

STATE OF TEXAS
COUNTY OF HARRIS

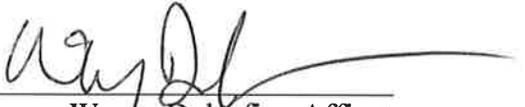
§
§ KNOW BY ALL MEN BY THESE PRESENTS
§

AFFIDAVIT OF WAYNE DOLCEFINO

Before me, the undersigned notary public in the State of Texas, on this day personally appeared Wayne Dolcefino, whose identity is known to me. After I administered an oath to affiant, affiant testified as follows:

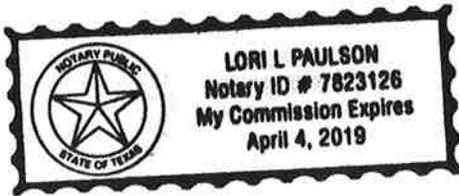
1. "My name is Wayne Dolcefino, I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Further affiant sayeth not.


Wayne Dolcefino Affiant

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 11 day of January, 2018.


NOTARY PUBLIC



My commission expires: 4-4-19



DOLCEFINO CONSULTING

Criminal Complaint filed by Dolcefino Consulting against

Sylvester Turner, Mayor, City of Houston

901 Bagby, Houston, TX 77002

Complaining Party: Dolcefino Consulting, 3701 Kirby, Suite 560, Houston, TX 77098

Wayne Dolcefino, SSN# [REDACTED] DOB: [REDACTED]

Type of Offense: Sec. 552.353. FAILURE OR REFUSAL OF OFFICER FOR PUBLIC INFORMATION TO PROVIDE ACCESS TO OR COPYING OF PUBLIC INFORMATION. (a) An officer for public information, or the officer's agent, commits an offense if, with criminal negligence, the officer or the officer's agent fails or refuses to give access to, or to permit or provide copying of, public information to a requestor as provided by this chapter.

Dates of Offense: November 30th, 2017- December 18th, 2017

Location of Offense: The City of Houston, Texas

Brief Summary Statement: Sylvester Turner, The Mayor of the City of Houston is using a law firm e-mail account at Barnes and Turner to routinely conduct City Business, avoiding appropriate scrutiny by the public.

Details of Offense: See attached statement from Wayne Dolcefino

Index of Documents: See below

Copies of Documents: See attached copies and (CRIMINAL COMPLAINT 01-11-2018.zip)

List of Witnesses: None.

Copies of Witness Statements: None.

Agencies reported:

Complaint Filed with suspect agency? Yes.

Is there a Civil Lawsuit Pending? Not related to this request. There is litigation with the City of Houston over the failure to produce other documents. This request to the Mayor is not part of that litigation.

Notarized Form: See attached.



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Index of Documents:

1. MAYOR TURNER CRIMINAL COMPLAINT 01-10-2018.docx
2. FOLDER 1 - NOV 30 TPIA TO COH RE EMAILS BETWEEN MAYOR AND FORD
 - a. NOV 30 TPIA TO COH RE EMAILS BETWEEN MAYOR AND FORD.docx
 - b. 20171215134752779.pdf
 - c. COH RESP DOCS 12-6-17.pdf
3. FOLDER 2 - Emails between George & Maya
 - a. Fwd CONFIDENTIAL IMPORTANT Full Story .msg
 - b. Fwd FOLLOW UP ONE BIN FOR ALL.msg
 - c. Fwd Thank You!.msg
4. Re TWEF Vendor Inclusion.msg



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Statement of Wayne Dolcefino, President of Dolcefino Consulting:

Under the Texas Public Information Act, Dolcefino Consulting sought e-mails sent on any device between Mayor Sylvester Turner and Maya Ford, the Chair of his transition team, a close advisor, and contractor with a growing number of government clients. Her firm, Ford Momentum!, was established within a few days of Turner's inauguration. Ford and Turner are so personally close she refers to him as "pops."

The requests specifically reference emails on "any device" since "January 1, 2016." (See [NOV 30 TPIA TO COH RE EMAILS BETWEEN MAYOR AND FORD.docx](#) located in Folder 1.)

On December 6, 2017 we received a PDF file containing 7 pages of emails produced by Sylvester Turner.

On December 20, 2017, we received an additional PDF file of emails produced by Sylvester Turner.

The production from Mayor Turner represents only 23 pages of e-mail communication, some not including Maya Ford. The Mayor only produced 3 emails sent between them in the span of 24 months. The 3 emails were exchanged on July 25, 2016, September 30, 2016 and March 15, 2017.

After a thorough review of the emails provided by the City, Dolcefino Consulting has found that Mayor Sylvester Turner did not produce all of his emails related to city business from "any device" as specified.

Dolcefino Consulting is in possession of an email which was forwarded from our client, George Gitschel, in which the subject line reads "CONFIDENTIAL IMPORTANT Full Story" sent by Maya Ford to Mayor Turner at his email address sturner@barnesturner.com.

This email (see folder 2, Item a) dated July 25, 2016, not only clearly falls within the requested time frame, but the response sent to Maya Ford, was not produced by Mayor Turner. This email states quote:

"I will bring everyone in."

and was a response sent directly to Ms. Ford's request to gather senior members of the Mayor's staff, as well as representatives from ECOHUB for a meeting.

This response was withheld from Mayor Turner's email production.

Our investigation has also uncovered evidence Mayor Turner participated in a plan to deny ECOHUB a fair opportunity to bid on the City Recycling Contract, all while meeting with the company under the guise they would be considered. He also and represented to the University of Houston in a federal grant application, that the City of Houston was finalizing the ECOHUB contract, when in fact, the Mayor kept ECOHUB in the dark about plans for an entirely new bid.



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In another instance, from an email produced related to a different TPIA request (see item 4), Maya Ford seeks money for an event she supports, the Texas Woman's Empowerment Foundation. We do not know if Ms. Ford was compensated for seeking the funds. The response from Jamaica Booker reads quote:

"Unfortunately due to budget constraints we aren't going to be a participating vendor at the upcoming TWEF job fair."

Ford e-mails Turner and says quote:

"Hey pops! Can you make a call here please?"

Turner responds, using his sturner@barnesturner.com email address with quote:

"Yes I can. Allison, please let them [know] that I want the City to participate."

Continued withholding of blatantly public emails is illegal, and reprehensible from a city leader who proclaims to be "transparent" in his actions. It is however, not unexpected, and represents a pattern of improperly withholding emails by the City of Houston.

Dolcefino Consulting currently has a lawsuit filed in the 11th District Court of Harris County for several other additional requests for information for which the City of Houston, and Mayor Turner's Office has not properly or promptly responded. The November 30, 2017 request, referenced throughout this Criminal Complaint, is not encompassed in any civil litigation.

Dolcefino Consulting, and Wayne Dolcefino, President, hereby request the Harris County District Attorney's Office to open a criminal investigation into Mayor Sylvester Turner, and his illegal withholding of public documents.

office 713-360-6911

wayne@dolcefino.com