

April 28, 2008

Via Certified Mail Number 7006 2760 0004 0521 4516

Sally Hunt  
137 Tropical Lane  
Corpus Christi, Texas 78408  
361-882-3380

Ms. Tina Benkiser  
Chairman, Republican Party of Texas  
900 Congress, Suite 300  
Austin, Texas 78701

Re: Challenge to the Nueces County Republican Party Convention  
Challenge Against Named Nueces County Republican Party Individuals  
Violations of Republican Party of Texas Rules  
Violations of Texas Election Code  
Violations of Federal Election Code  
Falsification of Records  
Mail Fraud

Madam Chair;

Thank you for your service to the Texas Republican Party. Please deliver the following challenge to the appropriate committee of the Texas State Republican Party.

My name is Sally Hunt, a resident of Nueces County, Texas, the same county and senatorial district as the person(s) individually and collectively challenged in this document. I voted in the Republican Primary on March 4, 2008, attended my Precinct 79 convention the same day, and was elected as a delegate to the Nueces County Republican Party Convention (NCRP and NCRPC, respectively) in accordance with Republican Party of Texas (RPT) Rules and Texas Election Code (TEC). My signature appears upon this challenge and I affirm that I have personal knowledge of the truth and validity of the details contained herein. This challenge is submitted in accordance with RPT Rule 11b and Rule 27B. Within this challenge against the person(s) named below are the clearly identified grounds for the dispute and the specific rule(s) alleged to have been violated.

*Definitions of terms used in this document:*

RPT Rule(s) Republican Party of Texas Rule(s)  
TEC Texas Election Code  
NCRPC Nueces County Republican Party Convention Chaired by Michael Bertuzzi  
UP non elected, unauthorized participant falsely presented to the convention as a delegate

*The names of the person(s) specifically named in this challenge are:*

- 1) Michael A. Bertuzzi, 433 Cape Cod, Corpus Christi, Texas 78412  
Nueces County Republican Party Chair  
Nueces County, Senate District 20, Precinct 65, voter id 1040363931
- 2) Jim Kaelin, 7505 Exeter, Corpus Christi, Texas 78414  
Nueces County Republican Convention Sergeant-at-Arms  
Nueces County, Senate District 20, Precinct 26, voter id 1038541217
- 3) Angelica Flores, 607 Vaky, Corpus Christi, Texas 78404  
Nueces County Republican Convention Secretary  
Nueces County, Senate District 20, Precinct 50, voter id 1038017234
- 4) Joel Yowell, 7314 Candy Ridge, Corpus Christi, Texas 78413  
Nueces County Republican Convention Parliamentarian  
Nueces County, Senate District 20, Precinct 3, voter id 1038525237
- 6) Kendall Peterson, 6247 Hidden Cove, Corpus Christi, Texas 78412  
Credentials Committee Chairman, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 70
- 7) Toni Ballenger, 1049 Ponder Street, Corpus Christi, Texas 78404  
Credentials Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 59
- 8) Nancy Bednar, 15334 Caravel Drive, Corpus Christi, Texas 78418  
Credentials Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 40, voter id 1037915076
- 9) Glenn Ellen Dreggors, 4649 Mildred Drive, Corpus Christi 78411  
Credentials Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 48, voter id 1037979885
- 10) Claudia Lobell, 6409 Clearlake Circle, Corpus Christi, Texas 78413  
Credentials Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 106
- 11) Brent Chesney, 4518 Everhart, Corpus Christi, Texas 78411  
Credentials Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 65, voter id 1037970787
- 12) James Duerr, 411 Pasadena, Corpus Christi, Texas 78411  
Credentials Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 64
- 13) Victor Bird, P. O. Box 1545, Port Aransas, Texas 78373  
Resolutions Committee Chairman, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 19, voter id 1037973608

- 14) Richard Moore, 326 County Club Drive, Corpus Christi, Texas 78412  
Resolutions Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 65, voter id 1040372271
- 15) James Ross, 3106 Austin Street, Corpus Christi, Texas 78404  
Resolutions Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 86, voter id 1039366157
- 16) Terry Arnold, 245 Circle Drive, Corpus Christi, Texas 78411  
Resolutions Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 64
- 17) Roe Lear Machen, 344 Poenish, Corpus Christi, Texas 78412  
Resolutions Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 65, voter id 1040396143
- 18) Gilbert Hernandez, 4414 Lake Superior, Corpus Christi, Texas 78413  
Resolutions Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 3
- 19) David Hebert, 935 Graham, Corpus Christi, Texas 78418  
Resolutions Committee Member, Nueces County Republican Convention  
Nueces County, Senate District 20, Precinct 6
- 20) Robert Jones, 4626 Jarvis, Corpus Christi, Texas 78418  
State Republican Executive Committee Member  
Nueces County, Senate District 20, Precinct 2, voter id 1039001485

