

STATE OF TEXAS, COUNTY OF BEXAR

Before me, the undersigned authority in and for the State and County aforesaid, on this day, personally appeared

John E Foddrill Sr. being by me duly sworn upon his/her oath deposes and says:

John E. Foddrill Sr.
9650 Limestone Pond
San Antonio, Tx 78254

(210) 824-3502

April 25, 2013

VIA Certified U.S. Mail

Attorney General Greg Abbott
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

7012 3050 0001 5440 5560

(512) 463-2100

Susan Reed
Bexar County District Attorney's Office
101 W. Nueva, 4th Floor
San Antonio, Texas 78205

7012 3050 0001 5440 5553

210.335.2311

RE: Texas Open Meetings Law Violation

Dear Attorney General Abbott/District Attorney Reed;

Pursuant to the GOVERNMENT CODE, TITLE 5. OPEN GOVERNMENT; ETHICS, SUBTITLE A. OPEN GOVERNMENT, CHAPTER 551. OPEN MEETINGS and other applicable laws/regulations, I request that you investigate alleged violations of the Texas Open Meetings Law.

I believe that The City of San Antonio TX via the actions of Julian Castro, Mary Alice P. Cisneros, Ivy R. Taylor, Jennifer V. Ramos, Philip A. Cortez, David Medina Jr., Ray Lopez, Justin Rodriguez, W. Reed Williams, Elisa Chan, John G. Clamp, Diego M. Bernal, Leticia Ozuna, Rey Saldaña, Cris Medina, Carlton Soules, Sheryl Sculley, Michael Bernard and Leticia Cantu from July 1, 2009 to April 3, 2013 and others violated the Open Meetings Law.

The alleged violations occurred due to the fact that San Antonio TX City Attorney Michael Bernard and San Antonio TX Police Chief William McManus representing the City of San Antonio TX issued a criminal trespass warning letter on July 1, 2009 prohibiting me from entering City Hall, the Municipal Plaza Building and other City facilities. The letter provided no reason, time limit or any information concerning a process to challenge the ban. The ban remained in effect for over forty-five months until April 3, 2013 when a certified letter was delivered to my home. Persons named in this document and other persons were aware of the fact that I was prohibited from attending public meetings during this time but participated in spite of the fact. They followed the unethical, illegal instructions provided by Bernard/McManus to ignore me and all other citizens reporting the corruption and ongoing criminal conspiracy to hide the illegal activity.

Immediately upon receiving the warning on July 1, 2009 I asked why the ban was issued as I had not caused any disturbance, had not been asked to leave any meeting, had not threatened anyone, had not been involved in any incident where the police were called and had committed no crime. City officials have never provided a reason for the ban. I retained the services of attorney Edward Pina to get the ban lifted and during a meeting of Sept. 13, 2010 City Attorney Bernard made the untrue statement to attorney Pina in the presence of his First Assistant Attorney that he would lift the ban but never did. On July 4, 2011 – Independence Day- the City dispatched armed SAPD officers to my home in an effort to harass me into silence. The officers roused my family and the family of my neighbor Guadalupe Carreon from our beds to perform a mental health check. After speaking with my wife and I for over two hours the officers apologized on behalf of all the honest SAPD officers and honest City employees for the intrusion. SAPD Officer Bandoske submitted an official police report that was summarized in SAPD Sgt. Romana Lopez’s follow-up report to SAPD Deputy Chief Anthony Muro of July 7, 2011 stating – “After speaking to Mr. Foddrill at length, Officers Bandoske and Smarro were unable to find a mental health issue involved, no crisis, and no signs of danger to self or others. According to the officers, Mr. Foddrill is frustrated that no one will investigate what he considers to be a misappropriation of funds by the City of San Antonio.” In spite of having this official report on file the ban remained in place for another twenty-one months.

City Attorney Bernard and Police Chief McManus lifted the ban only after US District Judge Rodriguez issued an injunction on March 27, 2013 stating that the City couldn’t indefinitely ban citizens without due

process when he examined many other Constitutional/ Civil Rights issues in case SA-13-CV-00091-XR brought by Michael Cuellar who was banned for a period of about seven months after he began investigating corruption inside the San Antonio Fire Department.

The only time I entered City Hall / Council Chambers in the months preceding the ban was in June 2009 when my wife Susan K. Foddrill and I delivered documents outlining a criminal conspiracy by City / County persons to hide three decades of public/police corruption involving the theft and misuse of tens of millions of dollars set aside by law, grants, budgets, bonds, etc. for E911 and Telecommunications support. We signed the City Hall log-in sheet, met with City Council staff / City staff, delivered the documents, scheduled follow-up meetings and signed out upon our exit from the building. There was never any indication that anything was amiss or that we had done anything wrong. No one asked us to leave and the police were never called. My wife and I had cordial meetings with everyone we talked with during our time at City Hall.

