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Terri Pirtle Willard
District Clerk
Rusk County, Texas
By: Laurey Martin

NO. 2026-413

BRET GARDELLA	§	**IN THE DISTRICT COURT**
Plaintiff,	§	
	§	
V.	§	**4TH JUDICIAL DISTRICT**
	§	
RACHEL SAWYER HALE AND	§	
MICHAELLE FRIER	§	
Defendants.	§	**OF RUSK COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION AND DEMAND FOR JURY TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW comes BRET GARDELLA, hereinafter called Plaintiff, complaining of and about Rachel Sawyer Hale and Michaelle Frier, hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Bret Gardella, is an Individual who resides in Henderson, Rusk County, Texas.

3. The last three numbers of Bret Gardella's driver's license number are 961. The last three numbers of Bret Gardella's social security number are 995.

4. Defendant Rachel Sawyer Hale, is a resident of Henderson, Rusk County, Texas and may be served with process at her address [redacted] or wherever she may be found. Service of said Defendant as described above can be affected by personal delivery.

5. Defendant, Michaelle Frier, an individual and self-described digital creator residing at [redacted] Service of process may be had on Defendant at said address or wherever she may be found by personal delivery.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. Plaintiff seeks monetary relief in excess of $1,000,000.

8. This court has jurisdiction over the parties because Defendants are Texas residents.

9. Venue in Rusk County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county and Defendant Hale is a resident of Rusk County, Texas.

FACTS AND CAUSES OF ACTION

10. On May 27, 2025, Boatcycle, a Henderson Texas business applied for a grant or assistance from the Henderson Economic Development Corporation herein after referred to as "HEDCO". Defendant Rachel Sawyer Hale is the wife and daughter-in-law of the owners of Boatcycle, Inc. She also maneuvered herself into an appointment as Chairman of the Republic Party of Rusk County, Texas, after she unsuccessfully ran for election for the Texas House of Representatives. The application to get money from HEDCO was rejected because the stated purpose of the request for "taxpayer dollars" was contrary to the purposes for which such money could be used.

11. HEDCO and its staff refused to "Bend the Rules" for the Hale family and/or the chairman of the Rusk County Republican Party, even after Defendant Rachel Sawyer Hale personally intervened.

To be clear, Defendant Hale's uncle by marriage, Joel Hale (the County Judge of Rusk County) never interceded into the matter.

12. This rejection of a request for the taxpayer money by Defendant Hale's family and business created malice and ill will toward HEDCO's executive director, Plaintiff, Bret Gardella, on the part of Rachel Sawyer Hale.

Defendant Rachel Sawyer Hale used her position with the Republican Party of Rusk County to further her vendetta, to the detriment of the Party as a whole.

13. Shortly after the Defendant Hale's request for the taxpayer money for her family's business was denied, a tempest in a teapot arose over a mural being painted on a Henderson building. The owner of the building was in favor of the mural and all appropriate committees were consulted. The project was properly approved.

Using the mural project as a pretext, Defendant Hale, garbing herself as the Chair of the Rusk County Republican Party and invoking the name of Boatcycle on August 30, 2025, published a post on Facebook. The written part of the post itself alone is defamatory per se,

> "Vetting Bret Gardella, and what I uncovered is staggering fraud, waste, and abuse spanning multiple states and countless cities "…"based on what I've found, this is a 9 alarm fire", "…more explosive videos are coming stayed tuned", "…Henderson Mural Debacle triggered my investigation into what I believed was the tip of the iceberg…unfortunately I was right and…lays out the fraudulent behavior and public connection (*sic*) bombshell…Please share we NEED to shine a light to make it unattractive for bad actors to oversee our tax dollars."

Each, every and all of these statements are defamatory per se and, therefore, also per quod.

14. August 30, 2025 Rachel Sawyer Hale post,

> "I've just released a new video - Vetting Bret Gardella, and what I uncovered is staggering: fraud, waste, and abuse spanning multiple states and countless cities. Huge thank you to the engaged citizens of Baytown - your vigilance helped expose a much bigger story. When I said the mural debacle was just the tip of the iceberg, I truly didn't realize how deep this would go." To everyone in Henderson... HEDCO's budget should be on the agenda - and based on what I've found, this is a 9-alarm fire.

In the comments to this posting appears the following: *Tyler Esters*, "...Smells like a con artist!" *Michaelle Frier*, "He is a fraud and looks to move from town to town to see what he can get away with." *Rachel Sawyer Hale*, "Just like in education we MUST stop passing the trash."

15. August 30, 2025, "Vetting Bret Gardella" video created by and posted by Rachel Sawyer Hale is defamatory. A transcription of the audio portion of the linked video is attached hereto as Exhibit "A" and made a part hereof. The sole purpose for Hale to create this video was to concoct and share her inaccurate, non-factual story to inflame her audience to get Plaintiff fired and scare his family. At no time during this process, was Hale employed by the city of Henderson, HEDCO or serving on any board that would require the vetting of Plaintiff. Therefore, the only conclusion is that Hale maliciously chose to defame Plaintiff personally and not in the scope of his work for HEDCO. Hale used *Freedom of Information Act* documents, selectively edited, to offer her version of what has transpired during his professional economic development career.

She uses inuendo about his career path representing that Plaintiff had been fired multiple times, that one city (Bastrop) drafted an ordinance regarding public conduct of the BEDC leaders that she incorrectly attributes to Plaintiff's actions, misrepresents a failed MDD measure in Brownsville and alleges that he is not being transparent on his applications. She also questions his accomplishments simply because she claims that she couldn't find any public reporting on them. She alleges that some of his projects were the basis of "Conflict and Controversy" based on her slanted version of what accomplishments occurred or did not occur. Exhibit A, Pages 6-20.

Additionally, Hale states,

"I strongly believe that Mr. Gardella should not hold any position where he is entrusted with taxpayer money."

Id, Page 34.

And lastly, she fabricates this lie that,

"Now Mr. Gardella and some on the Main Street Landmark board are trying to gut our downtown protections to jam through a mixed-use entertainment scheme."