*Exhibits attached and Description:*

**Exhibit A.1 – NCRPC Credentials Written Report**

Written Credentials Committee Report as submitted to the NCRPC. The 'alpha list' is incorporated herein by reference. Included in this exhibit are copies of pages 9, 10, 11, 20, 21, 22, 25, 27, 28, 29, 30, 31, 36, 37, 39, 46, and 49 from the aforementioned 'alpha list'. These pages are included as a reference to compare with other exhibits. Without access to all of the original precinct minutes it is impossible to know the number unauthorized participants that were illegally added to the typewritten 'alpha list', however, approximately 65 names were hand-written additions on the morning of the county convention, and at least six entire precincts not identified in the typewritten list.

**Exhibit A.2 – NCRPC Credentials Audio Transcript**

Transcript of NCRPC Credentials Committee Report as read to the convention by Credentials Committee Chairman Kendall Peterson (audio recorded by Kay Fischer, transcribed by Sally Hunt). Note the substantial differences between the Report versions.

### **Exhibit B.1 – Precinct 79 Notes**

Exhibit B is a copy of Precinct 79 convention notes taken by Paul Hunt. The NCRPC 'alpha list' has listed two (2) Ups, Victor Carrion and Craig Steele. These two persons were not elected, during the Precinct 79 convention, to be delegates to the NCRPC. Their names were added to the typewritten 'alpha list.'

### **Exhibit B.2 – Precinct 79 Resolutions**

This exhibit includes copies of the eight (8) resolutions passed by Precinct 79. (See notes of the precinct convention in Exhibit B.2.)

### **Exhibit C – Precinct 58 Minutes**

A copy of the minutes from the Precinct 58 convention including four (4) resolutions which were passed. John Longoria was NOT elected as a delegate or an alternate according to the Precinct 58 minutes. John Longoria's name also does not appear on the typewritten 'alpha list'. However, as shown by the 'alpha list', John Longoria's name WAS hand-written in as an alternate on the morning of the NCRPC.

### **Exhibit D – Precinct 70 Minutes**

A copy of the minutes from the Precinct 70 convention. These minutes demonstrate that one Precinct 70 voter was present at the Convention and that person was elected as delegate to the NCRPC. The 'alpha list' certified as correct by the Credentials Committee indicates that three (3) unauthorized persons were added, including the Chairman of said Credentials Committee, Kendall Peterson. Judith Peterson, Kendall Peterson, and John Cutter WERE NOT elected as delegates at the Precinct 70 convention the night of March 4, 2008.

### **Exhibit E – Precinct 17 Minutes**

A copy of the minutes from the Precinct 17 convention. This is yet another illustration of falsification of the election records. The 'alpha list' as certified by the NCRPC Credentials Committee, as a true and correct directory of delegates, does not accurately reflect the information contained in the original precinct minutes.

### **Exhibit F – Challenge Against Chairman Bertuzzi**

Exhibit F is a copy of the challenge submitted by Vanessa Cahill against Michael Bertuzzi to the credentials committee of the convention.

### **Exhibit G – Caller Times Article**

An electronic copy of an article entitled *Rump group members protest* which was published in the Corpus Christi Caller Times on April 1, 2008, contains statements by Michael Bertuzzi and Joel Yowell which appear to be admissions by the respective individuals that they did operate in a manner that caused violations of both Republican Party Rules and Texas Election Code.

### **Exhibit H – NCRPC Resolutions Committee Report**

A copy of the resolutions committee report which was attached to the minutes of the Nueces County convention forwarded to the Republican Party of Texas by Michael Bertuzzi.

**This challenge encompasses numerous charges as detailed below:**

**1) Violations of TEC 174.021 and RPT Rule 21f**

Robert Jones, a member of the State Republican Executive Committee, violated TEC section 174.021 and RPT Rule 21F in that he knew or should have known that the addition of delegates to precinct lists by any means after the close of the precinct convention is prohibited.

Robert Jones, according to the evidence of his signature on the 'alpha list,' was present at the convention. As a senior State Republican Party Official, Robert Jones knew or should have known that the flagrant abuse of parliamentary procedure committed during the convention he attended was illegal. Robert Jones, as a Republican Party officer, had an obligation to stop the injustice and/or prevent further infringement of the basic rights of the participants of this event.