I believe that Bexar County District Attorney Susan Reed should recue herself and her staff and that an independent, impartial prosecutor be assigned to investigate and prosecute these crimes. A few of the many reasons I hold this belief are the facts that:

1. She and her staff have made no effort to investigate and prosecute the crimes committed by City persons that have been reported to her office by numerous citizens and have actually stymied efforts to have the crimes investigated and prosecuted.
2. Her office released several untrue written statements indicating that they could do nothing until a time they were called upon by the Texas Rangers or another law enforcement agency. In written and recorded statements Texas Ranger Hank Whitman, Texas Senator Leticia Van De Putte, First Assistant DA Cliff Herberg and others indicated that Reed's staff was being dishonest.
3. Reed's office made untrue statements that there was no investigation as no wrongdoing was suspected knowing that Assistant DA Barry Elliott made statements to the contrary - including a recorded voice mail message and had obtained a search warrant to gain access to the personal bank records of City IT Manager Jose Medina after -with Texas Ranger Whitman and others present - reviewing City emails, invoices, Avaya billing statements, auditor's notes, etc. detailing a criminal scheme where Medina and City vendor Isabel Gonzaba (IG Communications- Globalscope) conspired to submit and approve known false invoices that were processed across state lines when they stole upwards of \$200,000 over a four year time frame. DA Reed's Office refuses to release a copy of the search warrant and provides their reasons in a November 23, 2009 letter to the Attorney General of Texas stating – "The requested information relates to a preliminary investigation by the

Bexar County District Attorney into allegations of possible bribery and/or financial misconduct". Texas Ranger Hank Whitman testimony under oath in February 2009 was memorialized by the media - "... [Whitman] and other officials with the Rangers and Bexar County District Attorney's Office found no evidence of fraud or official misconduct, Whitman testified," wrote the reporter. "'We could not substantiate any of the allegations at that time,' Whitman said." Texas Ranger Hank Whitman (under oath) and Bexar County First Assistant DA Cliff Herberg both made statements that were at times published in media reports that they didn't think there was a criminal case to prosecute and that there was no investigation despite the fact that evidence to the contrary proves that there was in fact an investigation and that a search warrant was issued by a judge who believed that there was good cause to examine the personal bank records of a private citizen.

4. DA Reed's Office refused to investigate and prosecute the theft of up to \$200,000 by City IT Manager Jose Medina and city vendor Isabel Gonzaba. Her office has a copy of the official City email where IT Manager Medina and vendor Gonzaba set up the criminal scheme where Gonzaba states - "This means I would be adding 3.5 hrs. per week for each of the three people". Reed's Office has emails, invoices, Avaya billing statements, auditor's notes, etc. proving that upwards of \$200,000 was stolen over a four year time frame and that City persons including City Attorney Bernard, Police Chief McManus, SAPD, IT Director Hugh Miller and others have conspired to hide the crimes.
5. DA Reed's Office refused to investigate and prosecute criminal activity when City IT manager Michael Mitchell, City IT manager Jose Medina, IT billing clerk Barbara Moore, IT billing clerk Aida Anguiano and others conspired to hide the fact that \$310,759.94 was spent to purchase network equipment and services in violation of numerous laws/regulations with no Council approval, the funds were illegally drained from E911/telecommunications budgets and that the expenditure was falsely listed as a payment of a monthly phone bill via the "variable" telephone billing account.
6. DA Reed's Office refused to investigate and prosecute criminal activity when IT manager Medina, IT Manager Victor Perez and others in violation of the law, the City Charter, OMB regulations, the Texas Local Government Code, etc. steered a no-bid contract to SanTel where overcharges of about \$ 10,800 were incurred by taxpayers.
7. DA Reed's Office refused to investigate and prosecute IT manager Deborah Segovia for her part in publishing fraudulent documents - including a sworn affidavit of Feb. 8, 2008 - stating that she found no violations of law while auditing IT contracts despite having personal knowledge of the "padded" invoices, illegal no-bid contracts, misuse of the "variable" billing account for three decades, etc.
8. DA Reed's Office has refused to investigate and prosecute supporters of City Councilman Diego M Bernal who made terroristic threats against my family and me for reporting Bernal's involvement in

the criminal conspiracy to hide the fraud/theft. The letter hand-delivered to Reed's Office was read to the Mayor and City Council during a "citizens to be heard" meeting by citizen Allen Ellebracht while I stood outside due to the ban. Both Reed and the City ignored my family's plea for protection.

9. District Attorney Reed and her staff have ignored numerous reports by several citizens concerning the criminal activity inside the City and reports of the TOMA violations. Her office has documents identical to those delivered to City Council members in June 2009 showing that San Antonio TX City Attorney's Office orchestrated and financed a "fraud upon the courts" in February 2009 with tax dollars to hide three decades of theft/fraud. DA Reed has proof in the form of courtroom transcripts, depositions, Administrative Directive 6.12, OMI intake statements, Avaya billing statements, auditor's notes, city emails, city reports, etc. that City Attorney Bernard and his staff- especially attorney Deborah Klein – conspired with city witnesses to make it appear that no crimes had been committed by City persons. They presented fraudulent and at times totally fabricated testimony under oath that it was legal to bypass the Texas Local Government Code, the City Charter, OMB grant regulations, competitive bidding regulations, budget restrictions and other laws/rules when City persons simply wandered over to the City's IT department, spoke to IT Manager Jose Medina and obtained financing up to \$ 5 million a year over the past three decades to purchase anything they wanted. In court City Attorney Bernard's employees and outside attorneys retained by his office (attorney Mark Kosanovich was paid almost \$50,000) presented false testimony stating that it was legal to spend up to \$ 5 million a year for anything unrelated to grants or telephones with no Council/taxpayer approval and to publish fraudulent audits/reports listing the expenditures as monthly phone bill payments to hide the illegal activity.

I have made every effort to have the TOMA violations addressed over the past forty-five months with no success. Since receiving the certified letter on April 3, 2013 I have reached out via phone calls and letters to City officials in an effort to obtain assurances that when I attend public meetings or enter City Hall that no attempts will be made to fabricate a reason to again ban me allowing Bernard, McManus and others to state – "See, we told you so" in an effort to justify their illegal actions. I have received no response. I reached out to District Attorney Reed's Office concerning procedures for filing this complaint but could obtain no guidance or access to the required forms if any exist. They continue to ignore me as they have for the past several years.