Id, Page 38.

Plaintiff has never once worked on or proposed a mixed-use concept for downtown Henderson so he has zero idea what this lie is about.

16. August 31, 2025 Rachel Sawyer Hale post,

"ICYMI Henderson Mural Debacle triggered my investigation into what I believed was the tip of the iceberg. Unfortunately, I was right and (the below) lays out the fraudulent behavior and public correction (*sic*) bombshell"

17. September 3, 2025 Rachel Sawyer Hale posts answers to others' posts informing people that they can go to Boatcycle to sign a petition to have Plaintiff fired. In the comments, *Michaelle Frier*, posted.

"It's ashamed (sic) he got the ugly mural done before we could get him out of the city!!!" *Rachel Sawyer Hale* (replying to Jamie Haynes) you can pay a service to scrub you from the internet, however, you can't scrub gov't documents!!"

18. September 3, 2025 Rachel Sawyer Hale posts,

"...The number of people stepping up to apply for the HEDCO board is nothing short of incredible. Petition signatures are already being collected, and the HEDCO board has until September 9, 2025, to terminate Mr. Gardella... IF they don't do it, We the People will." Additionally, " This is a line in the sand. 1) Mr. Gardella must be terminated by or before September 9, 2025."

19. September 4, 2025 Rachel Sawyer Hale posts,

"9/9/25 is the day IF the following doesn't happen We The People are getting ready to take action. 1) Mr. Gardella Terminated."

20. September 8, 2025 Rachel Sawyer Hale posts,

> "Tomorrow 9/9/25 is the day! HEDCO meeting at 3pm City Council meeting at 6pm. Line in the sand: Mr. Gardella terminated." In the comments, after Plaintiff was not fired, we find *Tony Johnson*, "This isn't right! Gardella needed to go...", *Michaelle Frier*, "...So this is it? All that can be done? When can they vote again or when can it be brought up again?"

On September 22, 2025, Plaintiff met with Rachelle Thrasher and Aleigh Townley, two local citizens who had been opposed to the mural, to get to know one another. During this meeting Rachelle Thrasher mentioned that Rachel Sawyer Hale told her that she had "dug up" other personal, non-job related information about Plaintiff and was going to disseminate it publicly to shame him and try to force him to resign.

21. Included and embedded in that Facebook post are video(s) that contain multiple statements that are untrue and per se defamatory and/or are actionable under *Turner v. KTRK TV, Inc.* 385 SW3d 103 (Tex. 2000). The gist of the post is false, defamatory and not otherwise privileged.

22. The written posting quoted above is clearly pro se defamatory. The video clip linked to the written post also contains per se defamatory statements. The attempts within the video by Hale to attempt to disclaim liability by caveats inserted certainly do not apply to the written posting and also are ineffective to disclaim liability for the video statements under *Turner* and its progeny. In fact, they are evidence that Hale had serious doubt about the truth of her accusations or knew they were untrue.

23. If evidence of actual malice need be presented as to the postings there is clear and convincing evidence that Hale purposefully avoided the truth. Hale's decision not to consult readily available sources that could have objectively commented on her version of the facts

[illegible] alone is sufficient. However, there exists clear and convincing evidence Hale avoided contact with persons who could effectively comment on the truth or falsity of the facts she was publishing and claiming to be true and instead cited and consulted only with sources known to be hostile to Bret Gardella. This is not a failure to investigate; it is purposeful avoidance of the truth.

The clear and convincing evidence shows that Hale knowingly omitted certain facts, that left undisclosed, could leave a reader or listener with a substantially false impression. The evidence of malice is clear and convincing because Hale completely abandons the original debate about the mural, ignores that Plaintiff could not alone authorize a grant to assist in painting it and makes the defamatory statements all to try and get Plaintiff fired from his job.

24. Hale's state of mind and proof of malice in the context of defamation is most clearly shown by the fact that in the excrutiatingly long video posting numerous disjointed and unrelated "facts" or "events" are recited on a variety of topics, projects, and/or cities that Defendant urges the listener to believe prove Plaintiff is all the defamatory things she says he is.

But, when you analyze those allegations of "facts", even if you assume them all to be true and further assume that Plaintiff had some connection to them other than being in the particular city at the time, they do not have any probative force to support the per se defamatory terms Defendant uses repeatedly to describe Plaintiff.

This is overpowering evidence that Defendant did not believe or had serious doubts about the truth of the per se defamatory statements she made about Plaintiff.

25. Notwithstanding the fact that the statements of Hale are defamatory per se, such statements also proximately cause monetary damage to Bret Gardella.

The statements made are injurious to and relate to Plaintiff's fitness to serve as an economic development director, lowering the marketability of his fitness to be effective at his chosen profession.

The amount of damage therefrom exceeds the minimum jurisdictional limits of the Court.

26. Further Defendant used the Plaintiff's name or likeness for the Defendant's own benefit and included the name or likeness in publication used to promote the Defendant's agenda.

As a result of Defendant's actions, Plaintiff suffered mental anguish, loss of earning capacity and loss of the value associated with the exclusive use of his name or likeness.

27. The actions of Defendant's aforesaid have caused Plaintiff to suffer damages.

28. The Defendant, Michaelle Frier after the Defendant Hale posted her defamatory screed, published her own comment.

> "He is a Fraud (*sic*) and looks to move from town to town to see what he can get away with."

That statement is per se defamatory. Except for Hale's capacity as an officer, shareholder, or employee of Boatcycle and her capacity as Chair of the Rusk County Republican Party, Frier's liability facts are the same as Hale's and are incorporated herein by reference the same as if fully copied at length.

But Frier's transgression may be worse than Hale's. Frier apparently is relying solely on what Hale has published and called Plaintiff a "Fraud" (*sic*) without doing any independent investigation on her own.

29. Additionally, and aside from the forgoing Defendant Hale knowingly published Plaintiff's social security number and other personally private information in an effort to cause financial harm to Plaintiff. This constitutes an entirely separate tort, for which this suit is brought.

[redacted] has caused Plaintiff mental anguish and concern about what can be done to him [redacted] with that information in the public domain.

PLAINTIFF'S CLAIM OF DEFAMATION, MALICE, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND INVASION OF PRIVACY

30. Plaintiff realleges and incorporates by reference all prior paragraphs as though they are fully set forth. Said allegations constitute defamation, malice, intentional infliction of emotional distress and invasion of privacy as to Defendants, Rachel Hale and Michaelle Frier.

DAMAGES FOR PLAINTIFF, BRET GARDELLA

31. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Bret Gardella, was caused to suffer injuries, and to incur the following damages:

A. Loss of earning capacity which will, in all probability, be incurred in the future;

B. Mental anguish in the past;

C. Mental anguish in the future;

D. Attorney fees; and

E. Reputational damage.

PRAYER

Plaintiff, Bret Gardella, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-

This section has been left blank intentionally.

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This section has been left blank intentionally.

[redacted] interest at the legal rate, costs of court; and such other and further relief to which the [redacted] may be entitled at law or in equity.

Respectfully submitted,

By: _____

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Attorney for Plaintiff
Bret Gardella

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

EXHIBIT A

TRANSCRIPTION OF AUDIO OF

"VETTING BRET GARDELLA"

46 MINUTES, 14 SECONDS

(Beginning of recording.)

RACHEL HALE: Vetting Bret Gardella, current executive director, Henderson, Texas, Economic Development Corporation.

The following information has been gathered through open records requests and publicly available sources. This community-initiated review is part of an ongoing effort to better understand the background and qualifications of Mr. Gardella.

While Mr. Gardella may not currently be under formal review by city leadership or elected officials, the citizens of Henderson, Texas have more question than answers.

As someone overseeing millions in taxpayer funds through the Economic Development Corporation, it is both reasonable and necessary for the public to learn more about his record, priorities, and decision-making processes.

Mr. Gardella attended St. Ambrose University from 1989 to 1991. He earned a bachelor's degree in mass communications with a minor in marketing. He then went to attend Whittier Law School from September 1993 to May of 1994. He did not graduate nor obtain a law degree.

Of note, Mr. Gardella's background in

mass communications is particularly relevant in light of one of the key concerns surrounding the recent mural debacle in Henderson, a perceived failure in transparent, effective communication. This has been compounded by what many community members describe as gaslighting tactics in the aftermath.

In a résumé submitted to the Bastrop Economic Development Corporation in July 2022, Mr. Gardella wrote, "I find it vitally important to communicate directly with the public and to invite their input into the conversation of community and economic development and help folks be a part of the proactive change to their community. Wherever I go, I value and appreciate the spirit of the community"; however, this statement stands in contrast to current public sentiment in Henderson.

The second major complaint alongside concerns about communication is a perceived disregard for the spirit and values of the community. Many residents feel that rather than working with the community Mr. Gardella appears intent on fundamentally transforming it, raising questions about his alignment with Henderson's identity and long-term vision.

According to Mr. Gardella's LinkedIn profile, he has served as an economic development

director in three different states since 2007, and Henderson, Texas is his ninth city in that capacity. Mr. Gardella's employment history overview per LinkedIn, public records, and open records request, De Smet, South Dakota LinkedIn, employed from 2007 to 2009. On his Baytown application, he lists that he is employed from May 2007 to April 2009, just under two years.

De Smet Economic Development Corporation, EDC, claims it is a private nonprofit and not subject to South Dakota's open records laws. A call to the city of De Smet confirmed the City provides some tax funding to the EDC and requires them to submit an annual report to the city council.

When pressed via e-mail for the statute exempting them from open records laws, De Smet EDC reiterated its nonprofit status, lack of city governance, and cited the South Dakota Administrative Rule 4509.201 which defines personnel records as confidential, excluding name, classification, and salary.

Parker, South Dakota LinkedIn has him employed from 2009 to 2011. Baytown application shows that he was there from May 2009 to March 2011, just under two years. Parker Development Corporation never responded to the open records request. Based on the

lack of response and similar posture to De Smet, further pursuit was deemed unproductive.

Number 3. Avery County, North Carolina, July 2011 to December 2014. Mr. Gardella submitted resignation on November 30th, 2014 effective December 2014. Open records response from the County says that they are only required to provide salary information and resignation letter, not the original application.

Number 4. Rock Island, Illinois, January 2015 to January 2018. Mr. Gardella submitted his application October 2014. He started January 5th, 2015, and he resigned on January 15th, 2018. He received a severance package upon departure. Notably, on future applications, Mr. Gardella marked "may not contact" for Rock Island.

Number 4 [sic]. Rosenberg, Texas, January 2018 to July 2019. Rosenberg received his application November 13, 2017. He was hired effective 1/8/2018, and he resigned July 2019. On his application, Mr. Gardella again marks "may not contact" for Rosenberg.

Number 6. Baytown, Texas, August 2019 to September 2022. His application was submitted on June 2019. He was hired effective August 2019, and

Mr. Gardella was terminated September 2022.

Number 7. Bastrop, Texas from September 2022 to March 2023. Mr. Gardella applied July 2022. He was hired effective September 2022, and he was terminated March 2023.

Resolution R-2023-44 states the city council has become increasingly concerned about the public conduct of certain leaders of the BEDC, and upon closer evaluation, the city council has concluded this behavior is inappropriate, unprofessional, and inexcusable.

While Mr. Gardella lists August 2023 as his end date on LinkedIn and was paid through August, documentation confirms termination occurred five months earlier in March.

Number 8. Brownsville, Texas, the Greater Brownsville Incentives Corporation, GBIC, August 2023 to unknown. The résumé obtained was dated March 2023. That was the only document that Brownsville EDC was able to provide. No application or exit paperwork was available.

Mr. Gardella lists his employment as August 2023 to October 2024 on LinkedIn; however, meeting minutes from May 23, 2024 states board member, "Tracy Wickett requests an update regarding the Greater

Brownsville Incentives Corporation. It was noted that the executive director of GBIC has resigned, and they are currently looking for an interim executive director."

