

SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

An individual must be a resident of the state of Texas to be eligible to file a sworn complaint with the Texas Ethics Commission. The complainant is required to attach to the complaint a copy of one of the following documents:

- complainant's driver's license or personal identification certificate issued under Chapter 521 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

An individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

OFFICE USE ONLY

Docket Number

Date Hand-delivered or Date Postmarked

I. IDENTITY OF COMPLAINANT

1 COMPLAINANT NAME (REQUIRED)	MS / MRS / MR Mr.	FIRST Craig	MI L.
	NICKNAME	LAST McDonald	SUFFIX
COMPLAINANT PHYSICAL ADDRESS (REQUIRED)	ADDRESS 609 W. 18 th St., Suite E	APT / SUITE #: Suite E	CITY; STATE; ZIP CODE Austin Tx 78701 <small>(Full home or business address, including street, city, state, and zip code)</small>
3 COMPLAINANT MAILING ADDRESS <input checked="" type="checkbox"/> (REQUIRED)	ADDRESS Same	APT / SUITE #:	CITY; STATE; ZIP CODE <small>(Full street or mailing address, including city, state, and zip code)</small>
4 COMPLAINANT TELEPHONE NUMBER (REQUIRED)	AREA CODE 512-472-9770	PHONE NUMBER EXT	5 COMPLAINANT E-MAIL ADDRESS (REQUIRED IF KNOWN) craig@tpj.org

II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME (REQUIRED)	MS / MRS / MR Mr.	FIRST Charles	MI
	NICKNAME	LAST Heimsath	SUFFIX
7 RESPONDENT POSITION OR TITLE (REQUIRED)	Director, Central Texas Regional Mobility Authority		
8 RESPONDENT PHYSICAL ADDRESS (REQUIRED)	ADDRESS 3300 North IH-35	APT / SUITE #: Suite 300	CITY; STATE; ZIP CODE Austin TX 78705
9 RESPONDENT MAILING ADDRESS <input checked="" type="checkbox"/> check if same as above	ADDRESS	APT / SUITE #:	CITY; STATE; ZIP CODE <small>(Full street or mailing address, including city, state, and zip code)</small>
10 RESPONDENT TELEPHONE NUMBER (REQUIRED)	AREA CODE 512-996-9778	PHONE NUMBER EXT	11 RESPONDENT E-MAIL ADDRESS (REQUIRED IF KNOWN) UNKOWN

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III. NATURE OF ALLEGED VIOLATION

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Include the specific law(s) or rule(s) alleged to have been violated. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572, 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Subchapter C, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; (5) § 2152.064 and § 2155.003 of the Gov't Code; (6) § 306.005 of the Gov't Code.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

Respondent appears to have violated Chapter 572 Government Code: Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest.

Specifically, respondent's Personal Financial Statements covering calendar 2013 (filed with the Commission on July 1, 2014) and covering calendar 2014 (filed with the Commission on April 27, 2015) do not appear to be compliant with Sec. 572.023

Particularly it appears the respondent is not in compliance with:

Sec. 572.023 (b)(6) which states an accounting of financial activity consists of the:

“identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale;” and,

Sec. 572.023 (b)(10) which states an accounting of financial activity consists of:

“a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;”

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

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Respondent's Personal Financial Statements covering calendar 2013 (filed with the Commission on July 1, 2014) and covering calendar 2014 (filed with the Commission on April 27, 2015) appear to be incomplete and therefore, not in compliance with Government Code 572.

Part 7B and Part 12 of Mr. Heimsath's PFS filings for 2013 and 2014 appear to be incomplete and therefore, not compliant with Government Code 572. It appears disclosure of the following information is missing.

- Secretary of State records suggest Mr. Heimsath served as a founding governing member of 901 Big River, LLC, in August 2008 and served as the company's director and registered agent. 901 Big River, LLC appears to share its mailing address with Mr. Heimsath's consulting firm: Capitol Market Research. Mr. Heimsath's PFS disclosures covering 2013 and 2014 do not disclose any beneficial interest (Part 7B) or any executive or board roles (Part 12) in 901 Big River, LLC.
- Secretary of State records suggest Mr. Heimsath and his wife, Christy, are governing directors of CKH West, LLC. Mr. Heimsath's PFS disclosures covering 2013 and 2014 do not disclose any beneficial interest (Part 7B) or any executive or board roles (Part 12) in CKH West, LLC.

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

1. Secretary of State filings for CKH West, LLC.
2. Secretary of State filings for 901 Big River, LLC.

ATTACH ADDITIONAL PAGES AS NEEDED

VI. AFFIDAVIT

BASED ON PERSONAL KNOWLEDGE

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

I, _____, complainant, swear that I am a resident of the state of Texas. I swear that I have knowledge of the facts alleged in this complaint and that the information contained in this complaint is true and correct.

Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____ (Complainant)

_____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

VII. AFFIDAVIT

BASED ON INFORMATION AND BELIEF

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, CRAIG L. McDONALD complainant, swear that I am a resident of the state of Texas. I swear that I have reason to believe and do believe that the violation alleged in this complaint has occurred. The source of my information and belief is

Secretary of State, TRAVIS County
Appraisal District and Tx. Ethics
Commission filings.

Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____ (Complainant)

_____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath