



DAVID SIMPSON
STATE REPRESENTATIVE
DISTRICT SEVEN

September 26, 2013

The Honorable Carol Alvarado, Co-Chair
House Select Committee on Transparency in State Agency Operations
Room E2.810, Capitol Extension
P.O. Box 2910
Austin, Texas 78768

The Honorable Dan Flynn, Co-Chair
House Select Committee on Transparency in State Agency Operations
Room GN.7, Capitol
P.O. Box 2910
Austin, Texas 78768

Re: *Regent Wallace L. Hall, Jr. Impeachment Proceedings*

Dear Co-Chairs Alvarado and Flynn:

As you both know, on Monday, September 16, 2013, I attended the House Select Committee on Transparency in State Agency Operations' ("Transparency Committee") first planning meeting for the impeachment investigation of University of Texas System Regent Wallace Hall. My observations during the meeting confirmed — and further heighten — my pre-existing concerns regarding the Transparency Committee's budget and procedures for its investigation. I write to you as a colleague and fellow member of the Texas House to request clarification on a variety of important issues regarding the investigation of Regent Hall.

Earlier this month, I was distressed to learn that there is no contractual cap on Special Counsel Rusty Hardin's attorneys' fees. My anxiety was far from alleviated at Monday's meeting upon learning that Mr. Hardin brought in four additional attorneys from his firm in Houston, including "several partners," to be paid a combined \$1500 hourly burn rate by the taxpayers of Texas. These fees, including reimbursements for all travel expenses to and from Austin, will accumulate day after day and month after month. I fear that with a seemingly unlimited budget the Transparency Committee is starting down a path that ends with a legal bill in the high six-figures (or more) that will be dropped at the feet of our constituents.

Additionally, in making the decision to divert tax dollars away from worthy endeavors, should not the Transparency Committee ensure that the legal advice it receives is sound? I have yet to hear Mr. Hardin or Transparency Committee leadership provide the legal standard for impeachment. It seems reasonable to expect that a legal team with an open-ended budget would be prepared at the first meeting to articulate with specificity what actions constitute an impeachable offense, particularly as it relates to a question as vague as whether Regent Hall "overstepped his authority."

Furthermore, Mr. Hardin encouraged us to review the procedures used during the impeachment investigation of Judge O.P. Carillo in 1975 in order to appreciate why Regent Hall and his attorneys would not be given the right to cross-examine witnesses. My initial review of the written report by the House Select Committee on Impeachment indicates the assertion that Judge Carillo was not allowed to cross-examine witnesses is inaccurate. Rather, it appears that the Committee allowed cross-examination, just not “unlimited” cross-examination. I question the wisdom of paying hundreds of thousands of dollars for Mr. Hardin and his partners to interview witnesses in secret and provide no opportunity for Regent Hall to examine them before or during the Transparency Committee hearings.

Co-Chair Flynn stated that “it’s very important” that the impeachment investigation be conducted in a “fair and judicial manner.” I agree completely. I believe Regent Hall is entitled to a process that adheres to the true definition of fairness. As elected officials, we should expect and demand that our judicial actions be beyond reproach. As such, I respectfully request that the legal standard for impeachment and the cross examination issue — and all other important legal and procedural issues — be elevated from 10 second sound bites at an organizational meeting and be given the thoughtful consideration they deserve.

Finally, at Monday’s meeting, I was denied access to the Transparency Committee’s executive session. When Texas House Rules are silent on a question of order or parliamentary practice, we defer to the practice and precedents of the U.S. House of Representatives (Rule 14, Section 1). There is a tradition in the U.S. House of Representatives of allowing interested members to participate in investigations by committees on which they do not serve. By way of example, the U.S. House Oversight Committee allowed former-Representative John Sweeney, whose district included Cooperstown, N.Y., to participate during its investigation into steroid use in Major League Baseball. Given the example set by leadership of the chief investigative committee of the U.S. House, I had no reason to believe that the Transparency Committee members would object to my desire to attend Monday’s executive session until Monday morning when I arrived in Austin. Please accept this letter as my formal request to participate in any and all future Transparency Committee meetings relating to Regent Hall.

At the beginning of Monday’s meeting, Co-Chair Alvarado stated that “our integrity is on the line.” I couldn’t agree more. The integrity of the entire Texas House is on the line. I know I am not the only non-Transparency Committee member who has an interest in Regent Hall’s impeachment investigation. The financial implications for the taxpayers of Texas combined with the murky procedural issues create many questions and few answers. I respectfully request that the members of the Transparency Committee carefully review the issues I have raised. I look forward to future discussions on these matters.

Sincerely,



David Simpson
Texas House of Representatives, District 7

cc: The Honorable Joe Straus
The Honorable Naomi Gonzalez
The Honorable Eric Johnson
The Honorable Lyle Larson
The Honorable Trey Martinez Fischer
The Honorable Charles Perry
The Honorable Walter "Four" Price