While the exact date of resignation is unclear, it is confirmed Mr. Gardella was not employed by GBIC between at least May and October 2024. Despite this, he lists October 2024 as the end of his tenure at Brownsville, a discrepancy that raises questions.

Additionally, he was hired by Henderson EDC in September 2024 overlapping with the employment dates he lists for Brownsville. There have been claims that Mr. Gardella left GBIC due to a structural change, i.e., the split of the Economic Development Corporation, the EDC, and the proposed transition to a Municipal Development District, an MDD.

While it is true that this issue went on the ballot, the measure failed, and GBIC remains intact; therefore, Mr. Gardella's departure was not the result of the ballot outcome. This is a confirmed fact.

Number 9. Henderson, Texas, hired September 2024 to present. Mr. Gardella was hired by Henderson EDC in September 2024. He has held nine different economic development positions across three states since 2007, averaging less than three years in

each role with individual tenures ranging from just six months to approximately three-and-a-half years.

On his Baytown application, he allowed contact with De Smet, Parker, and Avery County but explicitly denied contact with Rock Island and Rosenberg, both cities where his tenure ended with either resignation and severance or termination.

The frequent turnover, selective contact permissions, discrepancies in reported dates, and lack of transparency regarding applications and terminations in multiple roles raised valid concerns.

Mr. Gardella lists the following accomplishments during his tenure with De Smet, South Dakota. He claims to have created the De Smet Community Foundation; however, government records indicate the foundation did not receive tax-exempt status until 2013, several years after Mr. Gardella had left De Smet. It's possible the foundation was formed earlier and only obtained tax-exempt recognition later, but I was unable to verify this.

He also states that he created a marketing campaign titled "The Frontier Life." Public records and press coverage suggests that campaign didn't begin until 2012, again well after his departure. De Smet was recognized by the governor as Community of

the Year in 2013 largely due to this campaign, which reportedly helped attract three new companies, supported the expansion of six others, and launched the Young Guns Initiative, an organization aimed at engaging residents age 20 to 40.

Mr. Gardella further claims to have created the first annual Walleye Jamboree on Lake Thompson; however, I was unable to find any fishing tournament by that name nor any documentation of the De Smet Economic Development Corporation's involvement in organizing such an event. The only Walleye tournament on Lake Thompson I could locate is a long-standing event that celebrated its 36th year in June 2025.

On his Rosenberg and Baytown applications, Mr. Gardella also stated he persuaded property owners to donate a Main Street building to establish a retail incubator; however, this accomplishment does not appear in his later résumés, and I could not find any public record or news article confirming that this donation or incubator project took place.

To be clear, I'm not asserting Mr. Gardella did not achieve these things during this tenure. I'm simply noting that based on available

public records and documentation, I was unable to corroborate these specific claims.

Parker, South Dakota. On both his Baytown and Rosenberg applications, Mr. Gardella stated his reason for leaving the Parker Development Corporation is because it ran out of funds and closed.

While it is true the organization reportedly lacked sufficient funding to continue paying an executive director, the Parker Development Corporation did not close. In fact, it has continued operating under the leadership of its board members for the past 26 years.

Additionally, Mr. Gardella claimed on both applications that he got owners to donate a building on Main Street to create a small business incubator; however, again I was unable to find any evidence to substantiate this claim nor any indication that a retail or small business incubator currently exists or ever existed in Parker.

He also claims to have created the Parker Community Fund. The only entity by that name I could locate was established in 2006, and it originated with funding from the Parker Medical Association prior to Mr. Gardella's reported tenure.

Again, to be clear, I'm not asserting

that Mr. Gardella did not achieve these things during his tenure. I am simply noting that based on available public records and documentation I was unable to corroborate these specific claims.

Mr. Gardella lists the following accomplishments during his tenure with Avery County, North Carolina. Mr. Gardella states he created a film department and marketing strategy to attract film and television production to Avery County; however, a broader view of North Carolina's film industry context provides necessary perspective.

As of 2023, 43 films have been shot in North Carolina including Dirty Dancing, The Fugitive, I Know What You Did Last Summer. Avery County had already served as a filming location for five notable productions prior to, during, and after Mr. Gardella's tenure: Winter People, 1987; Forest Gump, 1994; 28 Days, 1999; The Hunger Games, 2012; Three Billboards Outside Ebbing, Missouri, 2016.

While it's possible Mr. Gardella worked to formalize or promote a film-friendly strategy, Avery County was already on the map for film production likely due to its natural landscapes and North Carolina's 25 percent film rebate incentive rather than any new departmental creation.

Broadband expansion. Mr. Gardella stated on his application that he completed an Internet inventory in 2012 and facilitated a partnership with NC Wireless to bring high-speed broadband to underserved areas of Avery County; however, public records indicate that NC Wireless was not involved in broadband projects in Avery County until 2018 when they received funding through a state grant program. There is no documentation confirming NC Wireless' involvement with Avery County in 2012.

Appalachian High Country AVA. Mr. Gardella claims to have helped launch regional wine-making initiative by writing grant requests and assisting the High Country Wine Growers Association in its effort to create the Appalachian High Country American Vidicultural area, AVA.

The AVA was officially designated on October 27th, 2016, two years after Mr. Gardella's departure. It includes eight counties across three states -- not seven as Gardella listed -- and 15 years in the making.

The project was spearheaded by the High Country Wine Growers Association and supported by funding and collaboration from Alleghany, Ashe, Carter, Grayson, Johnson, Mitchell, Watauga counties as well as

Watauga Electric and ASU Partners.

Avery County was the only county government not to contribute funds. A private individual, Mr. Wiseman, personally contributed $100 on behalf of Avery County.

According to available sources, Mr. Gardella's role is not mentioned in any formal documentation related to the creation of the AVA.

Banner Elk School business incubator. In September 2011, Mr. Gardella presented a proposal to convert the old Banner Elk school into the Avery County Professional and Retail Incubator Development Enterprise, known as AC pride. The goal was to foster entrepreneurship by providing low-cost space for start-ups and existing businesses based on national business incubator models.

Conflict and controversy. From 2012 to 2014 the project became highly controversial involving zoning conflicts. The area was designated medical and educational, unclear definitions of what types of businesses were allowed, existing versus new businesses, new -- no board of directors in place to guide business selection, disputes over financial transparency, budgeting and lease terms, concerns about favoritism, conflicts of interest, and lack of community support.

Public and political pushback. Commissioner Reo Griffith reported -- repeatedly challenged the project citing lack of adequate public notice, questionable rent rates, $6 a square foot claimed versus $10 market rate, use of taxpayer funds to subsidize real estate businesses in a saturated market, a lease agreement that board members had not fully reviewed before approval.

Real estate professionals criticized the incubator for allowing new offices to open using taxpayer subsidized rent arguing it created unfair -- unfair competition in a market already saturated with over 60 real estate offices in Avery County.

In May 2013 Mr. Gardella authored a six-page letter defending the incubator project, stating the incubator followed best practices and was designed to help small businesses grow. He denied wrongdoing and emphasized that the incubator would become the county's most important economic development tool.

Despite initial approval of a lease agreement between Avery County and Bear Real Estate Mountain in October 2013, community backlash persisted. In September 2014, the Avery County commissioners unanimously agreed to sell the old Banner Elk school to the town of Banner Elk for a million dollars,

effectively ending the incubator initiative.

The incubator was described by local leaders as a controversial topic for the past couple of years, and its failure represented a significant setback during Gardella's tenure.

The Banner Elk school incubator project, which was heavily promoted by Mr. Gardella, ultimately failed amid widespread community opposition, legal concerns, and doubts about transparency and feasibility.

To be clear, I'm not asserting Mr. Gardella did not achieve these things during his tenure. I am simply noting based on available public records and documentation these claims may reflect partial involvement or intent, many could not be corroborated through independent records, and in some cases the timeline or facts directly contradict the claims.

Mr. Gardella lists the following accomplishments during his tenure with Rock Island, Illinois. He states on the application that he was responsible for bringing Casey's Mini Truck Stop to the city; however, of the 20 truck stop locations in Illinois, Rock Island is not listed on the company's website, nor could I find any record indicating that Rock Island ever had a Casey's Truck Stop.

He also claimed to have assisted with the growth and relocation of DivvyDose, a company founded in 2015 and acquired by United Health Group in 2020 for an estimated $300 million. In 2021 DivvyDose announced a significant expansion into Davenport, Iowa, not Rock Island.

In April 2016 Mr. Gardella recommended to the city council that Rock Island reengage retail attractions for an additional 12-month period at a cost of $3,000 per month. He stated that the firm had already been working on the city's behalf for a year, had contacted over 800 businesses, and had actively promoted Rock Island's growth and pro-business environment. To continue building on the momentum, Gardella urged renewing the contract for another year.

Mr. Gardella is featured on Retail Attractions' website offering a testimonial. "Rickey gets it. We didn't need a consultant coming in here and telling us what we didn't have or what we needed. We already knew that. We needed a consultant with connections. We needed results, not reports. Retail Attractions delivers results. That's why we hired him." Despite these claims, it remains unclear whether Retail Attractions successfully brought any new business to Rock Island.

May 1st, 2018, Rock Falls, Illinois unanimously voted not to renew a contract with Retail Attractions, "After feeling like we just weren't getting anything out of them," said the mayor.

To be clear, I'm not asserting that Mr. Gardella did not achieve these things during his tenure. I'm simply noting that based on available public records and documentation I was unable to corroborate these specific claims.

Mr. Gardella lists the following accomplishments during his tenure with Rosenberg, Texas. Mr. Gardella stated that he worked to bring a developer in to revive the Rosenberg Outlet Mall project. In a meeting he explained that several years earlier there had been an agreement with Paragon to build the outlet, but the company went out of business.

In March 2018, just two months after Gardella was hired, the Rosenberg Development Corporation approved a six-month consulting agreement with Retail Attractions during a presentation to the city council. Retail Attractions owner, Rickey Hayes, stated, "Bret and I did development in another community a few years back, and that's how we got to know each other. Your city is very dynamic," Hayes added, "But do not let the growth opportunities deceive you into

believing you don't need to be aggressive."

According to Hayes, if the city council agreed to move forward with the outlet mall project, the development would include more than 100 shops. To date, there has not been an outlet mall built in Rosenberg, Texas.

In February 2019 Dollar Tree announced plans to build a $130 million distribution center in Rosenberg projected to create over 400 jobs. Phase 1 of the facility opened in September of 2020.

Mr. Gardella has listed on numerous applications and résumés that he led the effort to attract Dollar Tree and negotiated the incentives for what he describes as a $150 million, 400 job distribution center; however, all publicly available reports consistently cite the projects as being valued at 130 million.

Interestingly, in an MSN news article dated February 9th, 2019 states Gardella had been working on the deal for 18 months; however, he had only been employed in Rosenberg for 13 months at that time. It is unclear whether this was a reporting area -- error or an exaggeration.

In January 2020, Jeremy Heath, who had served as assistant economic development director under

Gardella was appointed the new director of Economic Development having also served as interim director after Gardella's resignation in July 2019.

Heath, who had been with the city since 2014, was credited with playing a key role in attracting the Dollar Tree Distribution Center, Texas State Technical College, as well as facilitating expansions of existing Rosenberg businesses.

Mr. Gardella has also claimed he created a -- new marketing slogans for the city including "Rosenberg is right for me" and "There's Rosenberg, and then there's the rest"; however, no official documentation could be found verifying when "There's Rosenberg, and then there's the rest" was first used. It appears to be more of a popular phrase than a formally adopted city slogan.

As for "Rosenberg is Right for Me," there is no evidence that it was ever officially used. In contrast, the slogan "Rosenberg: Right for Business" was developed by the city's economic development team and officially launched in July 2021. This slogan has been widely used in city branding and in communication since its introduction.

To be clear, I'm not asserting that Mr. Gardella did not achieve these things during his

tenure. I am simply noting that based on available public records and documentation, I was unable to corroborate these specific claims.