There is evidence that State employees have helped stall any investigation into the criminal activity but this should no impact the decision to appoint a special prosecutor to investigate and prosecute this case.

If proceedings are not instituted, please notify me in writing as to the reason. I will be forwarding

additional information but if you need any clarification concerning any part of this complaint, please do not hesitate to contact me.

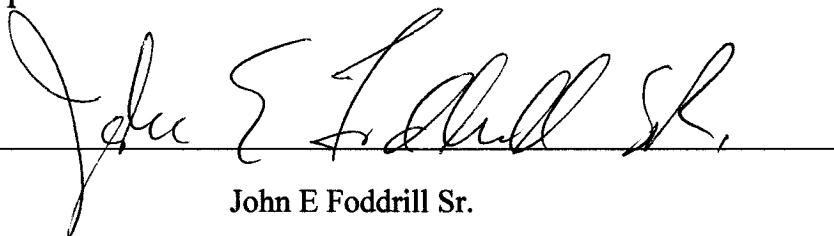
I ask that the most severe measures be taken against the persons involved in this criminal activity. I ask that they be fined and jailed as is prescribed by law. I ask that all city business conducted during the illegal meetings be found null and void. I ask this as these persons and others representing the City /County have not taken this matter seriously while they continued to conduct business hiding important information from citizens/taxpayers who made uninformed decisions based upon only the information the City /County permitted them to know. Taxpayers deserve to know ALL the facts about how their money is spent or in this case stolen/misspent thus the need to have the maximum penalties levied against the participants in this criminal scheme violating the trust of our taxpayers and the civil rights of at least two law-abiding citizens.

I understand that under most circumstances this complaint will be considered a public record and be available to any member of the public upon request. I understand that when I submit this complaint that your Office cannot give me legal advice and cannot act as my personal lawyer. Again, please do not hesitate to contact me if I can help with your investigation or prosecution of this violation.

This statement is true and correct to the best of my recollection.

END OF STATEMENT

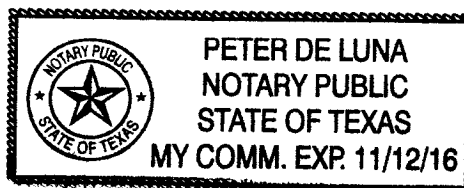
Signature _____


John E Foddrill Sr.

Sworn to and subscribed before me this 25th day of April, 2013 .



Notary Public in and for Bexar County, Texas



City of San Antonio Police Department

William P. McManus

Chief of Police



*An Organization of Value-Oriented People
Reflective of our Diversity
Dedicated to Serving the Community
With Integrity, Honor, and Fairness
That All May Know Justice, Equality
And Freedom Under the Law*

July 1, 2009

John E. Foddrill
9650 Limestone Pond
San Antonio, Texas 78254

RE: Criminal Trespass Warning

Dear Mr. Foddrill:

We are writing on behalf of the City of San Antonio. You are hereby placed on notice that, effective immediately, you are not to enter or remain on certain City-owned or City-leased properties and buildings. This notice is made pursuant to Section 30.05 (Criminal Trespass) of the Texas Penal Code.

You are prohibited from entering or remaining in San Antonio City Hall. San Antonio City Hall is located at 100 Military Plaza in San Antonio, Texas.

You are prohibited from entering or remaining in the Municipal Plaza Building. The Municipal Plaza Building is located at 114 W. Commerce in San Antonio, Texas.

You are prohibited from entering or remaining in that portion of the Public Safety Building occupied by the Information Technology Services Department. The Public Safety Building is located at 515 S. Frio in San Antonio, Texas.

You are prohibited from entering or remaining in that portion of the Riverview Towers Building that is occupied by offices of the City of San Antonio. The Riverview Towers Building is located at 111 Soledad in San Antonio, Texas.

These prohibitions shall remain in effect until you are notified, in writing, by someone with authority to act on behalf of the City of San Antonio that these prohibitions have been lifted.

Sincerely,

William P. McManus
Chief of Police

Michael D. Bernard
City Attorney

City of San Antonio Police Department

William P. McManus

Chief of Police



"The San Antonio Police Department is dedicated to improving the quality of life by creating a safe environment in partnership with the people we serve. We act with integrity to reduce fear and crime while treating all with respect, compassion, and fairness."

April 1, 2013

John E. Foddrill
9650 Limestone Pond
San Antonio, Texas 78254

Re: Criminal Trespass Warning

Dear Mr. Foddrill:

Notwithstanding the criminal trespass warning you were given on July 1, 2009, you may enter on City of San Antonio premises as an ordinary member of the public would do. However, this letter does not afford you any greater access to City premises than ordinary members of the public would have.

Sincerely,

William P. McManus
Chief of Police

Michael Bernard
City Attorney

WPM:sf



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1. Letter from citizen Frank Wells detailing terroristic threats made by City Councilman Bernal's supporters
2. COSA 00437 - City email memorializing an on-line correspondence between City IT Manager Jose Medina and city vendor Isabel Gonzaba (IG Communications-Globalscope) where they conspire to submit and approve fraudulent invoices that Avaya Inc. processed across state lines over a four year period (up to 288 cases of mail/wire fraud) stealing upwards of \$ 200,000
3. City emails memorializing correspondence between IT manager Mike Mitchell, IT Manager Jose Medina, IT billing clerk Aida Anguiano and IT billing clerk Barbara Moore discussing the fact that the illegal expenditure of \$ 310,759.94 was spread out over a four month period when it was billed out to all City Departments and associated grants as payment of monthly Centrex phone bills when in fact the purchase had nothing to do with telephones or grants. The email was forwarded to Municipal Integrity investigator Steve Harrison who helped the City hide the illegal activity.
4. COSA 00542 – Excerpts from an ITSD / Contract Services review - IT manager Jose Medina and IT manager Victor Perez steered an illegal no-bid contract to friends at SanTel in violation of the law, the City Charter, the Local Government Code, OMB grant guidelines, etc. No attempt was made by the City Attorney or the City to declare the contract null/void or to recover the overcharges of \$ 10,800.
5. OMI intake statement of IT Telecom Supervisor Lopez. She reveals that upwards of \$ 30-40,000 was transferred from SAPD to Jose Medina via a phone call to Deborah Almenderez but that the money was never accounted for. She reveals the fact that veteran ITSD employee Joyce Garcia resigned because IT Manager Medina was having her do illegal things with the billing.
6. City email from Office of Municipal Integrity Manager Virginia Quinn to IT Director Hugh Miller, Budget Director Peter Zaroni and CIO Michael Armstrong detailing how the OMI investigation was closed as unfounded/lack of evidence when Quinn and Steve Harrison had reams of evidence proving long term fraud and theft. Quinn lies when she states no laws or rules were violated/ there were none. .
7. OMI intake statement from IT Manager Mitchell stating that upwards of hundreds of thousands of dollars was illegally charged to City and grant telephone budgets
8. OMI intake statement of IT Manager Jose Medina where he admits that construction, remodeling, wall painting, cubicle construction, the ITSD trophy case, training, data hardware and department purchases were charged to City/grant telephone budgets via the “variable” billing account when the purchases had nothing to do with telephones.
9. Courtroom transcript of OMI manger Virginia Quinn where she lies under oath stating that there were no laws or written rules violated as there were none.
10. Courtroom transcript of CIO Richard Varn where he lies under oath stating that it was legal for City persons to wander over to the IT Department, make a case for the need for funding and get the money.
11. Administrative Directive 6.12 – Use of Telephone – Monthly Billing - “variable”
12. Affidavit of IT Manager Deborah Segovia – “ no violations of law” – she told the same lie under oath

Francis (Frank) B. Wells
San Antonio, TX. 78209

12-15-2011

William McManus, Carlton Soules Dist 10, City Manager Sculley, City Clerk
City of San Antonio
P. O. Box 839966
San Antonio, Tx 78283

certified mail 7011 1570 0001 1676 9125

FBI SAC Nelson
5740 University Heights
San Antonio, Tx 78249

District Attorney Susan Reed
Bexar County - Paul Elizondo Tower
101 West Nueva Street, Fourth Floor
San Antonio, Texas 78205

REFERENCE: letter of 12-7-2011 hand-delivered to the FBI -

“The San Antonio, Texas Police Department has report SAPD 11261976 on file concerning the 3:01 am telephone threat originating in Canada on October 12, 2011. They have report SAPD 11287895 on file concerning the November 16, 2011 and other on-line threats via Facebook and the Internet. On Wednesday November 2, 2011 a letter detailing the threats and the refusal of the SAPD to address the serious matter was delivered to Bexar County District Attorney Susan Reed and presented to the San Antonio City Council during the “Citizens to be Heard” meeting. To date we have received no response of any kind. ”

<http://www.youtube.com/watch?v=-LbPQNVotVA>

<http://www.youtube.com/watch?v=9wVcy82mt7A>

AND

OSA/Blue Santa Holiday Giving - Occupy San Antonio, in conjunction with SAPD, is collecting donated toys, which will be delivered by the Blue Santa program for underprivileged children (ages 3-12). Occupy San Antonio collections (between now and Dec 23) will be dropped off at our local police station on...

All;

When members of Occupy San Antonio/Anonymous show up at SAPD stations it may be an opportune time to interrogate persons of interest and arrest several members for making terroristic threats against members of my family for reporting City Councilman Bernal and others thus putting our entire family at risk. I realize that any investigation will expose the three decades of public/police corruption, the ongoing criminal cover-up, the Bernal/Anonymous/Occupy connection and the theft/misuse of our tax dollars by corrupt criminals on our city payroll that City Councilman Diego M Bernal and you have been hiding but I believe that the safety of my family – especially our children- is more important then your political, municipal and law enforcement careers.

Thank you.

F B (Frank) Wells

Cc: media, attorney Edward Pina, attorney Malinda Gaul,

-----Original Message-----
From: Jose Medina
To: Isabel Gonzaba
Sent: 4/16/2002 10:08 AM
Subject: RE: Office space

Isabel,

Good morning!

Dividing this up works for me. Also, on SWB we should have Barbara and Carol Franz, if she is used for SWB Directory project.

Thanks a bunch,

Jose

-----Original Message-----
From: Isabel Gonzaba
Sent: Friday, April 06, 2002 9:56 AM
To: Jose Medina
Subject: Office space

COSA 00437

1

Jose,

As per our conversation regarding charging back office space occupied by IG for COSA usage, the monthly charge I have been charging is \$2730.00, and you have been charged by Avaya approximately \$3852.40. In configuring IG's requirements to be compensated, we can divide 42 hours by Betty, Mary, and Martin for the entire month. This means I would be adding 3.5 hrs. per week for each of the 3 people. If my math is correct, you should see a total of \$3494.40 per month. This seems to work out better than IG charging on a separate work order. Will this meet your approval?

