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David Spiller

By:

Andrew Mann

H.R. No. 2377

R E S O L U T I O N

BE IT RESOLVED by the House of Representatives of the State of Texas, That Warren Kenneth Paxton Jr., Attorney General of the State of Texas, is impeached and that the following articles of impeachment be exhibited to the Texas Senate:

ARTICLES OF IMPEACHMENT

Exhibited by the House of Representatives of the State of Texas in the name of itself and of all the people of the State of Texas against Warren Kenneth Paxton, Attorney General of the State of Texas, in maintenance and support of its impeachment against him.

ARTICLE I

(Disregard of Official Duty-

Protection of Charitable Organization)

While holding office as attorney general, Warren Kenneth Paxton violated the duties of his office by failing to act as public protector of charitable organizations as required by Chapter 123, Property Code.

Specifically, Paxton caused employees of his office to intervene in a lawsuit brought by the Roy F. & JoAnn Cole Mitte Foundation against several corporate entities controlled by Nate Paul. Paxton harmed the Mitte Foundation in an effort to benefit Paul.

1 ARTICLE II

2 (Disregard of Official Duty-Abuse of the Opinion Process)

3 While holding office as attorney general, Warren Kenneth
4 Paxton misused his official power to issue written legal opinions
5 under Subchapter C, Chapter 402, Government Code.

6 Specifically, Paxton caused employees of his office to
7 prepare an opinion in an attempt to avoid the impending foreclosure
8 sales of properties belonging to Nate Paul or business entities
9 controlled by Paul. Paxton concealed his actions by soliciting the
10 chair of a senate committee to serve as straw requestor.
11 Furthermore, Paxton directed employees of his office to reverse
12 their legal conclusion for the benefit of Paul.

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14 ARTICLE III

15 (Disregard of Official Duty-Abuse of the Open Records Process)

16 While holding office as attorney general, Warren Kenneth
17 Paxton misused his official power to administer the public
18 information law (Chapter 552, Government Code).

19 Specifically, Paxton directed employees of his office to act
20 contrary to law by refusing to render a proper decision relating to
21 a public information request for records held by the Department of
22 Public Safety and by issuing a decision involving another public
23 information request that was contrary to law and applicable legal
24 precedent.

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26 ARTICLE IV

27 (Disregard of Official Duty-Misuse of Official Information)

While holding office as attorney general, Warren Kenneth Paxton misused his official power to administer the public information law (Chapter 552, Government Code).

Specifically, Paxton improperly obtained access to information held by his office that had not been publicly disclosed for the purpose of providing the information to the benefit of Nate Paul.

ARTICLE V

(Disregard of Official Duty-Engagement of Cammack)

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by violating the laws governing the appointment of prosecuting attorneys pro tem.

Specifically, Paxton engaged Brandon Cammack, a licensed attorney, to conduct an investigation into a baseless complaint, during which Cammack issued more than 30 grand jury subpoenas, in an effort to benefit Nate Paul or Paul's business entities.

ARTICLE VI

(Disregard of Official Duty-Termination of Whistleblowers)

While holding office as attorney general, Warren Kenneth Paxton violated the duties of his office by terminating and taking adverse personnel action against employees of his office in violation of this state's whistleblower law (Chapter 554, Government Code).

Specifically, Paxton terminated employees of his office who made good faith reports of his unlawful actions to law enforcement

1 authorities. Paxton terminated the employees without good cause or
2 due process and in retaliation for reporting his illegal acts and
3 improper conduct. Furthermore, Paxton engaged in a public and
4 private campaign to impugn the employees' professional reputations
5 or prejudice their future employment.

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7 ARTICLE VII

8 (Misapplication of Public Resources-

9 Whistleblower Investigation and Report)

10 While holding office as attorney general, Warren Kenneth
11 Paxton misused public resources entrusted to him.

12 Specifically, Paxton directed employees of his office to
13 conduct a sham investigation into whistleblower complaints made by
14 employees whom Paxton had terminated and to create and publish a
15 lengthy written report containing false or misleading statements in
16 Paxton's defense.

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18 ARTICLE VIII

19 (Disregard of Official Duty-Settlement Agreement)

20 While holding office as attorney general, Warren Kenneth
21 Paxton misused his official powers by concealing his wrongful acts
22 in connection with whistleblower complaints made by employees whom
23 Paxton had terminated.

24 Specifically, Paxton entered into a settlement agreement
25 with the whistleblowers that provides for payment of the settlement
26 from public funds. The settlement agreement stayed the wrongful
27 termination suit and conspicuously delayed the discovery of facts

1 and testimony at trial, to Paxton's advantage, which deprived the
2 electorate of its opportunity to make an informed decision when
3 voting for attorney general.

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5 ARTICLE IX

6 (Constitutional Bribery-Paul's Employment of Mistress)

7 While holding office as attorney general, Warren Kenneth
8 Paxton engaged in bribery in violation of Section 41, Article XVI,
9 Texas Constitution.