Mr. Gardella lists the following accomplishments during his tenure with Baytown, Texas. In résumés submitted to the cities of Baytown and Bastrop, Bret Gardella claims he developed public relation campaigns for clients including Michael Jackson, the grand opening of the Stratosphere Tower in Las Vegas, Neil Diamond, Lollapalooza, and other various business openings, actors, and musical clients.

These high-profile claims are certainly intriguing yet puzzling as they are not listed on all of his job applications or résumés. Despite extensive research, no photos or records have been found linking Gardella to any of the PR firms known to have represented these A-list -- A-list celebrities.

Contextually, the Stratosphere opened in 1996; Gardella left law school in 1994; Michael Jackson passed away in 2009; and Neil Diamond retired from touring in 2018 -- raising additional question about the nature and timing of these campaigns.

The T36 golf course project in Baytown. Gardella has also claimed credit for bringing national developers to Baytown to create the T36 golf course, a

dual-loop concept with two, 9-hole loops instead of a traditional 18-hole course. Developers Rio Valeriano and David Hinkle credited as the creators of T36 led the project under the name Build Baytown 1.

David Hinkle stated that it began with a, "friendship with local economic developer, Bret Gardella. He was one of the first people to show us the multiple options for development and laid out a broad vision for the area."

Gardella added, "I had the idea of giving back the golf course to Baytown in one of the city's most iconic green spaces. I knew that if we bought the former course we could do something significant with it."

Build Baytown 1 brought in Ric Buckton to lead the project, an experienced golf course design were more than 35 years in the industry including top -- five top 100 residential golf courses.

Since Baytown city council approved the golf course in April 2022, progress on the site has been steady but relatively quiet; however, Build Baytown 1 hosted dozens of community meeting. The land remained city-owned but was leased to the developers under a 40-year lease. Per the agreement, Build Baytown 1 was to pay property taxes and not receive tax-exempt status.

Hinkle said, "There's already national interest in seeing how this dual-loop concept is implemented and how it might become a model for the future. We're confident Baytown will be seen as a key place for innovation in golf."

Financial and legal troubles. In April 2024, the city of Baytown issued a notice of default to Build Baytown 1. The City stated, "The City is committed to a process of realigning and reorganizing to create a sustainable future. That means holding partnership groups accountable when contracts and other agreements are not followed."

Build Baytown 1 was given a deadline of May the 3rd to resolve outstanding issues. On May the 2nd, 2024, the developer filed for bankruptcy.

In May 2024, the city council voted 4 to 3 to approve a $1.9 million short-term agreement with Troon Golf. The City stated, "As part of a new agreement with Troon, we are working to recoup some of the investment made on the golf course."

The decision followed a failed vote in a special session the week prior. City leaders also began exploring options to assist local contractors who had not been paid by Build Baytown 1. The additional property the develop -- developer had an option to lease

will now remain with the city.

Notably, the original April 2022 vote to approve the T36 golf course project passed by a narrow 4 to 3 margin. Council members Powell, Betancourth, and Presley voted no.

Presley later commented on the default letter. "If correct, it is unfortunate. I was privy to a lot of information at the time and -- and had concerns which I expressed publicly and directly to the administration. I voted no, accordingly."

The agreement with Build Baytown 1 composed of two national developers with principal interest in Mirimar Properties Group and the Outlet Leasing Group, included over 6 million in city-provided incentives. Mirimar Properties, a Tennessee-based company, was the only responder to the city's formal RFP.

A number of former city officials, including a past mayor, urged Mayor Capetillo and the council not to approve the deal. In February 2022, the Baytown Sun reported that Rio owned Mirimar Properties according to the Tennessee Secretary of State's records. Mirimar was listed twice as inactive. First filed in 2000, went inactive in 20 -- 2004 and again in 2016, inactive in 2018.

A 2009 article in the Knoxville News Sentinel revealed that Rio under the company Avenue Parking, LLC had secured an 11,000 a month parking lease with the City of Knoxville. The deal was meant to fund $22 million condo project, but city officials eventually acknowledged that they no longer expected Rio to follow through. He blamed the national recession for the failure but later accepted the city's buy-out offer of $1.3 million.

Additional issues. Residents of Trinity Oaks reported flooding issues tied to golf course construction. "They took out a hill and pushed all the dirt toward -- towards us, which caused the flooding."

Homeowners filed claims against the City, but Baytown responded, "Based on the facts revealed in the investigation, the damages were not caused by any wrongful act, omission, or negligence by the City of Baytown or its employees. The city is legally immune from liability."

Councilman Reynolds explained -- expressed frustration. Red flags began to appear with Build Baytown 1, but the council persisted. "This needs to be handled immediately. Pay the vendors, finish the course, finish the clubhouse. We're tired of the excuses. Get it done now."

Former Councilman Presley was critical of undisclosed surplus land. Staff did not inform council about roughly 35 acres of surplus land. This was uncovered when a golfer asked why the property wasn't part of the course. Now 30 acres could be carved out for the developer's benefit instead of being used for a better course. "I'm disappointed in this entire process."

Councilman Mundinger added, "We are attempting to make a deal with some guys on the golf course. I personally have little confidence in the future success of the golf course. I've never seen an issue try to be forced through this fast with this little information to make a decision on. I don't like the process and the forced expediency nature of the process."

Gardella in defense said, "I do realize the importance of having a golf course in the community. A lot of companies are coming from China and India. When they looked at the community, they saw what was missing, and they wanted a golf course. They treat it as a business opportunity and also want high-end homes."

In March 2025, Baytown officials began pursuing an exit strategy from their agreement with Troon Golf. City Manager Reynolds stated, "The numbers

didn't add up. We can't continue taking unnecessary financial risk."

Public backlash and media scrutiny. The Facebook page called "Baytown Engaged Citizens" has consistently reported on the project's red flags. In a letter to the editor, James Haarmeyer wrote, "The controversial golf course contract is starting to resemble the kind of contract involved in Harris County corruption case. It reeks of graft. As I understand it, tailoring a public bid to a specific company and giving preferential treatment is a felony." Mayor Capetillo and Bret Gardella were the ones pushing this project.