It is my opinion that Robert Jones knew or should have known that the manner in which he was presented to the convention as a delegate although he was not officially elected in his Precinct 2 convention was improper and he failed/refused to correct the violation.

**2) Violations of Open Records Statutes and Rules**

Michael Bertuzzi did willfully and intentionally prevent access to open, public record (see Exhibits F and G), specifically the minutes of the precinct conventions held in Nueces County including the list of delegates certified to attend the county convention. These records had been transmitted to Mr. Bertuzzi's care, custody, and control, and are required by TEC 161.004 and RPT Rule 22b to be maintained and a copy available as open record. Michael Bertuzzi admits to the Caller Times and I quote "*He didn't give her precinct minutes because the rule stating they are open pertains only to counties that include several senatorial districts, Bertuzzi said.*" This statement and Michael Bertuzzi's actions to block public access to precinct minutes demonstrate an attempt to cover up wrongdoing; namely, the deliberate falsification of the election records entrusted to Michael Bertuzzi's custody. Logic suggests strongly that Michael Bertuzzi et al in the NCRP intended to block a timely challenge to unauthorized participants (UPs) at the county level.

**3) Violations of TEC section 174.021 and RPT Rule 21F**

Michael Bertuzzi and the NCRP credentials committee member(s) did knowingly deliberately violate TEC section 174.021 and RPT Rule 21F in that they did act individually and collectively to add UPs to multiple precincts after the conclusion of the precinct conventions. The named officials knew or should have known that this action was and is in defiance of RPT Rules and also a breach of TEC.

The 'alpha list' presented by the credentials committee as a true accurate representation of the delegates elected at their respective precinct conventions lists Kendall Peterson and Judith Peterson as delegates. Evidence in Exhibit D shows conclusively that the Chairman of the Credentials Committee, Kendall Peterson, was not elected as a delegate at his precinct convention. Therefore, the information in the 'alpha list' relating to the Precinct 70 convention was falsified and Kendall Peterson committed fraud in presenting himself and others to the convention as legitimate delegates. Mr. Peterson admits this during the NCRPC as he states "The following list of those who are also recommended to be seated

as delegates to this convention ... Precinct 70, Judith Peterson, Kendal Peterson” may be found in Exhibit A.2, transcript of an audio recording made during the NCRPC.

The ‘alpha list,’ in combination with Mr. Peterson’s admission, shows evidence that other committee members were added in the same manner. For example, the name of the Nominations Committee Chairman Art Granado (Precinct 66), was hand-written in as was that of Resolutions Committee Member James Ross (Precinct 86) and Convention Secretary Angie Flores (Precinct 50).

Further, the evidence shows that at least six precincts did not hold conventions yet, they had unauthorized participants listed as delegates. The fact that the only names on the ‘alpha list’ for Precincts 66, 86, and 50 were hand-written the morning of the NCRPC are examples. In addition, there is at least one instance in which an unauthorized participant (Resolutions Committee Member, David Hebert) was not only penciled in the morning of the convention, but the list provided by the Nueces County Clerk does not show that David Hebert voted in the Republican Primary on March 4, 2008. There are numerous names that appear on the typewritten ‘alpha list’ which are not included on the list of republican voters provided by the Nueces County Clerk.

The RPT Rules and TEC are very specific regarding the election of delegates at precinct conventions. To have delegates added by another means would subvert the voting process and deny those participating at a precinct level their right to have chosen, elected representatives.

Minutes prior to the start of the convention March 29, 2008, I heard Michael Bertuzzi state that “it is okay to add delegates after the precinct convention, I have the right to add delegates to any precinct list I want to”. Highlighted within Exhibit G is a statement by Joel Yowell to the Caller Times and I quote “*The credentials committee can add delegates of its choosing, as long as they voted in the primary, said Joel Yowell*”. These statements show callous disregard for the electoral procedure, the TEC, the RPT Rules and the rights of citizens to participate in a fair and legal voting process.

Exhibits B, C, D, and E show that the precinct minutes transmitted to the Nueces County Republican Headquarters and entrusted to Michael Bertuzzi’s custody are NOT the SAME as the ‘alpha list’ certified by Michael Bertuzzi and the credentials committee as an accurate record of voters duly elected at their respective precinct conventions

#### **4) Violation of RPT Rule 27d**

The above named persons did then act both separately and in concert to present the false data contained in the ‘alpha list’ to the voters in attendance at the convention. Michael Bertuzzi and Kendall Peterson utilized their positions of trust to intentionally deceive the voters of Nueces County. Michael Bertuzzi and the members of the credentials committee did knowingly contrive to seat UPs (unelected and ineligible people) as delegates at the convention. The Credentials Committee report identifies additional, ineligible people added that morning in a verbal report. This report by Kendall Peterson also mentions a challenge filed against Michael Bertuzzi and states the challenge was denied by committee without ever fully presenting the facts of the issue to the members of the convention. This

action by Kendall Peterson violates RPT Rule 27d which specifies a challenge is to be voted on by the convention.

