civil Procedure 190.4.

### **CLAIM FOR RELIEF**

2. Relators, seeks non-monetary relief.

### **CITATION**

3. Relators' Application for Citation is filed contemporaneously with this petition pursuant to § 87.016(a), requesting an order directing issuance of citation to each Respondent to appear and answer no earlier than the fifth day following service.

### **PARTIES**

4. Relator **MICHAEL G. BENNETT** resides at 1205 Chandler Drive, Prosper, Texas 75078, in Collin County. Relator is a resident of the State of Texas and has resided in Collin County continuously for more than six months. Relator is not under indictment. Relator meets all standing requirements under § 87.015(b).
5. Relator **DOUGLAS B. CHARLES** resides at 4360 Mill Branch Drive, Prosper, Texas 75078, in Denton County. Relator's residence is within Prosper ISD attendance zone pursuant to Education Fund Agreement (June 15, 2020) All three of his children attended and graduated from Prosper ISD. Relator also owns rental property at 10016 Kemah Place, McKinney, Texas, located in Collin County within Prosper ISD boundaries. Relator is not under indictment.
6. Relator Bennett meets all standing requirements under § 87.015(b).

7. Respondent **WILLIAM (BILL) BEAVERS** is Board President of Prosper ISD Board of Trustees, Collin County, Texas. First elected on or about May 5, 2018. Respondent may be served at: 941 Cliff Creek Drive, Prosper, Texas 75078, or through Prosper ISD Administration. CITATION REQUESTED.
8. Respondent **DENA DIXON** is Board Vice President of Prosper ISD Board of Trustees, Collin County, Texas. First elected on or about November 3, 2020. Respondent may be served at: 1050 High Willow Drive, Prosper, Texas 75078, or through Prosper ISD Administration. CITATION REQUESTED
9. Respondent **THOMAS (TOMMY) VAN WOLFE** is Board Secretary of Prosper ISD Board of Trustees, Collin County, Texas. First elected on or about May 6, 2023. Respondent may be served at: 341 Whitley Place Drive, Prosper, Texas 75078, or through Prosper ISD Administration. CITATION REQUESTED
10. Respondent **JORDEN DIAL** is a Trustee of Prosper ISD Board of Trustees, Collin County, Texas. First elected on or about May 7, 2022; formerly served as Board Secretary from on or about June 2023 through May 2025. Respondent may be served at: 850 Willowgate Drive, Prosper, Texas 75078, or through Prosper ISD Administration. CITATION REQUESTED
11. Respondent **DAVID WEBB** is a Trustee of Prosper ISD Board of Trustees, Collin County, Texas. First elected on or about May 4, 2024. Respondent may be served at: 750 Evening Sun Drive, Prosper, Texas 75078, or through Prosper ISD Administration. CITATION REQUESTED

## JURISDICTION AND VENUE

12. The District Court of Collin County has jurisdiction over this removal action pursuant to § 87.015(a). All Respondents reside in Collin County, Texas.
13. Venue is mandatory in Collin County under § 87.015(a).

## III. STATUTORY AUTHORITY AND FRAMEWORK

### SUBJECT MATTER JURISDICTION

14. Texas Local Government Code § 87.012 provides that a district judge may remove from office a member of the board of trustees of an independent school district. This Court has subject-matter jurisdiction over removal proceedings against Prosper ISD board trustees.

### GROUND FOR REMOVAL

15. Tex. Loc. Gov't Code § 87.011 defines:
  - a) **“Incompetency”** means: (A) gross ignorance of official duties; (B) gross carelessness in the discharge of those duties; or (C) unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election.
  - b) **“Official misconduct”** means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or

corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law.

16. Section 87.013(a) provides three alternative grounds for removal, any one of which justifies removal.

### **3. PROCEDURES**

17. This petition is filed in the district court of Collin County, where all Respondents reside. § 87.015(a).

18. This petition is addressed to the Presiding Judge of the First Administrative Judicial Region. THE HONORABLE RAY WHEELLESS. § 87.015(c).

19. Upon filing, the district clerk shall deliver a copy to the Presiding Judge of the administrative judicial region, who shall assign a district judge from a judicial district that does not include Collin County to preside. §§ 87.0151(a), (b).

20. The Presiding Judge shall appoint a prosecuting attorney from outside Collin County to represent the State of Texas. § 87.018(f).

### **5. SUSPENSION PENDING TRIAL**

21. Tex. Loc. Gov't Code § 87.017(a) provides that after the issuance of the order requiring citation of the officer, the district judge may temporarily suspend the officer and may appoint another person to perform the duties of the office. Relators seek suspension of Board President Beavers, Vice President Dixon, and Secretary Van Wolfe.

## **6. TRIAL**

22. Removal requires trial by jury conducted in the name of the State of Texas, on the relation of the persons filing the petition. § 87.018(a). Upon appointment of a prosecuting attorney pursuant to § 87.018(f), the appointed prosecutor shall represent the State in this proceeding. Relators' counsel will cooperate fully with the appointed prosecutor.

## **IV. EXECUTIVE SUMMARY — TWO URGENT CRISES REQUIRING IMMEDIATE JUDICIAL INTERVENTION**

23. This case presents two distinct but related crises requiring immediate suspension of Board President Beavers, Vice President Dixon, and Secretary Van Wolfe pending trial:

### **CRISIS ONE — FINANCIAL: OBSTRUCTION OF \$50-75 MILLION FRAUD INVESTIGATION**

24. In approximately October 2023, a former senior Pogue Construction executive provided Relator Douglas B. Charles with evidence of billing irregularities in Prosper ISD construction contracts. Upon reviewing the data, Charles contacted David Bristol, Mayor of Prosper, Texas, to explain what he had received and the concerns it raised. Mayor Bristol advised Charles to report the evidence to the FBI.

25. Charles presented the data to FBI Special Agent Philip Stephens on March 29, 2024. The FBI found the evidence concerning and continued to engage with Charles on an ongoing basis through the date of this filing, most

recently on March 9, 2026. The FBI subsequently met separately with the whistleblower. The FBI also asked Charles and the whistleblower to involve the Texas Department of Public Safety, to whom the whistleblower separately provided evidence.

26. Charles kept Mayor Bristol routinely updated on the progress of the FBI meetings and subsequent legal engagement. Unbeknownst to Charles until approximately February 2025, Bristol had been the person who originally directed the whistleblower to Charles. Bristol is also a business partner of Respondent Dixon's husband, Jason Dixon, in Trinity Captive Group—the company that sought Pogue Construction as a client while Dixon voted on Pogue contracts without disclosure.

27. On August 6, 2024, Charles met with attorneys Bill Johnston and Jeff Grell, along with retired IRS Criminal Investigation Division Special Agents who would conduct an independent audit. Bill Johnston is lead trial attorney at Loncar Lyon Jenkins, a former Assistant United States Attorney who served fourteen years with the U.S. Department of Justice, led prosecution of the Branch Davidian case and the federal Kenneth McDuff serial killer case, and was named by Texas Monthly as one of the “20 Most Interesting and Influential Texans.” Jeff Grell is Special Counsel at Ted Lyon & Associates, an internationally recognized authority on RICO litigation with over thirty years of experience, author of “Grell on RICO,” former adjunct professor at Georgetown University Law Center and the University of Minnesota Law

School, and currently teaches RICO law at Southern Methodist University's Dedman School of Law. Both practice under former Texas State Senator Ted B. Lyon Jr., who is partner and owner of both firms, a trial attorney of forty-eight years with over 150 jury trials, named one of the top 100 lawyers in America by the American Trial Lawyers Association consecutively since 2007. The initial meeting was arranged by Aileen Blachowski, a Prosper ISD parent who had spent years filing Public Information Requests documenting the district's reporting failures. Johnston and Grell accepted the case and retained the retired IRS agents to decode Pogue Construction's billing records. Over the following months, Charles and the whistleblower met jointly and independently with the legal and audit team as the analysis progressed.

28. Between November and December 2024, Johnston and Grell presented their findings in two separate meetings. First, they met with Trustees Garrett Linker and Kelly Cavender, who learned of the billing irregularities for the first time. The findings included suspected billing irregularities across Pogue Construction contracts totaling in excess of \$400 million and suspicious \$1 contracts identified by the retired IRS agents. Grell, an internationally recognized RICO authority, advised that the evidence rose to the level of a civil RICO case with potential treble damages. The audit covered only a limited subset of Pogue's billing history with Prosper ISD, yet identified estimated recoverable losses of \$50-75 million before treble damages—which

could triple that amount. The potential exposure could increase significantly upon a full independent audit of Pogue Construction's complete history with the district, an audit the trustees have a clear fiduciary responsibility to authorize. The firm offered to pursue the investigation on a contingency basis—at zero cost to Prosper ISD taxpayers.

29. After being briefed, Linker and Cavender brought the matter to Board President William Beavers and board attorney Haley Turner, who then met directly with Johnston and Grell and received the same presentation. Despite being personally briefed by the attorneys, Beavers took no action.

30. On February 26, 2025, Trustees Linker and Cavender placed Agenda Item 11C on the board meeting agenda: "Consideration and possible action to retain Ted Lyon & Associates"—the same firm whose attorneys had already presented their findings directly to Beavers and Turner. The board took no action.

31. As reported in the Dallas Morning News (April 3, 2025), Trustee Linker stated that "he and another trustee learned about an allegation of financial impropriety regarding a construction contract and brought it to the attention of the school board." Shortly after Linker and Cavender raised these concerns, \$115,661.80 in out-of-state dark money from three Washington, D.C.-area entities flooded into a political action committee specifically targeting their campaigns. In the same article, Beavers admitted he endorsed their opponents. The sequence is documented: trustees raise fraud concerns,

Board President endorses their opponents, dark money floods in to defeat them. The community rejected the interference; both Linker and Cavender won with approximately 53% of the vote.

32. On May 19, 2025, at 3:22 PM, former Texas State Senator Ted Lyon sent a formal email to the full board validating the seriousness of the concerns and reaffirming the contingency offer. Trustee Linker confirmed receipt: “Email has been received.” Less than three hours later, Board President Beavers read an unauthorized “board investigation statement” claiming the district had investigated and found “no evidence of financial impropriety.” Google Docs metadata shows Superintendent Ferguson created this statement on May 13, 2025, and last modified it at 4:06 PM on May 19—less than two hours before the meeting. No board review, discussion, or vote ever occurred.

33. Trustee Garrett Linker had no knowledge of this statement until Beavers read it publicly. No investigation occurred. The statement was never voted upon. No audit documentation exists despite Public Information Requests. Trustee Kelly Cavender similarly had no knowledge of the statement prior to its public reading.

34. On September 8, 2025, Relator Charles emailed all seven trustees and board attorney Turner documenting Mesquite ISD’s recovery of \$2 million from Pogue Construction and demanding Prosper ISD reopen its investigation. Four days later, on September 12, 2025, Turner responded on behalf of the

board—copying all trustees—refusing to investigate and citing the fraudulent May 19, 2025 statement as justification.

35. Relators' communications with the FBI regarding Pogue Construction billing irregularities and related matters remain ongoing as of the date of this filing, most recently on March 9, 2026.

36. **IMMEDIATE DANGER:** Approximately \$2 billion in bond projects remain with Pogue Construction as Construction Manager at Risk. Every contract approval without independent audit increases taxpayer exposure. The board officers control meeting agendas where these contracts are approved.

## **CRISIS TWO — STUDENT SAFETY: FAILURE TO INVESTIGATE,**

### **REFORM, AND PROTECT STUDENTS**

37. In May 2022, Prosper ISD bus driver Frank Paniagua was arrested for over 100 instances of sexual abuse of two elementary students (ages 8 and 6) captured on district surveillance video. The abuse was reported to Superintendent Holly Ferguson on May 7, 2022; Paniagua was arrested on May 11, 2022. He subsequently died by suicide in Collin County Jail on or about June 10, 2022. In *Doe v. Prosper ISD*, Case No. 4:22-cv-00814 (E.D. Tex.), U.S. District Judge Amos L. Mazzant III found plaintiffs sufficiently alleged that the district was “actually, subjectively aware of Paniagua’s abuse of [the Doe Children] but failed to act in response” and that “the alleged apathetic inaction on the part of Prosper ISD was clearly unreasonable.”