10 Specifically, Paxton benefited from Nate Paul's employment
11 of a woman with whom Paxton was having an extramarital affair. Paul
12 received favorable legal assistance from, or specialized access to,
13 the office of the attorney general.

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15 ARTICLE X

16 (Constitutional Bribery-

17 Paul's Providing Renovations to Paxton Home)

18 While holding office as attorney general, Warren Kenneth
19 Paxton engaged in bribery in violation of Section 41, Article XVI,
20 Texas Constitution.

21 Specifically, Paxton benefited from Nate Paul providing
22 renovations to Paxton's home. Paul received favorable legal
23 assistance from, or specialized access to, the office of the
24 attorney general.

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26 ARTICLE XI

27 (Obstruction of Justice-Abuse of Judicial Process)

While holding office as attorney general, Warren Kenneth Paxton abused the judicial process to thwart justice.

After Paxton was elected attorney general, Paxton was indicted by a Collin County grand jury for engaging in fraud or fraudulent practices in violation of The Securities Act (Title 12, Government Code). Paxton then concealed the facts underlying his criminal charges from voters by causing protracted delay of the trial, which deprived the electorate of its opportunity to make an informed decision when voting for attorney general.

ARTICLE XII

(Obstruction of Justice-Abuse of Judicial Process)

While holding office as attorney general, Warren Kenneth Paxton abused the judicial process to thwart justice.

Specifically, Paxton benefited from the filing of a lawsuit by Jeff Blackard, a donor to Paxton's campaign, that interfered with or disrupted payment of the prosecutors in a criminal securities fraud case against Paxton. Blackard's actions caused protracted delay in the criminal case against Paxton, including the delay of discovery of facts and testimony at trial, to Paxton's advantage, which deprived the electorate of its opportunity to make an informed decision when voting for attorney general.

ARTICLE XIII

(False Statements in Official Records-
State Securities Board Investigation)

While holding office as attorney general, and prior to,

1 Warren Kenneth Paxton made false statements in official records to
2 mislead both the public and public officials.

3 Specifically, Paxton made false statements to the State
4 Securities Board in connection with its investigation of his
5 failure to register with the board as required by law.

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7 ARTICLE XIV

8 (False Statements in Official Records-

9 Personal Financial Statements)

10 While holding office as attorney general, and prior to,
11 Warren Kenneth Paxton made misrepresentations or false or
12 misleading statements in official filings to mislead both the
13 public and public officials.

14 Specifically, Paxton failed to fully and accurately disclose
15 his financial interests in his personal financial statements
16 required by law to be filed with the Texas Ethics Commission in
17 furtherance of the acts described in one or more articles.

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19 ARTICLE XV

20 (False Statements in Official Records-

21 Whistleblower Response Report)

22 While holding office as attorney general, Warren Kenneth
23 Paxton made false or misleading statements in official records to
24 mislead both the public and public officials.

25 Specifically, Paxton made or caused to be made multiple false
26 or misleading statements in the lengthy written report issued by
27 his office in response to whistleblower allegations.

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ARTICLE XVI

(Conspiracy and Attempted Conspiracy)

While holding office as attorney general, Warren Kenneth Paxton acted with others to conspire, or attempt to conspire, to commit acts described in one or more articles.

ARTICLE XVII

(Misappropriation of Public Resources)

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by causing employees of his office to perform services for his benefit and the benefit of others.

ARTICLE XVIII

(Dereliction of Duty)

While holding office as attorney general, Warren Kenneth Paxton violated the Texas Constitution, his oaths of office, statutes, and public policy against public officials acting contrary to the public interest by engaging in acts described in one or more articles.

ARTICLE XIX

(Unfitness for Office)

While holding office as attorney general, Warren Kenneth Paxton engaged in misconduct, private or public, of such character as to indicate his unfitness for office, as shown by the acts

1 described in one or more articles.

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3 ARTICLE XX

4 (Abuse of Public Trust)

5 While holding office as attorney general, Warren Kenneth
6 Paxton used, misused, or failed to use his official powers in a
7 manner calculated to subvert the lawful operation of the government
8 of the State of Texas and obstruct the fair and impartial
9 administration of justice, thereby bringing the Office of Attorney
10 General into scandal and disrepute to the prejudice of public
11 confidence in the government of this State, as shown by the acts
12 described in one or more articles.

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14 PRAYER

15 Accordingly, the House of Representatives of the State of
16 Texas, reserving to itself the prerogative of presenting at any
17 future date further articles of impeachment against Warren Kenneth
18 Paxton; of replying to any answer he makes to these articles; and of
19 offering proof to sustain each of the above articles and to any
20 other articles which may be preferred, requests that Warren Kenneth
21 Paxton be called upon to answer these articles of impeachment in the
22 Texas Senate, and that in those proceedings the examinations,
23 trials, and judgments be conducted and issued in accordance with
24 law and justice.