### **5) Violation of RPT 5, Parliamentary Authority & Railroading**

I, Sally Hunt, hereby testify that during the convention on March 29, 2008 as Kendall Peterson presented the verbal Credentials Committee Report, 'point of order' was raised by lawful delegates who sought, in accordance with Robert's Rules of Order, to correct the falsified information presented in the 'alpha list'. The officials conducting the convention knew or should have known how to correctly apply Robert's Rules of Order. By failing and refusing to recognize timely made 'points of order', Michael Bertuzzi, Joel Yowell, and Kendall Peterson did with intent and full knowledge violate and disregard RPT Rule 5 which resulted in pandemonium across the convention floor. Then Michael Bertuzzi initiated the unjustified expulsion of a legal delegate. By his action(s) Michael Bertuzzi directly infringed my right to participate in the election process. By tyranny and willfulness, he took away the rights of the assembly to debate. An audio clip of this may be heard at <http://www.youtube.com/watch?v=s-fARjv3tFk>.

Exhibit G contains the quote to the Corpus Christi Caller Times whereby "*Bertuzzi said it's within his rights as chairman to decide whom to recognize. Yowell said Cavazos' challenge was out of order because he was interrupting a committee report.*" This, put together with Michael Bertuzzi's sidelining of the numerous 'points of order' and fast tracking of the Credentials Committee Report is railroading pure and simple.

### **6) Violation of RPT Rule 23, Resolutions**

Michael Bertuzzi did further conspire with members of the resolutions committee, together and separately, to falsify information transmitted to the Republican Party of Texas and to contravene RPT Rule 23. Contained in Exhibit H is the report filed by the NCRPC Resolutions Committee which lists six (6) resolutions adopted and none (0) failed. Enclosed in Exhibit B are eight (8) resolutions which were passed by Precinct 79. Within Exhibit C are four (4) resolutions that were passed by Precinct 58. Of the twelve resolutions shown in Exhibits B and C, only one is similar to any of those reported as passed by the resolutions committee.

On March 17, 2008, following a meeting of the Nueces County Republican Club, Michael Bertuzzi stated to me that he compares the resolutions submitted in by the precincts with the existing State GOP platform. Any resolution that does not match the current party platform is thrown away. RPT Rule 23 requires all resolutions adopted by the next lower level convention be considered. My question is did the resolutions committee falsify its report, or did Michael Bertuzzi fail and willingly refuse to make available all of the resolutions passed by Nueces County precincts to the committee?

**In conclusion, I allege that the Nueces County Republican Party Chairman, various members of the Credentials Committee, the Resolutions Committee, and other named officers for the Nueces County Republican Party Convention Chaired by Mr. Michael Bertuzzi held on March 29, 2008, did independently and jointly conspire to willfully, intentionally, knowingly, and deliberately violate TEC and the Rules of the Republican Party of Texas by premeditated falsification of records in connection with a federal election. Those persons listed in this document did alter information entrusted their care, custody, and control and which is required by law to be safeguarded. These individuals refused access to records designated as open, public record by TEC and RPT Rules in an attempt to cover up the fraud they were perpetrating upon the voters of Nueces County. These officials abused their authority by railroading the convention, then certified their deception as a true record and knowingly transmitted the fraudulent documentation to officials of the Republican Party of Texas. It is my understanding that the knowing, deliberate transmission of false and/or misleading information through the United States Postal Service is the definition of mail fraud.**

As described above the March 29, 2008 Nueces County Republican Party Convention as chaired by Michael Bertuzzi is hereby challenged and should be nullified in its entirety. Mr. Michael Bertuzzi should be removed from office. The remaining persons as noted above should be disciplined as designated in the RPT rules.

Respectfully submitted,

Sally Hunt

CC: Michael A. Bertuzzi, Jim Kaelin, Angelica Flores, Joel Yowell,  
Kendall Peterson, Toni Ballenger, Nancy Bednar, Claudia Lobell,  
Glenn Ellen Dreggors, Brent Chesney, James Duerr, Victor Bird,  
Richard Moore, James Ross, Terry Arnold, David Hebert,  
Roe Lear Machen, Gilbert Hernandez, Robert Jones, Tx SOS