38. The board did not learn of the Paniagua incident from the administration. Superintendent Ferguson concealed it from the Board of Trustees for over three months. The board first learned of the scandal from media reports about the federal lawsuit filing on August 25, 2022—not from Ferguson. Trustees Garrett Linker and Kelly Cavender have confirmed this timeline. Trustee Linker, who was elected May 7, 2022 (the same day the abuse was reported to Ferguson) and sworn in on or about May 16, 2022, publicly stated on September 7, 2022: “I was not aware and was never briefed by the district. I received my first briefing on Friday August 26th.”

39. Upon information and belief, the administration had prior knowledge of Paniagua’s predatory behavior before the abuse of the Doe children occurred. Former Prosper ISD staff member Kathy Nelms has confirmed that Paniagua was removed from a middle school bus route due to potential grooming behaviors, including asking students for their phone numbers, and was reassigned to the elementary bus route where he committed the offenses. Nelms has further confirmed that the district’s phone system records do not contain evidence that calls were made to the parents of students on the elementary bus route to which Paniagua was reassigned, despite the administration’s representations that such calls were made. Nelms has also confirmed that email addresses were created for Superintendent Ferguson that were not the addresses generally published by the district or used for

Public Information Request responses, potentially circumventing PIR obligations.

40. Once the board learned of the scandal, the Respondents had a duty under Texas Education Code § 11.1511(b) to ensure the administration was in compliance with mandatory state reporting requirements, to conduct a thorough and truly independent investigation of the systemic failures that allowed the abuse to occur, and to implement corrective reforms to protect students going forward. The Respondents failed on every count.

**41. REPORTING COMPLIANCE FAILURE: TEA Public Information**

Requests confirm the district filed no reports through the Misconduct Reporting Portal—not in September 2022, not in January 2023, and not as of November 2024 when TEA confirmed: “TEA never received a written report from Holly Ferguson.” Superintendent Ferguson’s failure to report with intent to conceal is a state jail felony under § 22A.051(l). Despite knowledge of these failures, the Respondents took no action to ensure compliance and made no referral to law enforcement.

**42. INVESTIGATION FAILURE:** On September 13, 2022, after over 1,200 community members signed the “Justice for Janies” petition demanding an independent investigation, the board voted 5-2 to hire the law firm Thompson & Horton to investigate the district’s handling of the Paniagua scandal. Respondents Dial and Beavers cast the only two votes against even conducting an investigation. The investigation itself was not truly

independent—Trustee Linker had already publicly exposed that the board’s initial choice of investigator was the same law firm defending the district in the Doe lawsuit, forcing the board to select Thompson & Horton instead. On January 23, 2023, then-Board President Drew Wilborn stated the investigation was “complete” but the board was “not prepared to release any information” due to “pending litigation.” The investigation findings have never been released to the public. A thorough and truly independent investigation would have uncovered the systemic failures Nelms has confirmed—that the administration identified Paniagua’s grooming behavior, reassigned rather than removed and reported him, and failed to notify parents—and would have provided the basis for corrective reforms to protect students.

**43. REFORM FAILURE:** Not only did the Respondents fail to investigate and reform, they rewarded the person responsible for the concealment:

- a) On January 23, 2023, the board unanimously extended Superintendent Ferguson’s contract with a \$40,000 raise and \$40,000 bonus—the same evening they suppressed the investigation findings;
- b) On or about June 15, 2023, the Respondents further increased Ferguson’s salary 8% to \$385,000;
- c) On or about February 2026, the Respondents extended Ferguson’s contract through 2031 by a vote of 4-1, with only Trustee Linker dissenting;

- d) Zero administrators were disciplined;
- e) Zero policy reforms were implemented;
- f) Zero referrals to law enforcement were made for the state jail felony reporting failure.

44. **THE PREDICTABLE RESULT:** The system was never fixed because the Respondents never required it to be.

45. On August 25, 2023, Coach Renna Bersosa was arrested for Failure to Report sexual abuse of students (Texas Family Code)—criminal misdemeanor. A student and her mother had reported that three teammates were sexually assaulted by another player; Bersosa allegedly stated the accused student “was a good player” and told the reporting student to “handle this with the suspect” directly.

46. On August 29, 2023, Coach Kasie Ostrom was arrested for Failure to Report the same incident (Texas Family Code)—criminal misdemeanor.

47. On May 28, 2025, JROTC teacher Michael Songy was arrested for indecent assault of a student at Rock Hill High School—more than three years after the Paniagua scandal became public. A second charge involving a second student victim was added on or about December 2025.

48. Three separate incidents. Three failures to report or prevent sexual abuse of students. The common thread is a district whose leadership was never held accountable and whose systems were never reformed—because the Respondents refused to require it.

49. The Respondents' continued failure to act has not gone unnoticed. On March 9, 2026, Superintendent Ferguson announced her retirement—weeks after the board extended her contract through 2031. Respondent Dixon withdrew from the May 2026 board election, as did Respondent Van Wolfe. The election has been cancelled; they will be replaced by Allen Rountree and Kiwi Authers. These departures are not a substitute for accountability. Resignation and withdrawal do not remedy the Respondents' failure to fulfill their obligations as trustees, nor do they protect the public from the Respondents who remain in office.

## V. FACTUAL ALLEGATIONS

50. Relators incorporate by reference all preceding paragraphs as though fully restated herein.

51. All acts alleged herein occurred after each respective Respondent's first election to the Prosper ISD Board of Trustees.

### **FINANCIAL MISCONDUCT — FACTS COMMON TO ALL RESPONDENTS**

52. In approximately October 2023, a former senior Pogue Construction executive provided Relator Charles with evidence of billing irregularities in Prosper ISD construction contracts exceeding \$400 million.

53. On March 29, 2024, Charles presented the evidence to FBI Special Agent Philip Stephens, who found the evidence concerning. The FBI continues to engage with Charles as of the date of this filing.

54. On August 6, 2024, attorneys Bill Johnston of Loncar Lyon Jenkins and Jeff Grell of Ted Lyon & Associates accepted the case and retained retired IRS Criminal Investigation Division Special Agents to conduct an independent audit of Pogue Construction billing records. The audit identified suspected billing irregularities including suspicious \$1 contracts.
55. Between November and December 2024, Johnston and Grell presented their findings in two separate meetings: first to Trustees Linker and Cavender, who learned of the irregularities for the first time; and then directly to Board President Beavers and board attorney Haley Turner. Grell, an internationally recognized RICO authority, advised all parties—including Beavers and Turner directly—that the evidence rose to the level of a civil RICO case with potential treble damages. Based on audit of only a limited subset of Pogue’s billing history, estimated recoverable losses were \$50-75 million before treble damages. The firm offered to investigate on a contingency basis at zero cost to taxpayers.
56. On February 26, 2025, Trustees Linker and Cavender placed Agenda Item 11C on the board meeting agenda: “Consideration and possible action to retain Ted Lyon & Associates.” The board took no action despite having been personally briefed by the firm’s attorneys.
57. On May 19, 2025, at 3:22 PM, former Texas State Senator Ted Lyon sent a formal email to all seven trustees and board attorney Turner validating the seriousness of the billing concerns and reaffirming the contingency offer at no

cost to taxpayers. Trustee Linker confirmed receipt: “Email has been received.”

58. Less than three hours later, at the 6:00 PM board meeting, Board President Beavers read an unauthorized “board investigation statement” claiming the district had investigated and found “no evidence of financial impropriety.” Google Docs metadata shows Superintendent Ferguson created this statement on May 13, 2025, and last modified it at 4:06 PM on May 19, 2025. The statement was never reviewed, discussed, or voted upon by the full board.
59. Trustee Garrett Linker had no knowledge of this statement until Beavers read it publicly. No investigation occurred. The statement was never voted upon. No audit documentation exists despite Public Information Requests. Trustee Kelly Cavender has confirmed the same.
60. On September 8, 2025, Relator Charles emailed all seven trustees and board attorney Turner documenting Mesquite ISD’s recovery of \$2 million from Pogue Construction and demanding Prosper ISD reopen its investigation.
61. On September 12, 2025, board attorney Turner responded on behalf of the board—copying all trustees—formally refusing to investigate and citing the unauthorized May 19, 2025 statement as justification.
62. As of the date of this filing, approximately \$2 billion in bond projects remain with Pogue Construction as Construction Manager at Risk.

63. Relators have identified at least twenty former and current Pogue Construction employees and contractors with direct knowledge of the billing practices and contract irregularities alleged herein.
64. Superintendent Ferguson's son, Cade Ferguson, was employed by Pogue Construction. This employment relationship was not disclosed to the board through the district's conflict of interest reporting processes. Upon information and belief, Respondents did not learn of this relationship until directly asked, at which point it was admitted.

#### **STUDENT SAFETY — FACTS COMMON TO ALL RESPONDENTS**

65. On or about May 7, 2022, Superintendent Ferguson was notified of Frank Paniagua's sexual abuse of two elementary students (ages 8 and 6), captured on district surveillance video. Paniagua was arrested on May 11, 2022, and died by suicide in Collin County Jail on or about June 10, 2022.
66. *In Doe v. Prosper ISD*, Case No. 4:22-cv-00814 (E.D. Tex.), U.S. District Judge Amos L. Mazzant III found plaintiffs sufficiently alleged that the district was "actually, subjectively aware of Paniagua's abuse" and that "the alleged apathetic inaction on the part of Prosper ISD was clearly unreasonable."
67. Ferguson concealed the incident from the Board of Trustees for over three months. The board first learned of the scandal from media reports about the federal lawsuit filing on August 25, 2022—not from Ferguson. Trustees Linker and Cavender have confirmed this timeline.

68. Upon information and belief, the administration had prior knowledge of Paniagua's predatory behavior. Former Prosper ISD staff member Kathy Nelms has confirmed that Paniagua was removed from a middle school bus route due to grooming behaviors, including asking students for their phone numbers, and was reassigned to the elementary bus route where he committed the offenses. Nelms has further confirmed that the district's phone system records do not contain evidence that calls were made to the parents of students on the elementary bus route despite the administration's representations that such calls were made, and that email addresses were created for Superintendent Ferguson that were not the addresses generally published by the district or used for Public Information Request responses.
69. The district failed to file mandatory reports through the TEA Misconduct Reporting Portal as required by Texas Education Code §§ 22A.051 and 38.004. TEA confirmed on or about November 2024: "TEA never received a written report from Holly Ferguson." Ferguson's failure to report with intent to conceal is a state jail felony under § 22A.051(l).
70. On or about May 2024, TEA opened an investigation into Superintendent Ferguson's educator certification related to the Paniagua reporting failures. The investigation was closed on or about July 2024. During the pendency of this investigation, all Respondents who were then serving remained silent regarding the district's documented failure to comply with mandatory reporting requirements and took no action to ensure compliance.

71. Despite knowledge of these reporting failures, the Respondents took no action to ensure compliance, made no referral to law enforcement for the state jail felony reporting failure, and implemented no policy reforms.

72. On September 13, 2022, after over 1,200 community members signed the “Justice for Janies” petition, the board voted 5-2 to hire Thompson & Horton to investigate. The investigation was not truly independent—Trustee Linker had exposed that the board’s initial choice of investigator was the same firm defending the district in the Doe lawsuit. On January 23, 2023, the board stated the investigation was “complete” but refused to release the findings. The findings have never been made public. A thorough and truly independent investigation would have uncovered the systemic failures Nelms has confirmed.

73. The Respondents rewarded Superintendent Ferguson despite documented concealment and reporting failures:

- a) On January 23, 2023: unanimously extended Ferguson’s contract with a \$40,000 raise and \$40,000 bonus—the same evening they suppressed the investigation findings;
- b) On or about June 15, 2023: increased Ferguson’s salary 8% to \$385,000;
- c) On or about February 2026: extended Ferguson’s contract through 2031 by a vote of 4-1, with only Trustee Linker dissenting.

74. The system was never fixed. Three additional incidents followed:

- a) On August 25, 2023: Coach Renna Bersosa arrested for Failure to Report sexual abuse of students.
- b) On August 29, 2023: Coach Kasie Ostrom was arrested for Failure to Report the same incident.
- c) On May 28, 2025: JROTC teacher Michael Songy arrested for indecent assault of a student at Rock Hill High School. A second charge involving a second victim was added on or about December 2025.

### **CONTEXT: DARK MONEY AND RETALIATION**

75. For context, after Trustees Linker and Cavender raised concerns about Pogue Construction billing irregularities, \$115,661.80 in out-of-state dark money from three Washington, D.C.-area entities flooded into the “Accountable Leadership Committee” PAC within three days (March 24-27, 2025), specifically targeting their campaigns. Board President Beavers admitted to the Dallas Morning News that he endorsed their opponents. Relator Charles filed Texas Ethics Commission Complaint, Docket No. SC-32504150, which was accepted for review. The community rejected the interference; both Linker and Cavender won with approximately 53% of the vote.

### **FACTS SPECIFIC TO RESPONDENT BEAVERS**

76. Beavers has served continuously as a trustee since on or about May 2018 and as Board President since on or about June 2023. During his tenure, Beavers has consistently voted to approve Pogue Construction contracts.

77. On September 13, 2022, Beavers was one of only two trustees (with Dial) to vote against hiring Thompson & Horton to investigate the Paniagua scandal (5-2 vote).
78. On January 23, 2023, Beavers voted to extend Ferguson's contract with a \$40,000 raise and \$40,000 bonus—the same evening the investigation findings were suppressed.
79. On or about June 15, 2023, Beavers voted to increase Ferguson's salary 8% to \$385,000.
80. On or about May 2024, TEA opened an investigation into Ferguson. During this investigation, Beavers remained silent regarding the district's documented failure to file mandatory reports and took no action to ensure compliance.
81. Between November and December 2024, Beavers was personally briefed by Johnston and Grell on billing irregularities and the RICO assessment with potential treble damages. Beavers took no action.
82. On February 26, 2025, Beavers presided over the board meeting at which Agenda Item 11C was presented. Despite having been personally briefed by the attorneys of Ted Lyon & Associates, Beavers ensured no action was taken.
83. After the November-December 2024 briefings, Beavers continued to approve Pogue Construction contracts without requiring any additional safeguards, independent oversight, or independent review of billing practices, including

but not limited to the May 19, 2025 approval of the \$22,336,917 Multipurpose Complex GMP.

84. On May 19, 2025, Beavers received the Ted Lyon email at 3:22 PM validating the concerns and the contingency offer. Less than three hours later, Beavers read the unauthorized Ferguson statement publicly as if it were official board action—knowing the statement had never been reviewed, discussed, or voted upon by the full board.

85. On September 12, 2025, Beavers was copied on Turner’s formal refusal to investigate and took no action.

86. On or about February 2026, Beavers voted to extend Ferguson’s contract through 2031.

#### **FACTS SPECIFIC TO RESPONDENT DIXON**

87. Dixon has served continuously as a trustee since on or about November 2020 and as Board Vice President since on or about June 2023. During her tenure, Dixon has consistently voted to approve Pogue Construction contracts.

88. Upon taking office on or about November 2020, Dixon filed a Conflict of Interest Statement (Form CIS) with Prosper ISD claiming “NONE” for vendor relationships. Dixon never amended this filing despite the subsequent development of her family’s financial relationships with Pogue Construction and its affiliated vendors.

89. Dixon’s husband, Jason Dixon, is a business partner with Mayor David Bristol in Trinity Captive Group. On or about March 2-3, 2025, Jason Dixon

and Bristol met with Ben Pogue at Pogue Construction headquarters in McKinney, Texas, to discuss Trinity Captive Group becoming Pogue Construction's medical benefits provider—creating a direct financial interest in Pogue's continued relationship with the district.

90. Dixon's son, Drew Dixon, was employed by Crossland Construction, a construction firm operating in the Prosper ISD area. Whether Crossland serves as a direct or indirect vendor to the district, including as a subcontractor on Pogue Construction projects, will be established through discovery. Dixon did not disclose this relationship.

91. Without amending her CIS form, Dixon voted to approve Pogue Construction contracts including but not limited to:

- a) On or about September 18, 2023: Pogue Construction CMAR for Elementary #20 (\$347,250);
- b) On or about December 11, 2023: Pogue Construction GMP for Elementary #19 (\$39,478,597) and Elementary #20 (\$38,620,780)—\$78.1 million in a single meeting;
- c) During the period from December 2023 through 2024: Pogue Construction CMAR awards for additional projects funded by the \$2.7 billion bond approved by voters in November 2023;
- d) On May 19, 2025: Pogue Construction Multipurpose Complex GMP (\$22,336,917). Dixon voted on these contracts without disclosing her family's financial relationships with Pogue Construction and its

affiliated vendors and without filing amended conflict of interest statements.

92. On or about May 2024, TEA opened an investigation into Ferguson. During this investigation, Dixon remained silent regarding the district's documented failure to file mandatory reports and took no action to ensure compliance.

93. On May 19, 2025, Dixon received the Ted Lyon email at 3:22 PM validating the billing concerns and the contingency offer. Dixon allowed the unauthorized Ferguson statement to be read without objection or board vote.

