

CAUSE NO. _____

DAVID B. WILSON, TRUSTEE	§	IN THE DISRICT COURT
Plaintiff	§	
v.	§	
	§	_____ DISTRICT COURT
HOUSTON COMMUNITY COLLEGE	§	
SYSTEMS, CAROLYN EVANS-	§	
SHABAZZ, CHAIR, and PRETTA	§	
VANDIBLE STALLWORTH, VICE	§	
CHAIR	§	
Defendants	§	HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW David B. Wilson, Trustee and files this Plaintiff's Original Petition for and respectfully shows:

I. Discovery

1. Plaintiff requests that discovery be conducted under level three.

II. Parties

2. PLAINTIFF, DAVID B. WILSON is a natural person and Trustee for Houston Community College Systems. Service may be affected through the undersigned attorney.

3. DEFENDANT, HOUSTON COMMUNITY COLLEGE SYSTEMS is a political subdivision and may be served by and through its chancellor, Cesar Maldonado. Service may be accomplished per Rule 21(a). Defendant is an interested party.

4. DEFENDANT, CAROLYN EVANS-SHABAZZ, TRUSTEE AND CHAIR

for Houston Community College Systems. Service may be affected anywhere she may be found.

5. DEFENDANT, PRETTA VANDIBLE STALLWORTH, TRUSTEE, VICE CHAIR for Houston Community College Systems. Service may be affected anywhere she may be found.

III. Venue and Jurisdiction

6. Venue and Jurisdiction is proper in Harris County, Texas.

IV. Facts

7. Houston Community College Systems is a political subdivision of the State of Texas that is managed, controlled, and otherwise operated by a Board of Trustees consisting of nine trustees. The office of Houston Community College System Trustee is an elected position where each Trustee was elected to represent the interest of the people of a specific district. Trustee Wilson was elected to office in November 2013.

8. On or about January 2010, the Houston Community College System Board of Trustees adopted its Board Bylaws. The Board Bylaws codify the rules and regulations in which the College and the Board of Trustees conduct its business. Among the Bylaws that apply to the Trustees is a rule that prohibits communications between the Trustees and third party vendors during a black-out period. The rule reads in part:

Notice of Prohibited Communications-
Start of Blackout Period

In accordance with the HCC Board of Trustees Bylaws (Article A. Ethics, Section 5. Prohibited Communications/Political Contributions, as amended, and solicitations posted on the HCC Procurement Operations website are currently under the Blackout Period and subject to the Board of Trustees Bylaws regarding prohibited communications.

The communications / political contributions prohibition period shall begin on the date that the IFB, RFQ, or RFP or other solicitation is issued, published or posted. The HCC Executive Director of Purchasing will email notification of the beginning and ending of the prohibited communications period to each Trustee and Senior Staff Member. The communications/political contribution prohibition shall terminate thirty days after the contract is executed by the Chancellor or his or her designee or, when a determination is made that the contract will not be awarded.”

9. Article A, Section 4 Code of Conduct Provides:

The Board adopts the following Code of Conduct for Trustees and Senior Staff:

h. Refrain from any attempt to influence any operational decision, including but not limited to individual admissions, personnel, or purchasing decisions, except when the decision is an agenda topic at an official board meeting.

10. Section 5: Prohibited Communications/ Political Contributions.

a. Except as provided below, political contributions and the following communications whether written, oral, electronic, or otherwise, regarding a particular invitation for bid (IFB), request for

proposal (RFP), request for qualification (RFQ), employment application or other solicitation are prohibited:

1. Communications between a potential vendor, subcontractor, service provider, bidder, broker, offeror, lobbyist or consultant and any Trustee, Senior Staff, or any member of the selection or evaluation committee;

11. On August 31, 2016, Trustee Wilson filed a complaint that alleged Trustees Zeph Capo, Christopher Oliver, and Adriana Tamez violated HCC code of Ethics Article A, Section 5 in June 2016 by communicating with a potential vendor: Bracewell, LLP. The complaint was delivered to the CHAIR, ADRIANA TAMEZ, and VICE CHAIR, ROBERT GLASER. Subsequently, CAROLYN EVANS-SHABAZZ became CHAIR and PRETTA VANDIBLE STALLWORTH, became VICE CHAIR.

12. HCC Bylaws Article 11 (Mechanisms for Enforcement) requires Trustees to report ethics code violations to the Board Counsel, and provides that “the Chair, Vice Chair, or Chancellor, as appropriate, will undertake a process to resolve the complaint.” None of the above undertook a process to resolve Trustee Wilson’s complaint. The acts and omissions of Defendants have undermined the HCC Bylaws and Code of Ethics.

13. On May 17, 2018 the HCC Board of Trustee conducted a regularly scheduled meeting. Three days prior to the meeting the Trustees were provided a packet which included the various agenda items to be voted on. At the beginning of

the meeting, Wilson objected to going forward with the meeting by raising a point of order. Wilson indicated that HCC Bylaws required the Trustees should have received the agenda packet no later than five calendar days prior to the meeting, and that going forward would violate HCC Bylaws.

14. The Board went forward with the meeting and voted on the particular items contrary to HCC's Bylaws. The Board did not otherwise vote to suspend the Bylaws, or take any other action that justified their failure to comply with HCC's Bylaws.

Causes of Action

Cause of Action No. 1:

15. Trustee, David Wilson hereby sues Defendants for declaratory judgment. Wilson requests the Court determine his rights, and responsibilities under HCC's Bylaws and determine (1) if Article A Section 11 is enforceable as written; (2) what process, if any must be implemented to resolve ethics complaints; (3) if any part of Article A is unenforceable, then declare the duties, if any imposed on Trustees to report ethical violations.

Cause of Action No. 2:

16. Writ of Mandamus: If the Court finds that HCC Bylaws require HCC Chair, Vice Chair, or Chancellor to employ a process to resolve ethical complaints, then grant mandamus relief, and order Defendants to comply with said process and resolve Trustee's complaint in accordance with it Bylaws.

Cause of Action No. 3

17. Declaratory Relief: Trustee Wilson requests the Court determine the rights and responsibilities of Houston Community College to comply with Articles: H 2(e), H2(i), G8, E2(o). Thereafter, should the Court find that HCC's Bylaws were violated. The Court should declare HCC's conduct illegal and enjoin the enforcement of all agenda items.

VII. Capable of Repetition

18. The above causes of action are capable of repetition, but still evading review.

VIII. Conditions Precedent

19. All conditions precedent necessary for Trustee Wilson to bring this lawsuit has either been performed, or has occurred.

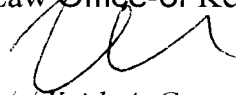
IX. Damages

20. Wilson hereby sues for his reasonable and necessary attorney's fees.

Prayer

Plaintiff prays that Defendants be cited to appear and upon a final hearing, declare the rights and responsibilities of the parties and any other relief, whether general or special, legal or equitable, award Wilson his reasonable and necessary attorney fees.

The Law Office of Keith A. Gross



By: /s/ Keith A. Gross

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