Also, with Audrey gone, there should not be any billing from SWBell after March 25, 2002. Would you like me to move anyone from Avaya to SWBell billing (Mary)?

Thank you for your assistance,
Isabel

*Limited
no extra for billing
any w/ w/o # 2*

THIS IS THE CITY EMAIL SETTING UP THE CRIMINAL SCHEME TO SUBMIT AND APPROVE FRAUDULANT TIME REPORT INVOICES. UP TO SIX FRAUDULANT INVOICES A MONTH FOR UP TO FOUR YEARS WERE PROCESSED BY AVAYA, INC. IN OTHER STATES (MAIL/WIRE FRAUD) RESULTING IN THE THEFT OF UP TO \$200,000 IN PUBLIC AND GRANT FUNDS. CITY IT MANAGER JOSE MEDINA AND CITY VENDOR ISABEL GONZABA HAVE NEVER BEEN CHARGED AND THE FUNDS WERE NEVER RECOVERED AS ANY INVESTIGATION WOULD OPEN THE DOOR TO THREE DECADES OF FRAUD/THEFT AND THE CRIMINAL COVER-UP.



Steve Harrison

From: Aida Angulano
Sent: Friday, September 16, 2005 4:32 PM
To: Steve Harrison
Subject: FW: Centrex Variable
Importance: High

Steve here is the backup you requested for the \$77,689.98 that was divided throught the last four months of FY03-04.

Aida
-----Original Message-----

From: Barbara A Moore
Sent: Friday, September 16, 2005 4:28 PM
To: Aida Angulano
Subject: FW: Centrex Variable
Importance: High

-----Original Message-----

From: Aida Angulano
Sent: Tuesday, August 31, 2004 1:45 PM
To: Barbara A Moore
Subject: FW: Centrex Variable
Importance: High

Please remember to add the second amount to variable.
thanks

Aida Angulano
Sr Admin Assistant

-----Original Message-----

From: Mike Mitchell
Sent: Friday, July 30, 2004 12:26 PM
To: Aida Angulano; Jose Medina
Cc: Barbara A Moore
Subject: RE: Centrex Variable

Aida,

The total amount that your looking for in \$310759.94. Please see the attached document if needed. It show the workorder number, activity code, object code, fund number and index code for this total. The codes that I totaled are:

90501 03-242 74 557694

Call me if you need more information.

Thanks

~~\$~~ 310,759.94

IT Communications Manager Jose Medina and IT Radio Manager Victor Perez steered an illegal no-bid contract to friends at San Tel. Mark-up fees from Avaya Inc. pushed the total expenditure over \$ 50,000. Internal City auditors detailed how the illegal contract cost the City \$ 10, 800 in additional labor charges alone. They hid the illegal contract that was never approved by Council by writing off the expenditure as a monthly Centrex phone bill payment via the internal billing account – the variable. (Excerpt from a “Contract Services Department report)

As a result of reviewing invoices and interviews with ITSD staff, CSD became aware of services ordered by the CM, which appeared on an invoice dated 12/31/04, for a Convention Center. The CM ordered the services from SanTel, yet another unapproved subcontractor, at a cost of \$42,000. The project included the purchase of fiber optic material and labor. Both commodities were available under annual contracts with Graybar Co. and Integritel respectively. CSD contacted SanTel on 9/6/05 for a more detailed description of the fiber purchased and the number of labor hours used to determine the savings if ITSD had used the annual contract providers instead of SanTel. SanTel's Account Executive provided a general description of the fiber and labor figures used to calculate the \$42,000 charge, but declined providing information

COSA 00542

**Information Technology Services Department
Telephone Parts and Services Contract with Avaya
Deliverables Testing**

on the linear foot fiber charges. Without the specific equipment costs, CSD could not compare material figures provided by Graybar Co., but figures for SanTel's labor charges were compared against the contracted labor rates charged of Integritel, which revealed a difference of \$10,800. See table below:

Amount Billed for Labor including Avaya Markup - Santel	No. of hours service - Santel	Hourly Rate charged - Santel	Hourly rated charged - Integritel	Amount if billed through Integritel	Difference
\$16,200	208	\$65	\$26	\$5,400	\$10,800

As another result of reviewing invoices and interviews with ITSD staff, CSD became aware of an invoice from SBC dated 6/23/05 for work completed by IG Communications for \$6,600. ITSD does not have a contract currently with SBC; CSD contacted ITSD for more information regarding the services performed by IG. To date, CSD has not received the requested documentation.

OMI intake statement of ITSD Telecommunications Supervisor Diana Lopez detailing:

1. The fact that SAPD civilian employee Deborah Almendarez provided tens of thousands of dollars to the City's IT department via IT manager Jose Medina but the money was never used to purchase the "Caswin" project equipment. The money went missing. Other IT employees including manager Michael Canion provided sworn statements detailing how funding was transferred to Medina from Almendarez with just a phone call
2. The fact that former ITSD employee Joyce Garcia told her that she had quit her job because Medina was asking her to do something illegal pertaining to the billing.

Q: How would you characterize the relationship between Jose Medina and John Foddrill?

A: Jose likes to be the man in charge and treats John like a secretary. But Jose does that with everyone. He is not receptive to technical advice from his telecom employees. He doesn't value John's opinion. Jose pretty much does what he wants to. For example, I went to Jose over a year ago and told him we didn't have enough money to fund the "Caswin project." He asked me how much money we needed and I told him thirty to forty thousand dollars. While I was in the room Jose called Deborah Almendarez, our telecom liaison at SAPD, and put her on the speaker phone. Jose told her he needed

**John E. Foddrill Sr.
JFREF # 29**

**Voluntary Statement of Diana F. Lopez
September 6, 2005
Page 2 of 2**

thirty to forty thousand dollars, and could she help him out. She told him that was a lot of money and that she'd have to look into it. That's all I heard about the matter until some time later I was corresponding with Ms. Almendarez about a business matter and she sent me an e-mail reply saying, "what happened to the thirty thousand dollars I sent you guys." I hadn't heard anything about getting that money so I went to Jose and asked him about it. He told me, "Don't worry about it; I'll take care of it." That's the last I heard about that.

Q: What can you tell me about how the variable works?

A: All I know is that it is an amount of money that is charged to all the departments for ITSD systems, etc. The amount changes every month. I don't know if there is a minimum or maximum amount. You would have to check with the billing folks at ITSD to find out about that. I've heard rumors that Jose often bills items to the variable that should be paid by individual departments. Joyce Garcia (Administrative Assistant II, who used to report directly to Jose) told me directly that she quit her job because Jose asked her to do something illegal as it pertained to billing.

Virginia Quinn

From: Michael Armstrong
Sent: Tuesday, November 29, 2005 10:53 AM
To: Virginia Quinn
Subject: RE: Outcome of ITSD investigation

Virginia –

Thank you very much for the efforts of you and your staff in this matter.

As a relative newcomer, the existence of variable accounts came as a surprise to me. We will be working with staff and Management and budget to make sure ITSD is operated in a sound businesslike manner. This information will be useful to me as I consider what should be the appropriate methodology for funding IT activities in the City. I agree that our entire billing system is in disarray, and has been for some time. We are working to bring that under control, but I'm not sure that internal billing as it exists in ITSD provides much value for the City.

Thank you again.

Michael Armstrong

From: Virginia Quinn
Sent: Tuesday, November 29, 2005 10:29 AM
To: Peter Zaroni; Hugh Miller; Michael Armstrong
Subject: Outcome of ITSD investigation

Gentlemen:

As I previously communicated to Hugh Miller, we have concluded the investigation based on the allegations raised by Mr. John Foddrill. The case file is closed with the notation "lack of evidence/ unfounded." I wanted to close the loop with you, however, and communicate our findings on one particular area of concern.

As I discussed with you, we conducted a number of interviews with current and former employees concerning the telephone "variable" charge that was established approximately 25 years ago that has been a part of the ITSD budget process ever since. In the process, we uncovered information about the genesis of this charge, and discovered that it was initially well-meaning in nature as a "means to an end." It was apparently started years ago because departments used to be billed separately for their telephone services. The telephone company began complaining to City management because some department's telephone bills were delinquent or contested, and the management of City telephones was a nightmare. It was ultimately determined that ITSD would become the central point for telephone communications in the City; in return, as a way for ITSD to pay for telephone costs incurred across the City, ITSD instituted the "variable" because they didn't know how much the telephone costs would be in any given month.

However, over time, the "variable" underwent a transformation into the budget line item we know today. (There are actually four "variable" accounts, but the one most often relied upon (and the largest) is the telephone variable.) We established that the telephone "variable" has been used to pay for items completely unrelated to City telephones. Those things included: The ITSD trophy case, training for ITSD personnel, remodeling at ITSD, numerous department-specific purchases, and data equipment for the City network. If, during the course of the year, any single department incurred a large unbudgeted cost item, it was likely that the "variable" would be tapped so that the cost of this item could be spread across City departments. Because City departments were essentially powerless to protest the charge, the practice has continued. The largely unsupervised and unregulated billing of departments across the City under the guise of the telephone "variable" for the last 25 years has resulted in departments having been billed for an untold amount of goods and services from which their department received no benefit or for costs that rightfully *should* have been borne by ITSD.

No laws or written rules were violated in the administration of the telephone "variable" because there never were any; however, it appears clear that the business practices associated with the telephone "variable" were unsound and almost certainly contributed to a laissez-faire fiscal environment at ITSD. Predictably, Contract Services' recent audit of ITSD

showed significant billing problems.

From a budgetary standpoint, best practices suggest that we revisit this methodology for "variable" charging in favor of more acceptable (and clearer) practices. However, if management elects to keep the ITSD internal service funds and its associated variable charges, we recommend that written guidance be adopted to enforce a level of accountability that appears to be missing at this point in time.

*Virginia M. Quinn, Manager
Office of Municipal Integrity
800 Dolorosa, Suite 115
San Antonio, TX 78207
(210) 207-7809*

NOTE

CONTRARY TO THE LIES TOLD BY OFFICE OF MUNICIPAL INTEGRITY
MANAGER VIRGINIA QUINN CITY FINANCES ARE REGULATED BY
NUMEROUS LAWS, STATUTES, CHARTERS, CODES, ETC.

Four major forms of regulation are:

1. The City Charter
2. Administrative Directives
3. The Texas Local Government Code
4. Federal OMB rules/regulations

~~City Administrative Directive 6.12 provides regulation and guidance for paying monthly Centrex (207 numbers) telephone bills. It outlines the use of the internal telephone "variable" billing account to consolidate and pay monthly phone bills nothing more. The directive was published in 1982 and was deleted in 2012-3. A copy is available for review. The billing account was created as a means to consolidate and pay monthly Centrex telephone bills at which time each City Department would be billed for their fair share of the monthly expense. The "variable" charge levied against each City phone varied each month and was comprised of a portion of the City-wide phone bill total, taxes and admin charges. The account should have been used to process about \$ 1 million a year in actual Centrex telephone charges BUT over time was illegally used to gain access to upwards of \$ 5.2 million a year in violation of the law, the City Charter, OMB grant guidelines, the Local Government Code, etc. The funds were used on a regular basis to fuel criminal schemes in an effort to funnel the money into the pockets of accomplices.~~

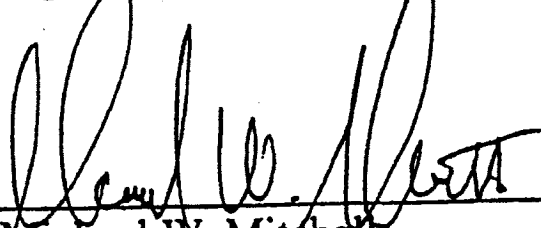
- 2.) Variable Base Charge - pro rata share of the Centrex common service and equipment costs, municipal tax, plus administrative overhead costs.

COSA 01139

Q: Have charges been made to the Variable for goods or services outside of telephones?
A: Yes. Jose has directed me more than fifty times to charge data communications equipment and cable to the Variable. He used to do this a lot, but lately it's been less.

Q: How much money has been spent to purchase equipment for your section and then charged to the Variable?

A: Over the past few fiscal years this amount could well be into the hundreds of thousands of dollars.


Michael W. Mitchell

9/9/05
Date

Q: Have you charged things to the telephone Variable that don't have anything to do with telephones?

A: Yes. We've billed construction and remodeling at ITSD to the Variable. This included painting walls, cubicle construction and corner stops.

Q: Was the department trophy case paid for via the Variable?

A: Yes.

Q: Has budgeted IT training ever been paid for out of the Variable?

A: Yes.

Q: Has data hardware ever been charged to the telephone Variable?

A: Yes. Four or five years ago when we merged the data network into communication

Q: Have you ever charged individual department telecom purchases to the Variable because that department didn't have enough money budgeted to make the purchases themselves?

A: Yes.



Jose A. Medina Jr.

9.28.05

Date

CITY MUNICIPAL INTEGRITY MANAGER VIRGINIA QUINN PUBLISHED A FRAUDULENT MI REPORT AND PROVIDED FALSE TESTIMONY UNDER OATH IN COURT TO COVER UP VIOLATIONS OF LAW INCLUDING GRANT FRAUD

Excerpts from the February 2009 courtroom testimony of former MI Manager Virginia Quinn.

Quinn admits under oath that there could be a problem with grants being billed for services they don't receive which directly contradicts her written MI report of Oct. 10, 2005. She lies in her written report and under oath concerning the fact that there are no rules or laws regulating the telephone variable as City Administrative Directive 6.12 was published in 1982 and can be accessed via the City web site/HR Department tab. Other city ADs, the city budget and State procurement laws outline how purchases must be made by city employees and provide additional guidance. Her statements in her written 2005 report and her 2009 testimony are false. She admits that she is not familiar with grant rules. She admits that she misstated the facts when she wrote her MI report saying that no rules or laws were violated as she meant "intentionally". She admits that the violations may have resulted in personal gain. She couldn't find anything because she never looked. MI Intake report statements detail the illegal costs not allowed that were dumped into the variable account and illegally paid with funds from state/federal grants and from department telecommunications budgets. The use of the funds from the grants was illegal as funds can only be used for their intended purpose, many of the costs dumped into the variable were never allowed under any grant guidelines and because the City did not have the required approval to use grant funds to pay indirect costs such as the monthly variable charge. The use of department telecommunications funds was illegal as the city budget is declared and approved by Council every year in the form of an ordinance/law. Since only purchases outlined in the budget can be made using tax dollars the use of telecommunications funds for anything other than telephones violated the city budget ordinance/law. State procurement laws were violated as well when no-bid contract payments were illegally dumped into the variable. The City Attorney then illegally denied FOIA access to the report so that the fraudulent findings could not be challenged. Your City attorney then went on to orchestrate a "fraud upon the court" via subornation of perjury, aggravated perjury, obstruction, etc. to keep the criminal activity a secret.

2 Q. So if some department that's under a grant is

3 being billed for services they don't receive, that could

4 be a problem.

5 A. **Yes, could be.**

6 Q. You go on to talk in the final paragraph about

7 that no laws or written rules were violated in the

8 administration of the telephone variable because there

9 never were any; is that correct?

10 A. **Right.** NOTE: Quinn and other city employees/attorneys including MI investigator Steve Harrison, CIO Richard Varn, city attorney Klein and others have told this lie since 2005 to hide the fact that ad 6.12 outlines the creation and usage of the telephone "variable" that was designed to facilitate the payment of monthly telephone bills – NOTHING ELSE. Every penny fraudulently removed every month since 1982 from telephone budgets inside city departments and state/federal grants under the guise of "telephone costs" that were in fact NOT associated with telephones or grants was theft of public funds and grant fraud. Falsification of documents/audits and false statements to hide this criminal activity were violations of city, state and federal rules/regulations/laws.

1) everyone had equal access to come in and make a plea to
2 the department director to say, I have a problem this
3 year, or I have an issue with this financing, or the
4 department director would say this ended up being more
5 expensive than we thought. we have to figure out how to

City of San Antonio, TX Chief Information Officer Richard Varn testified under oath in court stating that the telephone "variable" service fund was a legal means for city officials/employees to obtain funding and all they were required to do was make a plea to the IT Dept. for the money. He lied to hide decades of fraud/theft.

CIO Richard Varn's 2009 courtroom testimony to the 57th District Court (Judge Arteaga) was a total fabrication. In 2005 he never understood or investigated the "variable". He never contacted Wash DC. He never learned that it was legal. In his 2007 deposition that has been kept hidden Varn admitted that he didn't know what the "variable" was stating "I don't know what that is" and "if there's an account for that I just don't know". The telephone variable was not designed to help balance the budget or allocate costs across all phones for any pop up expenses. The "variable" was not designed as a tool for city persons to come into the IT department and make a case for more money to IT staff (especially Communications Manager Jose Medina), obtain the funding and have the cost billed to ALL city/grant telephone budgets. With the assistance/coaching of city attorney Deborah Klein, attorney Mark Kosanovich and IT Director Hugh Miller CIO Varn lied under oath in Court. ALL City witnesses (IT manager Deborah Segovia, IT manager Diana Gonzalez, IT Director Hugh Miller, IT employee Barbara Moore, IT employee Aida Anguiano, etc.) took their turns helping them defraud our courts and hide fraud/ theft while attorney Malinda Gaul looked away.

The "variable" was not a tool to obtain additional funding or adjust a Department budget that was running out of funds as CIO Varn, Attorney Klein and others stated in court.

City Directives, the City Charter, the Local Government Code, etc. mandate procedures for obtaining public and grant funds. They do not provide instructions to simply wander over to the IT Department and talk with IT manager Jose Medina and his cohorts! City, State and Federal regulations/rules declare that ordinances, competitive bidding, public review, budgets approved by taxpayers, etc. are required. This is the law!

The variable was created in 1982 to facilitate the consolidation and payment of monthly Centrex (City 207 #s) telephone bills received from the phone company – period. **Any other use is a criminal offense.**

See Administrative 6.12 - http://www.sanantonio.gov/hr/admin_directives/cosa/ads/AD6-12.pdf

The City presented this "dog and pony" show inside the Bexar County Courtroom that was financed with tax dollars to hide the theft/misuse of our City, State and Federal money since 1982.

EFFECTIVE DATE: January 4, 1982

REVISION DATES: _____

SUBJECT: Use of Telephone: Monthly Billing

1. Purpose

This Administrative Directive outlines the process for the monthly billing to the departments for charges which the City incurs for telecommunication services.

2. Responsibility

- a. The Purchasing and General Services Department through the Communication Services Division is responsible for verifying all telecommunication charges billed to the City by the telephone company. This verification will include a review of all equipment charges, a full month's use of service and other charges or credits for partial month's service.

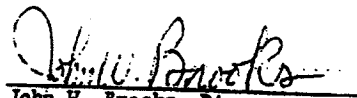
3. Definitions

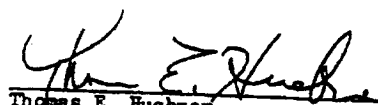
- a. Telecommunications charges - the charges are categorized as follows:

- 1.) Base Charge - telephone instrument, feature, and directory listing costs (if applicable).
- 2.) Variable Base Charge - pro rata share of the Centrex common service and equipment costs, municipal tax, plus administrative overhead costs.
- 3.) Long Distance Charges - all interstate and intrastate long distance calling charges.
- 4.) Directory Assistance and Other Charges or Credits - all costs for local directory listing information and cost or credits associated with installation, change or removal of service.

4. Procedures

- a. Each department shall review the computer printout provided by the Purchasing Department of the monthly charges, sign the certification form, and return the signed copy to the Purchasing Department within four working days. Any discrepancy with any charge should be fully explained in a typewritten memo attached to the certification statement. The Communication Services Division will take action to resolve the differences with the telephone company.
- b. The Purchasing Department will submit a request for payment with final reports to the Finance Department for processing.
- c. The Finance Department will record the telecommunications charge to the appropriate department account and issue a payment voucher to the telephone company.


 John W. Brooks, Director
 Purchasing & General Services


 Thomas E. Huebner
 City Manager

STATE OF TEXAS

§
§
§

COUNTY OF BEXAR

AFFIDAVIT OF DEBORAH SEGOVIA

Before me, the undersigned authority, personally appeared **Deborah Segovia**, who, being
by me duly sworn, deposed as follows:

“My name is Deborah Segovia. I am of sound mind, capable of making this affidavit,
and personally acquainted with the facts herein stated:

I am currently employed by the City of San Antonio as the Fiscal Planning Manager for the Information Technology Services Department (ITSD). Prior to this position, I served as the Contract Compliance Manager in the former Contract Services Department. In that position I was tasked with reviewing contracts across the City for compliance issues. In 2005, I was asked to review the Avaya contract for goods and services for ITSD. During my review, I determined that there were some billing irregularities and mismanagement, but no violations of the law. Some of the mismanagement was due to the Telecommunications Manager, John Foddrill, referenced as “TM” in my report.

Attached hereto are seven pages of my report summarizing my findings. These said seven pages of records are kept by me, in the regular course of business, and it was the regular course of business for an employee or representative of ITSD to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the originals or exact duplicates of the original.”

Deborah Segovia
DEBORAH SEGOVIA

SWORN TO AND SUBSCRIBED before me on the 14th Day of February, 2008

William A. Flint
NOTARY PUBLIC
STATE OF TEXAS

My Commission Expires:

