

SWORN COMPLAINT
BEFORE
THE TEXAS ETHICS COMMISSION

Office Use Only
Docket Number

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I. IDENTITY OF COMPLAINANT

I, CRAIG M^c DONALD, complainant,
(full name of individual filing the complaint)

hereby file this sworn complaint with the Texas Ethics Commission. My address is
609 W. 18th St. Ste E, Austin, TX 78701
(full mailing or street address, including P.O. box number or street, city, state, and zip code)

My telephone number is 512-472-9770
(telephone number, including area code)

II. IDENTITY OF RESPONDENT

The respondent is Sharon Keller
(full name of respondent)

The respondent holds the position or title of Presiding Judge Court of Criminal Appeals.
(position or title held by respondent)

The respondent's address is P.O. Box 12308, Austin, TX 78711
(full mailing or street address, including P.O. box number or street, city, state, and zip code of respondent)

The respondent's telephone number is 512-463-1590
(telephone number of respondent, including area code)

Attach additional pages, if necessary.

III. NATURE OF ALLEGED VIOLATION

(Include the specific law or rule alleged to have been violated, if possible. The Texas Ethics Commission has jurisdiction to enforce *only* Chapters 302, 305, and 572 of the Government Code and Title 15 of the Election Code.)

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

Specifically, respondent's Personal Financial Statement covering calendar 2007 (filed with the Commission on April 29, 2008) is not in compliance with Sec. 572.023

Particularly it appears the respondent is not in compliance with:

Sec. 572.023 (a) A financial statement must include an account of the financial activity of the individual required by this subchapter to file a financial statement and an account of the financial activity of the individual's spouse and dependent children if the individual had actual control over that activity for the preceding calendar year.

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;"

It appears similar violations occur in the Personal Financial Statements filed by the respondent covering calendar years 2003 through 2006.

Attach additional pages, if necessary.

IV. STATEMENT OF FACTS

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

Respondent's Personal Financial Statement (PFS) covering calendar 2007 (filed with the Commission on April 29, 2008) appears to be incomplete and therefore, not in compliance with Government Code 572.

In Part 7A, respondent fails to list a number of real properties in which she appears to have an interest. A preliminary search of county tax assessor records reveals that Judge Keller owns at least six properties in either her name or under her former married name: Sharon Batjer. None of these properties have been listed by Judge Keller in her PFS filings. Those six properties are:

<u>Owner of Record</u>	<u>Location*</u>	<u>Appraised Value</u>
Sharon Keller	1531 Quail Meadow, Campbell	\$251,877
Sharon Keller/Sharon Batjer, Inc.	6515 E. NW Highway, Dallas	\$687,660
Sharon Batjer/S. Batjer Trustee	6534 E. NW Highway, Dallas	\$1,750,010
Sharon Batjer	8532 Garland Road, Dallas	\$528,080
Sharon Batjer	8542 Garland Road, Dallas	\$504,480
Sharon Batjer	Industrial Blvd. South, Euless	\$135,213

Additionally, property record searches reveal that companies tied to Judge Keller and a Kelley family trust own at least five properties not listed in Keller's PFS filings in which the Judge may or may not have a significant equity stake. Those properties are:

<u>Owner of Record</u>	<u>Location*</u>	<u>Appraised Value</u>
R J Keller Sr. Children Trust	2219 N. Collins St., Arlington	\$1,090,930
Rodnoc, LLC	1601 W. NW Highway, Garland	\$445,000
Rodnoc, LLC	1601 W. NW Highway, Garland	\$488,090
Sunset Corporation	3608 S. Cooper St., Arlington	\$821,021
Sunset Corporation	14 th St. E., Plano	\$85,972

Additionally, in Part 12 of her PFS, Judge Keller fails to list her affiliation with three Texas corporations; Arkel, Inc., Sunset Corporation, and Rodnoc, LLC.

A review of respondent's PFS forms filed since 2004 indicates that none of the properties referenced above have ever been listed in Part 7A. It is possible that the respondent may have failed to provide a complete listing of real property in which she has an interest dating back to 2004.

*Legal descriptions attached.

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.)

- Copy of Justice Sharon Keller's PFS form filed on April 29, 2008 (partial).
- Corporate filing information, Sunset Corporation from Texas Secretary of State.
- Corporate filing information, Rodnoc, L.L.C. from Texas Secretary of State.
- Corporate filing information, Arkel, Inc. from Texas Secretary of State.
- Appraisal district summary for 1531 Quail Meadow Rd, Campbell, Texas.
- Appraisal district summary for 6615 E. NW Highway, Dallas, Texas.
- Appraisal district summary for 6534 E. NW Highway, Dallas, Texas.
- Appraisal district summary for 8532 Garland Rd, Dallas, Texas.
- Appraisal district summary for 8542 Garland Rd, Dallas, Texas.
- Appraisal district summary for Industrial Blvd. South, Euless, Texas.
- Appraisal district summary for 2219 N. Collins St., Arlington, Texas.
- Appraisal district summary for 1601 W. NW Highway, Garland, Texas.
- Appraisal district summary for 1601 W. NW Highway, Garland, Texas.
- Appraisal district summary for 3608 S. Cooper St., Arlington, Texas.
- Appraisal district summary for 14th St. E., Plano, Texas.
- *Dallas Morning News* article, March 30, 2009 (Judge Keller's disclosures...).

Attach additional pages, if necessary.

VI. AFFIDAVIT
BASED ON PERSONAL KNOWLEDGE
(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

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

Signature of officer administering oath

Print 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 McDonald, complainant,
swear that I have reason to believe and do believe that the violation alleged in
this complaint has occurred. The source and basis of my information and belief
is Texas real property records, News
articles and PFS forms at the T.E.C.

Signature of complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this
the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Print name of officer administering oath

Title of officer administering oath