

Dallas Public Fraud Prevention Services

Anonymous Hotline Reporting

POB 455
Addison, TX 75001-0455

www.dpfps.org

October 13, 2003

Mr. Teodoro J. Benavides
Dallas City Manager
1500 Marilla Street, Room 4EN
Dallas, Texas 75201-6390

**RE: Texas Public Information Act – Open Records Request
Dallas Police & Fire Pension System
ID # 0301-020**

Dear Mr. Benavides:

On September 17, 2003, we issued an Open Records Request to your attention regarding the Dallas Police & Fire Pension System ([Exhibit "A"](#)). Please be advised that we have completed a preliminary review of correspondence received pursuant to the aforementioned Open Records Request, and have determined that it contains information that is false and/or incorrect.

Specifically, correspondence believed responsive to the aforementioned Open Records Request states in item #7, that Cause No. 02-04814 was filed on May 5, 2002 ([Exhibit "B"](#)). In fact, documents obtained from the 44th Judicial District Court of Dallas County, Texas, establish the true date-of-filing as May 29, 2002 ([Exhibit "C"](#)). Please note that both documents were prepared by Lawson Fields McCue & Campbell, P.C., in its capacity as legal counsel to the Dallas Police & Fire Pension System, and the information contained therein should have been known.

Accordingly, we are requesting that the information believed responsive to our Open Records Request of September 17, 2003, and contained herein as [Exhibit "B"](#), be reviewed and amended as necessary to correct item #7 as well as any other errors and/or omissions that may have occurred.

Respectfully,

Columbus A. Alexander, III, CPA
Certified Fraud Examiner
www.dpfps.org

cc: Shirley A. Acy, City Secretary

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Dallas City Manager
1500 Marilla Street, Room 4EN
Dallas, Texas 75201-6390

**RE: Texas Public Information Act – Open Records Request
Dallas Police & Fire Pension System
ID # 0301-020**

Dear Mr. Benavides:

Pursuant to the Texas Public information Act (Texas Open Records Act), Chapter 552, Texas Government Code, please provide the following information regarding the Dallas Police & Fire Pension System, its employees, and its Board of Trustees (collectively, the "Pension System"):

1. Identify (in date ascending order) the following for each law suit filed by or on behalf of the Pension System during fiscal 2000, 2001, 2002, and 2003:
 - Date-of-filing of Plaintiff's Original Petition
 - State and County of filing
 - Court of Jurisdiction
 - Cause Number
 - Plaintiff's name as shown on Plaintiff's Original Petition
 - Defendant's name as shown on Plaintiff's Original Petition
 - Disposition

2. Identify (in date ascending order) the following for each law suit filed against the Pension System during fiscal 2000, 2001, 2002, and 2003:
 - Date-of-filing of Plaintiff's Original Petition
 - State and County of filing
 - Court of Jurisdiction
 - Cause Number
 - Plaintiff's name as shown on Plaintiff's Original Petition
 - Defendant's name as shown on Plaintiff's Original Petition
 - Disposition

Please note that we are requesting that this Open Records Request be handled by your office, and agree to pay the charges related to this request. In addition, please provide a written itemized statement of estimated charges in advance of work being started should the expected charge exceed \$40.

Please advise should you have comments or require additional information. Thank you.

Teodoro J. Benavides
September 17, 2003

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Respectfully,

Columbus A. Alexander, III, CPA
Certified Fraud Examiner
www.dpfps.org

cc: Shirley A. Acy, City Secretary



14135 Midway Road, Suite 250 Addison, TX 75001 Tel 972-490-0808 Fax 972-490-9545

Gary B. Lawson
glawson@lfmfc.com
Member of the College of the State Bar

October 1, 2003

Fax 972.931.0176

Dallas Public Fraud Prevention Services
P.O. Box 455
Addison, Texas 75001-0455

Re: Your Letter of September 17, 2003

Dear Sir or Madam:

Your letter dated September 17, 2003 to Mr. Teodoro Benevides, Dallas City Manager was forwarded to the Dallas Police and Fire Pension System to obtain their response. As in virtually all cases of prior Open Records Act requests you have made, serving those upon the City of Dallas City Manager can only delay the ability of the proper party to respond as it takes additional time to get these requests into the right parties hands. That said, here is the information responsive to your request regarding lawsuits filed by or on behalf of or against the Dallas Police and Fire Pension System.

1. a. On or about September 3, 2002, the Nursery Licensing Association ("NLA") filed a lawsuit in the Eastern District of Washington District Court under cause number 02-5077-RHW ("Lawsuit"). The Lawsuit named among others, Farm Management Services, Oliver & Pamela Brulotte ("Brulotte") and the Texas Municipal Plans Consortium as defendants, the last being an entity wholly owned by the Dallas Police and Fire Pension System.
- b. Related to and arising out of the lawsuit described in 1 above, on or about March 31, 2003, TMPC and Farm Management Services filed suit against Brulotte in the Superior Court of Grant County Washington under cause number 03-2-00483-5 ("State Court Lawsuit") seeking reimbursement of the Judgment Amount and other relief.

Both the NLA and the Brulotte cases were settled without liability of TMPC or the Dallas Police and Fire Pension System.

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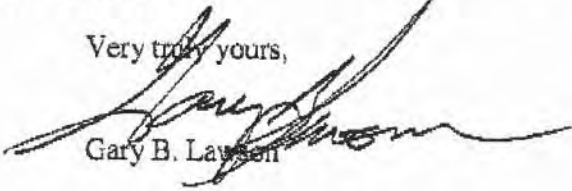
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2. Larry Britton, Ricardo Campbell, et. al. vs. the Dallas Police and Fire Pension System, Dallas Park Ranger Department, City of Dallas, Dallas Police Department, City of Dallas Employee Retirement Fund and Dallas Civil Service Board. Cause No 03-01152-J, in the District Court Dallas County, 191st Judicial District, case filed on or about February 6, 2003. Case settled by the City of Dallas for all parties with no sums paid from the Dallas Police and Fire Pension System unless and until one or more of the Plaintiffs who are Park Rangers elect to change their status to Dallas Police Officers at which time they will become eligible for certain benefits as Members of the Dallas Police and Fire Pension System.
3. Cause No. 02-2488c Jim Gholston, Plaintiff vs. Dallas Police and Fire Pension System Defendant, in the 241st District Court of Smith County, Texas. Case was filed on or about September 2, 2002. Case was transferred and dismissed on May 6, 2003.
4. Cause No. 03-01545 Elisabetha Buhk, Petitioner vs. The Dallas Police and Fire Pension Board, in the 192nd Judicial District Court of Dallas County, Texas. Case was filed on or about February 19, 2003. Case was dismissed by settlement of the parties on August 18, 2003.
5. Cause No. GN 202657 Dallas Police and Fire Pension System, Plaintiff vs. The Honorable John Cornyn, Attorney General for The State of Texas, in the 98th Judicial District Court District of Travis County, Texas. Case was filed on or about August 9, 2002. Case Pending.
6. Cause No. GN 301225 Dallas Police and Fire Pension System, Plaintiff vs. The Honorable Greg Abbott, Attorney General for The State of Texas, in the 353rd Judicial District Court of Travis County. Case was filed on or about April 17, 2003. Case Pending.
7. Cause No. 02-04814 Dallas Police and Fire Pension System vs. Columbus A. Alexander, III, in the 44th Judicial District Court of Dallas County, Texas. Case was filed on **May 5, 2002**. Case dismissed.

Very truly yours,


Gary B. Lawson

GBL/ms

cc: Ted Benevides Dallas City Manager

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