94. On September 12, 2025, Dixon was copied on Turner's formal refusal to investigate and took no action.

95. On or about February 2026, Dixon voted to extend Ferguson's contract through 2031.

96. Dixon has withdrawn from the May 2026 board election.

#### **FACTS SPECIFIC TO RESPONDENT VAN WOLFE**

97. Van Wolfe has served as a trustee since on or about May 2023 and as Board Secretary since on or about May 2025. During his tenure, Van Wolfe has consistently voted to approve Pogue Construction contracts including but not limited to:

- a) On or about December 11, 2023: \$78.1 million in Pogue GMP contracts;
- b) During the period from December 2023 through 2024: Pogue CMAR awards for bond-funded projects;
- c) On May 19, 2025: \$22,336,917 Multipurpose Complex GMP.

98. On or about May 2024, TEA opened an investigation into Ferguson. During this investigation, Van Wolfe remained silent regarding the district's documented failure to file mandatory reports and took no action to ensure compliance.

99. On May 19, 2025, Van Wolfe assumed the role of Board Secretary during the board meeting. As Secretary, Van Wolfe failed to document that the statement read by Beavers was never presented to, discussed by, or voted upon by the full board.

100. Van Wolfe received the Ted Lyon email at 3:22 PM on May 19, 2025. Van Wolfe allowed the unauthorized Ferguson statement to be read without objection or board vote.

101. After the full board was made aware of the billing concerns through Agenda Item 11C on February 26, 2025, and after receiving the Ted Lyon email on May 19, 2025, Van Wolfe continued to approve Pogue Construction contracts without requiring any additional safeguards, independent oversight, or independent review.

102. On September 12, 2025, Van Wolfe was copied on Turner's formal refusal to investigate and took no action.

103. On or about February 2026, Van Wolfe voted to extend Ferguson's contract through 2031.

104. Van Wolfe has withdrawn from the May 2026 board election.

## FACTS SPECIFIC TO RESPONDENT DIAL

105. Dial has served continuously as a trustee since on or about May 2022 and served as Board Secretary from on or about June 2023 through May 2025.
106. On September 13, 2022, Dial was one of only two trustees (with Beavers) to vote against hiring Thompson & Horton to investigate the Paniagua scandal (5-2 vote).
107. On January 23, 2023, Dial voted to extend Ferguson's contract with a \$40,000 raise and \$40,000 bonus—the same evening the investigation findings were suppressed.
108. On or about June 15, 2023, Dial voted to increase Ferguson's salary 8% to \$385,000.
109. On or about May 2024, TEA opened an investigation into Ferguson. During this investigation, Dial remained silent regarding the district's documented failure to file mandatory reports and took no action to ensure compliance.
110. On May 19, 2025, while serving as Secretary or immediately after transitioning the role to Van Wolfe, Dial allowed the unauthorized Ferguson statement to be read without objection or board vote.
111. Dial received the Ted Lyon email at 3:22 PM on May 19, 2025. Dial took no action.

112. On September 12, 2025, Dial was copied on Turner's formal refusal to investigate and took no action.

113. On or about February 2026, Dial voted to extend Ferguson's contract through 2031.

#### **FACTS SPECIFIC TO RESPONDENT WEBB**

114. Webb has served as a trustee since on or about May 2024.

115. On or about May 2024, shortly after Webb took office, TEA opened an investigation into Ferguson's educator certification related to the Paniagua reporting failures. During this investigation, Webb remained silent regarding the district's documented failure to file mandatory reports and took no action to ensure compliance. The investigation was closed on or about July 2024.

116. Webb was present for Agenda Item 11C on February 26, 2025, at which the billing concerns and the offer to retain Ted Lyon & Associates were presented to the full board. Webb took no action.

117. On May 19, 2025, Webb received the Ted Lyon email at 3:22 PM validating the billing concerns and the contingency offer. Webb allowed the unauthorized Ferguson statement to be read without objection or board vote.

118. On May 19, 2025, Webb voted to approve the \$22,336,917 Pogue Construction Multipurpose Complex GMP without requiring independent review despite having been made aware of the billing concerns.

119. On September 12, 2025, Webb was copied on Turner's formal refusal to investigate and took no action.

120. On or about February 2026, Webb voted to extend Ferguson's contract through 2031.

## VII. CAUSES OF ACTION

121. **PRELIMINARY STATEMENT:** Relators plead the following counts in the alternative and cumulatively. Each count identifies a separate ground for removal under § 87.013. Proof of any single ground as to any Respondent justifies that Respondent's removal.

### **COUNT I — OFFICIAL MISCONDUCT: RESPONDENT BEAVERS (§**

#### **87.011(2))**

122. Relators incorporate all preceding paragraphs.

123. Respondent Beavers committed intentional, unlawful behavior relating to his official duties and intentionally failed, refused, and neglected to perform duties imposed on him by law:

- a) Beavers was personally briefed by attorneys that Pogue Construction billing irregularities rose to a civil RICO case with potential treble damages on recoverable losses of \$50-75 million. He was offered a zero-cost investigation. He refused to act. He then read an unauthorized statement fabricated by Superintendent Ferguson—never reviewed, discussed, or voted upon by the full board—as if it were official board action, obstructing the investigation and deceiving the public. This

constitutes intentional failure to perform his duty to safeguard public funds under Tex. Educ. Code § 11.1511(b)(9).

- b) Beavers voted against investigating the sexual abuse of two elementary students by a district employee. He then voted to reward the superintendent who concealed the abuse and committed a state jail felony by failing to report it. He remained silent while TEA investigated Ferguson and took no action to ensure the district complied with mandatory reporting laws. Three more staff members were subsequently arrested for sexual misconduct or failure to report. This constitutes intentional failure to perform his duty to ensure student safety and superintendent accountability under Tex. Educ. Code §§ 11.1511(b), 22A.051, and 38.004.
- c) After trustees raised fraud concerns, Beavers endorsed their opponents and \$115,661.80 in out-of-state dark money targeted their campaigns. This pattern of retaliation against trustees performing their oversight duties constitutes intentional, unlawful behavior relating to his official duties. Trustees Linker and Cavender are public servants whose service is protected under Tex. Penal Code § 36.06, which prohibits retaliation against a person on account of their service as a public servant.

**COUNT II — OFFICIAL MISCONDUCT: RESPONDENT DIXON (§ 87.011(2))**

124. Relators incorporate all preceding paragraphs.

125. Respondent Dixon committed intentional, unlawful behavior relating to her official duties and intentionally failed, refused, and neglected to perform duties imposed on her by law:

- a) Upon taking office, Dixon filed a Conflict of Interest Statement claiming “NONE” for vendor relationships. As her family’s financial relationships with Pogue Construction and its affiliated vendors developed—her husband’s company, Trinity Captive Group, actively seeking Pogue as a client; her son employed by Crossland Construction, a construction firm operating in the district area—Dixon never amended her disclosure. Dixon voted to approve Pogue Construction contracts exceeding \$100 million without disclosing her family’s financial relationships and without amending her conflict of interest filings. This constitutes intentional, unlawful behavior in violation of Tex. Loc. Gov’t Code § 171.004, which requires a local public official to file an affidavit disclosing a substantial interest and to abstain from voting on matters involving that interest.
- b) Dixon received the Ted Lyon email on May 19, 2025 validating the billing concerns and the zero-cost contingency offer. She allowed the unauthorized Ferguson statement to be read without objection or board vote. She was copied on the September 12, 2025 formal refusal to investigate and took no action. Dixon refused to investigate the very contractor from whom her family stood to benefit financially. This

constitutes intentional failure to perform her duty to safeguard public funds under Tex. Educ. Code § 11.1511(b)(9).

- c) Dixon remained silent while TEA investigated Ferguson for failing to report child sexual abuse—a state jail felony. She took no action to ensure the district complied with mandatory reporting laws and voted to further reward Ferguson despite documented concealment. This constitutes intentional failure to perform her duty to ensure student safety under Tex. Educ. Code §§ 11.1511(b), 22A.051, and 38.004.

**COUNT III — OFFICIAL MISCONDUCT: RESPONDENT VAN WOLFE (§ 87.011(2))**

126. Relators incorporate all preceding paragraphs.

127. Respondent Van Wolfe committed intentional, unlawful behavior relating to his official duties and intentionally failed, refused, and neglected to perform duties imposed on him by law:

- a) As Board Secretary, Van Wolfe failed to document that the statement read by Beavers on May 19, 2025 was never presented to, discussed by, or voted upon by the full board. He allowed a fabricated statement to enter the record as if it were official board action. This constitutes intentional failure to perform the duty imposed by Tex. Gov't Code § 551.021, which requires a governmental body to prepare and keep minutes of each open meeting that state the subject of each deliberation and indicate each vote, order, decision, or other action taken.

- b) Van Wolfe received the Ted Lyon email on May 19, 2025 and was made aware of billing concerns through Agenda Item 11C on February 26, 2025. He continued to approve Pogue Construction contracts without requiring any safeguards, oversight, or independent review. He was copied on the September 12, 2025 formal refusal to investigate and took no action. This constitutes intentional failure to perform his duty to safeguard public funds under Tex. Educ. Code § 11.1511(b)(9).
- c) Van Wolfe remained silent while TEA investigated Ferguson for failing to report child sexual abuse. He took no action to ensure compliance with mandatory reporting laws and voted to extend Ferguson's contract through 2031 despite documented concealment and a state jail felony reporting failure. This constitutes intentional failure to perform his duty to ensure student safety under Tex. Educ. Code §§ 11.1511(b), 22A.051, and 38.004.

**COUNT IV — OFFICIAL MISCONDUCT: RESPONDENT DIAL (§ 87.011(2))**

128. Relators incorporate all preceding paragraphs.
129. Respondent Dial committed intentional, unlawful behavior relating to his official duties and intentionally failed, refused, and neglected to perform duties imposed on him by law:
- a) Dial was one of only two trustees to vote against investigating the sexual abuse of two elementary students. He then voted to reward the superintendent who concealed the abuse with a \$40,000 raise, a

\$40,000 bonus, and a subsequent 8% salary increase. He remained silent while TEA investigated Ferguson and took no action to ensure compliance with mandatory reporting laws. Three more staff members were subsequently arrested. This constitutes intentional failure to perform his duty to ensure student safety and superintendent accountability under Tex. Educ. Code §§ 11.1511(b), 22A.051, and 38.004.

- b) As Board Secretary from on or about June 2023 through May 2025, Dial failed to ensure accurate recordkeeping of board proceedings, including failing to document that the May 19, 2025 statement was unauthorized and never voted upon. This constitutes intentional failure to perform the duty imposed by Tex. Gov't Code § 551.021, which requires a governmental body to prepare and keep minutes of each open meeting that state the subject of each deliberation and indicate each vote, order, decision, or other action taken.
- c) Dial received the Ted Lyon email on May 19, 2025 validating the billing concerns and the zero-cost contingency offer. He allowed the unauthorized Ferguson statement to be read without objection. He was copied on the September 12, 2025 formal refusal to investigate and took no action. This constitutes intentional failure to perform his duty to safeguard public funds under Tex. Educ. Code § 11.1511(b)(9).

**COUNT V — OFFICIAL MISCONDUCT: RESPONDENT WEBB (§ 87.011(2))**

130. Relators incorporate all preceding paragraphs.

131. Respondent Webb committed intentional, unlawful behavior relating to his official duties and intentionally failed, refused, and neglected to perform duties imposed on him by law:

- a) Webb was made aware of Pogue Construction billing concerns through Agenda Item 11C on February 26, 2025 and received the Ted Lyon email on May 19, 2025 validating those concerns and a zero-cost contingency offer. That same evening, he allowed the unauthorized Ferguson statement to be read without objection and voted to approve a \$22.3 million Pogue Construction contract without requiring independent review. He was copied on the September 12, 2025 formal refusal to investigate and took no action. This constitutes intentional failure to perform his duty to safeguard public funds under Tex. Educ. Code § 11.1511(b)(9).
- b) Shortly after taking office, TEA opened an investigation into Ferguson for failing to report child sexual abuse—a state jail felony. Webb remained silent regarding the district’s documented reporting failures and took no action to ensure compliance. He subsequently voted to extend Ferguson’s contract through 2031 despite the documented pattern of concealment and failure. This constitutes intentional failure

to perform his duty to ensure student safety under Tex. Educ. Code §§ 11.1511(b), 22A.051, and 38.004.

