

CAUSE NO. C10369

-FILED  
CANDACE GARRETT  
COUNTY/DISTRICT CLERK  
SOMERVELL CO., TEXAS

2014 AUG 27 PM 3:35

GEORGE DARRELL BEST,  
Petitioner

IN THE DISTRICT COURT OF

DEPUTY

v.

SOMERVELL COUNTY, TEXAS

By [Signature]

PAUL REED HARPER

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[Signature] JUDICIAL DISTRICT

**PETITIONER'S PETITION FOR REMOVAL OF OFFICER**

TO THE HONORABLE JUDGE [JOHN NEILL OR WAYNE BRIDEWELL]

NOW COMES GEORGE DARRELL BEST ("Petitioner"), complaining of PAUL REED HARPER ("Respondent"), and for cause of action would show as follows (the "Petition"):

**I.**  
**Parties**

1. Petitioner is a resident of the State of Texas and has lived in Somervell County for at least six months. Petitioner is not now, nor at any other time, under indictment, or been indicted in Somervell County or any other county in the State of Texas.
2. Respondent PAUL REED HARPER is the Secretary of the Board of Directors for Somervell County Hospital District and is a county officer under TEX. LOCAL GOV'T CODE § 87.012(15).

**II.**  
**Jurisdiction and Venue**

3. Jurisdiction and venue are proper in this Court and County under Tex. Local Gov't Code § 87.015.

**III.**  
**Background**

4. On May 11, 2013, the voters of Somervell County by election (the "Election") approved the formation of the Somervell County Hospital District (the "District") pursuant to Chapter 286 of

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the Texas Health and Safety Code, as amended (the "Health Code"). To effectuate the purposes and interests of the Election pursuant to Section 286 of the Health Code, Somervell County transferred, assigned and delivered to the District an acute care hospital known as Glen Rose Medical Center (the "Hospital"), and other healthcare businesses incident to the operation of the Hospital.

5. Respondent was elected to the Board of Directors of the District on May 10, 2014. After being elected, Respondent was subsequently named as Secretary of the Board of Directors.

Since being elected, Respondent has allegedly exhibited incompetency by way of gross ignorance of his official duties and gross carelessness in the discharge of those duties as contemplated by the Texas Local Government Code, Section 87.013. Specifically, on or about the 21<sup>st</sup> day of August, 2014, at a scheduled meeting of the Board of Directors, Respondent stated "I move that we set the Hospital District Tax Rate at Zero". The item being discussed by the Board of Directors, at the time of the making of this statement, was the setting of the maximum tax rate which the Board would be considering for the upcoming fiscal year, as required by Texas law. Mr. Harper's desire to set the tax rate at zero is a violation of the Bylaws of the Somervell County Hospital District, specifically section 6.4(b) and (b) "Do any act with the intention of harming the District or any of its operations and (c) "Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the District".

Additionally, and immediately after the meeting of August 21, 2014, certain "blog" posts appeared on a website called the "Somervell Salon", in which it is believed that Mr. Harper (as administrator of the website), or one of his agents or others acting in his behalf, posted statements accusing the Glen Rose Medical Center Administrator, Mr. Ray Reynolds, and also the Chief Financial Officer, Mr. Michael Honea, of "violating the law". Derogatory and inflammatory statements were also made about certain other Board Members based on what

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they said, or how they voted during the meeting. Also included in these "rants" were statements which questioned why anyone would want to do business with Glen Rose Medical Center (operated by the Somervell County Hospital District). [A copy of these statements which were taken directly from the website is attached hereto as Exhibit "A" and incorporated herein by this reference]. All of these actions are individually or collectively acts allegedly showing an elected official who is incompetent and grossly negligent in the care and exercise of his duties as a Board Member of the Somervell County Hospital District. They further may constitute additional violations of the Prohibited Activities under Section 6.4 of the District's Bylaws.

6. Respondent's intention to set the Hospital District Tax Rate at Zero, and also his accusations of illegal activities by the administrative personnel of the Hospital, are not in the best interest of the residents of Somervell County and individually or collectively allegedly constitute gross ignorance and carelessness of his official duties. Moreover, these actions are in direct violation and breach of the Bylaws of the Board of Directors of the District.

**IV.**

**REMOVAL UNDER TEXAS LOCAL GOVERNMENT CODE CHAPTER 87**

8. Under Tex. Local Gov't Code § 87.013, Respondent may be removed from office for: (1) incompetency; (2) official misconduct; or (3) intoxication on or off duty caused by drinking an alcoholic beverage. "Incompetency" means: (a) gross ignorance of official duties; (b) gross carelessness in the discharge of those duties; or (c) unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election. See TEX. LOCAL GOV'T CODE §§ 87.011 and 87.013.

Respondent should be removed from office for incompetency, or for the above alleged gross ignorance and carelessness in the discharge of his public duties as the Secretary of the Board of Directors of the District. Under the bylaws of the Board of Directors of the District (the

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“Bylaws”), Respondent’s duties include:

2.11 Duties of Directors. A Director shall discharge the director's duties in good faith, with ordinary care, and in a manner the director reasonably believes to be in the best interest of the District. In the discharge of any duty imposed or power conferred on a director, the director may in good faith rely on information, opinions, reports, or statements, including financial statements and other financial data, concerning the District or another person that were prepared or presented by one or more officers or employees of the District, legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence.

10. As stated above in the Bylaws, Respondent is required to “discharge the director’s duties in good faith, with ordinary care, and in a manner the director reasonably believes to be in the best interest of the District.” Respondent’s stated intention of setting the Hospital District Tax Rate at Zero, as well as his accusations of illegal activity by the Hospital Administration is clearly not in the best interest of the District.

11. Moreover, the Bylaws outline certain activities that are prohibited by the directors. The Bylaws state among other things:

Prohibited Activities. As long as the District is in existence, no director, officer, or committee member of the District shall:

(a) Do any act in violation of the Bylaws or a binding obligation of the District.

(b) Do any act with the intention of harming the District or any of its operations.

(c) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the District.

12. Respondent’s stated intention of setting the Hospital District Tax Rate at Zerom, together with the other specific actes alleged herein, are in direct violation of his duties as outlined in the Bylaws. Moreover, Respondent’s stated intention of setting the Hospital District Tax Rate at Zero, together with the other specific actes alleged herein, constitute gross ignorance and carelessness of his official duties as a Board member of the District in violation of See TEX.

LOCAL GOV'T CODE § 87.013.

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13. The Hospital has been in operation for 23 years, under ownership by Somervell County (and now the Somervell County Hospital District) and is a vital piece to this community. Respondent's stated intention of setting the Hospital District Tax Rate at Zero is in direct conflict with the desire of the voters that created the District to help fund the Hospital and keep it in operation.

IV.  
**REQUEST FOR ORDER REQUIRING CITATION AND  
SERVICE OF CERTIFIED COPY OF PETITION**

14. With the filing of the Petition, Petitioner requests that the District Judge enter an order requiring a citation and a certified copy of the Petition be served on Respondent in accordance with Tex. Local Gov't Code Sec. 87.016.

**Prayer**

WHEREFORE, premises considered, Petitioner prays that the Honorable District Judge remove Respondent from his position as Director from the Somervell County Hospital District Board of Directors and requests that the Judge enter an order requiring a citation and a certified copy of this petition be served on Respondent.

RESPECTFULLY SUBMITTED

  
Printed Name: GEORGE DARRELL BEST

**VERIFICATION**

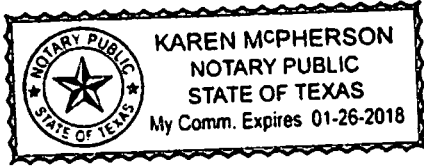
STATE OF TEXAS                   §  
   §  
COUNTY OF Somervell       §

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BEFORE ME, the undersigned authority, on this day personally appeared George Darrell Best, who, being by me first duly sworn, deposed and said that he has read the allegations in the foregoing Petition for Removal of Officer, and each and every fact and matter therein stated is within his personal

knowledge and is true and correct to the best of his knowledge and belief.

SUBSCRIBED AND SWORN to before me, this the 27<sup>th</sup> day of August, 2014.