Brandon Terry added, "This needs to be presented to residents who didn't vote for this. We all deserve the facts. Why isn't the golf course fraud being reported? Gardella is on video at the Sun admitting to a prior relationship with the developer. Why was a developer with no golf course experience hired? Where were the competing bids?"

Gardella states on Brownsville résumé that he, "Introduced to the City and working with national retail to developers on forward vision retail and entertainment centers."

The Fidelis Development Agreement was

signed in August 2022, just one month before Gardella left Baytown. The City signed a Chapter 380 agreement with Fidelis Realty Partners for sales tax rebates up to $16.2 million. This agreement replaced an earlier developmental deal in 2015 predating Gardella's tenure.

Fidelis reportedly spent nearly seven years assembling the individual parcels that once made up the former San Jacinto Mall property.

Again, to be clear, I'm not asserting that Mr. Gardella did not achieve these things during his tenure. I am simply noting that based on available public records and documentation I was unable to corroborate specific claims.

Mr. Gardella lists the following accomplishments during his tenure with Bastrop, Texas. Aside from De Smet and Parker, Bastrop stands out as having the shortest list of accomplishments on Mr. Gardella's résumé most likely due to his brief, six-month tenure; however, the lack of notable achievements during this time raises questions particularly for future employers like Brownsville and Henderson. Why weren't these gaps scrutinized more closely?

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On his résumé, Mr. Gardella claims he assisted with the Bastrop 552 Studio project, a proposed

580-acre, full-scale movie studio. While his involvement is not ruled out, the timeline is important.

The Bastrop 552 project originated in 2021 when the city council approved the concept. The project faced delays for two years due to revised agreements and was not formally re-established until May 2023 after Mr. Gardella's departure in March 2023. As of now, the studio has not yet broken ground with construction anticipated to begin in September 2025.

Mr. Gardella also states he created a marketing campaign to support film and television outreach; however, Bastrop County had a well-established film presence long before his arrival.

In February 2021 Governor Greg Abbott announced Bastrop County had earned the Film-Friendly Texas designation after completing a multi-step certification process. Former State Representative John Cyrier stated last session, 2019 to 2021, "I was proud to work with Bastrop County leaders and residents to officially designate Bastrop County as the Film Hospitality Capital of Texas. For decades, the residents of Bastrop County have opened their homes, businesses, and properties to film production of all sizes."

While it's possible Mr. Gardella

contributed to ongoing film-related efforts during his brief time in Bastrop, it's clear the foundation and momentum for this industry were laid long before his arrival.

He also claims to have created a small business revolving loan fund. While he may have participated in its development, the fund was not officially established until June 12th, 2023, three months after his departure from Bastrop in March 2023.

Again, to be clear, I'm not asserting that Mr. Gardella did not achieve these things during his tenure. I'm simply noting based on available public records and documentation I was unable to corroborate these specific claims.

Brownsville, Texas. The Brownsville Economic Development Corporation, BEDC, provided only a résumé dated March 2023 in response to an open records request. Mr. Gardella's employment agreement was signed on June 20th, 2023, yet BEDC has stated they do not have his application or any exit paperwork on file.

While the exact date of his departure remains unclear, meeting minutes from May 2024 confirm that Mr. Gardella was no longer employed at that time, meaning his tenure lasted less than one year.

In September 2023, the Brownsville city

commission approved a $12.2 million budget for 2024 which included funding for space-relate activities. Mr. Gardella appeared to be involved in this initiative.

The BEDC website features a space-themed campaign including a prominent, upward pointing arrow motif that aligns with his known branding style.

Additionally, in February 2024 Mr. Gardella attended the 50th annual space convention in Orlando, Florida further linking him to the city's strategic focus on aerospace development.

At this time I have not obtained Mr. Gardella's application for the Henderson Economic Development Corporation and therefore am unaware of the specific accomplishments he has claimed during his tenure there; however, we do know based on a previously released video that Mr. Gardella was involved in a controversial mural project during his time in Brownsville that is parallel to the current Henderson mural debacle.

Henderson, Texas. The Henderson Economic Development Corporation, HEDCO, has seen significant increases in both marketing and travel-related line items in recent budgets raising important questions about oversight, fiscal responsibility, and leadership.

Market and advertising budget growth. In

the 2023-2024 budget HEDCO allocated 70,000 for advertising and marketing. That amount increased to 120,000 in the 2024-2025 approved budget with the same figure proposed again for 2025-2026.

This is the budget line reportedly used to fund international travel by Executive Director Bret Gardella. He has recently traveled today India, London, and South Korea, all at the expense of Henderson taxpayers.

Open records requests have been submitted to obtain detailed travel expenses, but no documents have been provided to date. Notably, HEDCO now has retained outside legal counsel to handle open records responses which could suggest increased scrutiny and sensitivity around these expenditures and other requests.

Separate from the marketing budget, the travel and training fund has also seen a steep rise. 2023 to 2024, it was $12,000. 2024 to 2025, it was raised to $50,000. And now they are proposing for the 2025-2026 budget to $60,000. This fund is typically used for attendance at trainings, conventions, and other travel not categorized under marketing and advertising.

Compensation figures for Mr. Gardella also raises questions about our return on our

investment. In 2023-2024 the HEDCO director's salary was $161,539. For 2024-2025, Mr. Gardella's total compensation including insurance and benefits increased to $204,234. The proposed salary for 2025-2026 is $220,947.

By comparison, the Henderson city manager earned $147,292 in '23-'24, less than the HEDCO director, and was increased to 190,000 in 2024-2025 budget, yet still remains below Gardella's compensation level.

I want to reiterate, I am not asserting that Mr. Gardella did not accomplish any of the things he has listed on his applications or résumés during his tenure in various -- various cities. My goal is simply to compile and present publicly available information sourced from open records requests and open sources in an effort to address the many unanswered questions surrounding who Bret Gardella is, particularly in light of the silence from city officials amid growing public concern.

That said, there are several red flags that I believe warrant serious consideration. It's possible that had the City of Henderson or the other cities in which Mr. Gardella previously worked conducted a more thorough vetting, they might have reconsidered

his hiring.

A reoccurring pattern appears: similar ideas, strategies, and claims made across different cities often followed by friction, controversy, or unfinished projects.

Mr. Gardella presents grandiose ideas, but they frequently seem to generate division rather than consensus. You would expect that after successfully bringing a $130 million distribution center to a city the local economic development corporation would be celebrating such a win and that such an achievement would secure long-term job stability.

Likewise, if someone had genuinely worked on public relations campaigns for Michael Jackson, Neil Diamond, or the Stratosphere in Las Vegas, you'd expect to see those accomplishments highlighted prominently on every résumé and application, yet they're not consistently mentioned.

In the cities where Mr. Gardella has worked, budgets have grown often significantly. Henderson, for example, has seen increased spending during his tenure. Meanwhile, his casual attitude towards public funds is in my opinion deeply concerning.

Another red flag, the decision to bring in outside legal counsel simply to respond to a few

basic open records requested. That raises serious questions about transparency and why routine public inquiries require such extraordinary legal handing.

Frankly, I believe there are still more questions than answers based on what I've uncovered. I strongly believe that Mr. Gardella should not hold any position where he is entrusted with taxpayer money.

At the very least, these developments warrant public scrutiny, board accountability, and a closer look at how economic development funds are being spent in Henderson.

Some questions that deserve immediate and honest answers include: What specific metrics or performance benchmarks were used to evaluate Mr. Gardella's effectiveness during his tenure? Were background checks and employment history verifications completed before he was hired? If so, by whom? And what were the findings?

Has Mr. Gardella past -- past employment or project performance been independently audited or reviewed by a third party? Has HEDCO documented the return on investment for any of the economic development deals made under Gardella's leadership? How has -- how much has been spent on consultants, PR firms, or outside legal counsel during Mr. Gardella's time in Henderson?

And for what purposes?

Were other qualified candidates considered for the role? And what set Mr. Gardella apart during the hiring process? How does HEDCO evaluate risk when partnering with private developers? And were those standards applied to recent projects? Has the board discussed or voted on any performance concerns regarding Mr. Gardella? And if, not why?

What internal controls exist to monitor the use of taxpayer funds under the direction of the Economic Development Corporation? Are they being enforced? Why is there a pattern of using outside legal counsel to respond to basic public information requests? Is the organization trying to avoid transparency?

Should there be a policy requiring independent audits of all public-private partnerships exceeding a certain dollar threshold? What safeguards are in place to ensure that future hires are fully vetted and held accountable? Why has there been no public forum or open meeting to address the concerns residents have raised regarding HEDCO and its leadership? Will HEDCO commit to releasing a detailed report on all active and past projects overseen by Mr. Gardella, including cost, deliverables, and outcomes? Should the City of HED -- should the City or

HEDCO consider a pause on new economic development deals until concerns about leadership and spending are resolved?

These are just a few of the questions. They are matters of fiscal responsibility, transparency, and trust in public leadership.

At 5:11 p.m. on August 29th, I received a bombshell through an open records request that should shake every board member and elected official to their core. Within two months of taking over as executive director, Mr. Gardella hired NuRelm 3.0, LLC, a marketing firm from Tennessee and immediately authorized payments of $7500 in November and December 2024 for branding work, website development, logo design, and business cards.

Beginning in January 2025, we began paying them $5,000 every single month with the exception of April for branding and marketing support and LinkedIn content. The company's listed address, 130 Champions Point, Knoxville, Tennessee.

And here's where it gets alarming. That's the same state David Hinkle and Rio Valeriano are from, the developers behind the disastrous T36 double-loop golf course project in Baytown, Texas. I had a hunch they were behind NuRelm 3.0, and it was spot

on.

David Hinkle is listed as the guiding force behind NuRelm 3.0. Even worse, NuRelm has been inactive since March 18th, 2025, administratively dissolved for failing to file an annual report, yet we've paid them $50,000 from public funds with the only gap again being April 2025. This is déjà vu.

Baytown residents already exposed the shady shell games these developers play. The T36, LLC led by Ric Buckton with Hinkle and Rio as authorized members is still active, but the Hinkle-Rio entity T36 Hospitality Group was also dissolved for the same reason.

Meanwhile, Hinkle has been hopping around Texas cities. Last year Brownsville, per LinkedIn, he had the good fortune to see SpaceX up close this morning. To this, year Henderson. Four months ago he was boasting that his other company, Torg, T-o-r-g, was selected to redevelop the former Smoky Stadium proudly throwing around the term "hashtag public-private partnership", like it's a badge of honor.

Well, let me be crystal clear. Public-private partnerships are code for public dollars for private gain. Ask the families of the six people who died on the DFW toll road during Winter Storm Uri.

A foreign-owned P3 that failed to weatherize its roads because its owners don't live here. They don't drive here and clearly don't give a damn about what happens here. These aren't neighbors. They are opportunist parasites.

Per Hinkle's LinkedIn profile, he touts "hashtag mixed use, hashtag entertainment." Now Gardella and some on the Main Street Landmark board are trying to gut our downtown protections to jam through a mixed-use entertainment scheme. It's the same playbook. Just a different city.

I am beyond disgusted. And if this blatant cronyism $50,000 paid to an inactive, out-of-state company with a history of bankruptcies, defaults, and community betrayals isn't enough to rip the blindfolds off of our elected officials and the HEDCO board members, then maybe they're not just blind. Maybe they're complicit. Fix it or resign.

(End of recording.)

STATE OF TEXAS

COUNTY OF GREGG

I, Melanie Smith, CSR, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested by counsel in writing for the parties to be included in this Transcription Production for the above-styled and referenced matter, all of which were transcribed by me.

I further certify that this Transcription Production was transcribed by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision and is a true and correct transcript to the best of my ability and understanding.

I further certify that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

Certified to by me on this 21st day of August, 2026.

Melanie Smith

_____

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