**COUNT VI — INCOMPETENCY (GROSS CARELESSNESS): ALL  
RESPONDENTS (§ 87.011(1)(B))**

132. Relators incorporate all preceding paragraphs.

133. All Respondents demonstrated gross carelessness in the discharge of their official duties:

a) **FINANCIAL OVERSIGHT:** Respondents were presented with evidence of billing irregularities in contracts exceeding \$400 million, advised by an internationally recognized RICO authority that the evidence supported treble damages, and offered a zero-cost investigation. They refused. They then allowed a fabricated statement to be issued claiming no evidence of impropriety existed. They continued to approve contracts with the same contractor without any additional safeguards. Approximately \$2 billion in bond projects remain at risk. This constitutes gross carelessness in the discharge of their duty to oversee and monitor district finances under Tex. Educ. Code § 11.1511(b)(9).

b) **STUDENT SAFETY OVERSIGHT:** Respondents learned their superintendent concealed the sexual abuse of two elementary students for over three months, failed to file mandatory state reports—a state jail felony—and was the subject of a TEA investigation. They failed to conduct a thorough and truly independent investigation. They failed to ensure

reporting compliance. They implemented zero reforms. They rewarded the superintendent with raises, bonuses, and contract extensions. Three more staff members were arrested for sexual misconduct or failure to report in the three years that followed. This constitutes gross carelessness in the discharge of their duty to ensure student safety and superintendent accountability under Tex. Educ. Code §§ 11.1511(b), 22A.051, and 38.004.

**COUNT VII — OFFICIAL MISCONDUCT (BREACH OF FIDUCIARY DUTY):**

**ALL RESPONDENTS (§ 87.011(2))**

134. Relators incorporate all preceding paragraphs.
135. School board trustees owe fiduciary duties to the district and its taxpayers. The intentional breach of fiduciary duty constitutes official misconduct under § 87.011(2).
136. All Respondents breached their fiduciary duties by refusing to authorize a zero-cost investigation of suspected billing irregularities with estimated recoverable losses of \$50-75 million before treble damages; by allowing a fabricated statement to obstruct that investigation; by continuing to approve contracts with the same contractor without independent review; and by extending the contract of a superintendent who concealed child sexual abuse and committed a state jail felony reporting failure.
137. These breaches were not errors in judgment. They were intentional choices made with full knowledge of the evidence, the risks, and the consequences.

**CITATION (§ 87.016)**

138. Issue an order directing citation to each Respondent pursuant to § 87.016(a), ordering each to appear and answer no earlier than the fifth day following service.

**SUSPENSION PENDING TRIAL (§ 87.017)**

139. Upon issuance of the order requiring citation, suspend Respondents William (Bill) Beavers, Dena Dixon, and Thomas (Tommy) Van Wolfe from office pending trial. § 87.017(a).
140. Appoint qualified temporary replacements for each suspended officer. § 87.017(c).

**JURY TRIAL (§ 87.018)**

141. Set this matter for jury trial as soon as practicable. § 87.018(a).

**FINAL REMOVAL (§ 87.013)**

142. Following trial, remove all Respondents from office upon the jury's finding that any ground for removal alleged herein has been sustained. § 87.013.

**PRESERVATION OF EVIDENCE**

143. Order all Respondents to immediately preserve and refrain from destroying, altering, or deleting all documents, electronic communications, records, and data in their possession, custody, or control—including records

held personally and records held by Prosper ISD in their capacity as trustees—from January 1, 2022 through the conclusion of this matter related to the allegations set forth herein, including but not limited to: board meeting minutes, agendas, and recordings; executive session recordings; emails, text messages, and other communications on personal and district devices and accounts; all records related to Pogue Construction; all conflict of interest filings; and all records related to TEA reporting obligations.

### **COSTS**

144. Award Relators costs of suit as authorized by law.

### **GENERAL RELIEF**

145. Award all other relief, at law or in equity, to which Relators may be entitled.

### **PRAYER**

For the reasons set forth above, Petitioners have established grounds for removal under Texas Local Government Code Chapter 87 based on incompetency and official misconduct, including repeated failures of judgment and diligence, breaches of fiduciary duty, and the obstruction of lawful district operations and public oversight, which together have precipitated urgent financial instability and an escalating obstruction crisis within Prosper ISD. Immediate judicial intervention is necessary to prevent further harm to the district's finances, governance, and community trust. Petitioners therefore respectfully request that the Court:

- a) issue orders suspending the identified trustees pending final adjudication;
- b) appoint a prosecuting attorney to prosecute this removal action;
- c) set an expedited schedule for hearing and determination; and
- d) grant all further relief the Court deems just and necessary to protect the interests of the Prosper ISD community.

Respectfully Submitted by Mosser Law PLLC,

/s/ James C. Mosser

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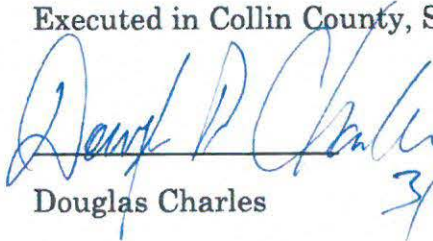


Michael G. Bennett

**UNSWORN DECLARATION OF DOUGLAS CHARLES**

1. My name is Douglas Charles, my date of birth is July 6, 1972, and my address for purposes of service is 8100 Dallas Parkway Suite 115A, Plano, Texas 75024.
2. I declare under penalty of perjury the facts stated in paragraphs 1 – 145 of State's Petition for Removal of School Board Trustees Pursuant to Texas Local Government Code Chapter 87 are true and correct.

Executed in Collin County, State of Texas, on March 20, 2026.

  
\_\_\_\_\_  
Douglas Charles

3/20/26