Karen McPherson  
Notary Public in and for  
The State of Texas

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**Exhibit "A"**  
**to Petition For Removal of Officer – Page 2**

Why Would ANYONE want to do business with Glen Rose Medical Center  
***SHAME ON YOU, Chip Harrison- You LIKE Glen Rose  
Medical Center Operating an ILLEGAL SLUSH FUND?***



salon

*21:27 on 21 August 2014*

More on this later. Just found out that Chip Harrison voted to table a discussion about the 501a SLUSH FUND. Ron Hankins apparently brought up the motion and that other guy that's in sales seconded it. I guess Ron Hankins believes in CENSORSHIP since he sure didn't want to hear about how GRMC has been breaking its own agreement to properly monitor and have accountable funds that the 501a doctors have to ASK FOR since they are NOT part of GRMC but a SEPARATE ORGANIZATION. Don't believe me? go WATCH this video and see Mr Hankins nodding his head like a stuffed dog in the back car window while the auditor explains just what the 501a is. What astonishes me, though, is Chip Harrison, who at least pretended to be for spending money wisely. Guess not. Anyone that thinks that giving money into an account that Michael Honea simply fills up when he sees it is running low, for a budget that INCLUDES the 501a even though they are NOT part of the hospital but only have an AGREEMENT with the hospital and agrees that even though Ray Reynolds is BREAKING THE LAW with regard to the budget and the Texas state hospital code must be highly ethically challenged.

Again, SHAME ON YOU, Mr. Harrison. You ran on saying that you would be fiscally responsible, that you were for getting rid of the hospital tax, and you can't even HANDLE A DISCUSSION on the 501a? Coward! And Coward AND Censor describes Ron Hankins too because there is no reason in the world to NOT discuss this before the public and LET TAXPAYING CITIZENS HEAR WHAT IS GOING ON and draw their own conclusions. Does Mr Hankins believe he is acting like someone that lived in 1930's Nazi Germany? I guess it must be true that Chip Harrison is Ron Hankins dog.

Pah!

P.S. Why would ANYONE want to ever do business with Glen Rose Medical Center? The board voted tonight to IGNORE FOLLOWING a contract they have with doctors. Gee, that makes you feel really confident about their contempt for legal contracts with ANYTHING if they won't honor the contract they HAVE. Contempt? yeah, I have contempt for these people because as long as there is ZERO accountability with money that Michael Honea puts into an account when it looks like it's getting low, NO ONE should have ANY CONFIDENCE in either the people who voted NOT TO FOLLOW THE CONTRACT THAT ALREADY EXISTS. Shame on every single one that voted not to follow it.

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Pah!

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Let's review

The 501a is a doctor organization that is NOT PART of GRMC but has a management contract with GRMC. They are supposed to be self supporting except in the case when they need to come begging for extra OSA (shortfall) money. This is spelled out in the management contract under section C which indicates that the doctors have to ASK for the money and then are supposed to provide a report that shows HOW the money was spent. Ray Reynolds has certified and signed his name, as has Larry Shaw, in formal audits that this has been followed and all is accurate. This has been done for at least 4 years but has STOPPED being acted upon sometime in the last year. Michael Honea, when he sees that the account they are now managing is running low, PUTS EXTRA MONEY IN THE ACCOUNT- No paper work, no requisitions, no reports to show how the money is being spent. It's as if you have a business on your own, let's say a Coffee Shop, and you go to government to ask them to give you money and they just DO IT without you having to justify what you are even using it for. Not only that, but Ray Reynolds is BREAKING THE LAW by setting the tax rate BEFORE having a legal budget- Ray Reynolds is BREAKING THE LAW by not following the section of the Texas Health and Safety code that REQUIRES certain things to be in a budget to be a LEGAL budget but are MISSING from the budget Mr Reynolds has presented. Further, he is INCLUDING the 501a IN THE BUDGET!!!!!!!!!!!!!! And yet, Ron Hankins, Karen Burroughs, Chip Harrison and that sales guy have ZERO problem in not even allowing those who DO have a concern about LEGALITY and ACCOUNTABILITY to even SPEAK about this before voting on a high tax rate. Frankly, this is akin to embezzling money-if you can just shift money around and you don't have to follow a legal contract, then what else might you be thumbing your nose at????

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