

Manuel Rodriguez

NO. DC-17-14650

JUSTIN JAY KOCH,
Plaintiff

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IN THE DISTRICT COURT

DALLAS COUNTY, TX

____ JUDICIAL DISTRICT

VS

TONI PIPPINS-POOLE,
Defendant.

VERIFIED PETITION FOR REMOVAL OF TONI PIPPINS-POOLE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 87

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Justin Jay Koch (“Plaintiff”), Plaintiff in the above entitled and numbered cause, and files this his Petition of Removal of Dallas County Elections Administrator Toni Pippins–Poole pursuant to Texas Local Government Code 87 (“Chapter 87”) and in support thereof would respectfully show this Court the following:

**I.
DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under “Level 3” discovery control plan pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

**II.
JURISDICTION AND VENUE**

2. This Court has personal jurisdiction over Dallas County Elections Administrator Toni Pippins–Poole Plaintiff because she resides in Texas, because she is an officer of Dallas County, and because a substantial part of the events giving rise to this cause of action occurred in Texas. Plaintiff is a resident of Dallas County.

3. Venue is proper in Dallas County, Texas, whereupon information and belief, all or a substantial part of the causes of action set forth herein arose.

III. FACTUAL BACKGROUND

4. A man named Jose Rodriguez (AKA Miguel Hernandez) caused hundreds (766 according to Dallas County District Attorney's accounting) of mail in ballots to be distributed to Dallas County voters that did not request them. Dallas County Elections Department told a number of the voters that called to ask why they had received mail in ballots that their signature appeared on a mail-in ballot application and that Jose Rodriguez signed the application affirming he helped the voter. The residents in these cases say their signatures on those ballot applications were forged.¹

5. On or about April 14, 2017, Direct Action Texas, a local political group, filed a criminal complaint against Dallas County with the Secretary of State regarding voting irregularities. That complaint has been forwarded to the Attorney General's office.² Direct Action Texas gathered evidence that an individual that is well known in Dallas politics sought open records requests, asking only for voting lists of people who've never before cast a vote in order to harvest votes (via mail in ballot fraud). Direct Action Texas also obtained evidence of vote harvesting in Dallas County from a former vote harvester.³

6. All of this wrong-doing could have been prevented had Toni Pippins-Poole conducted her official duties in a competent manner. It was her duty to oversee the examination of signatures for the purpose of comparison on mail in ballots and requests for mail in ballots. It was her duty to ensure the mail in ballots were handled in a competent manner free of systematic fraud.

¹'I feel violated': Senior citizens rattled by voter fraud in West Dallas, Grand Prairie <https://www.dallasnews.com/news/dallas-county/2017/05/04/feel-violated-senior-citizens-rattled-voter-fraud-west-dallas-grand-prairie> last visited October 23, 2017.

²Dallas D.A. investigating mail-in ballots <http://www.wfaa.com/news/dallas-da-investigating-mail-in-ballots/433278625> last visited October 23, 2017.

³ How Dallas Elections Really Work <https://www.dmagazine.com/publications/d-magazine/2017/august/how-dallas-city-council-elections-work-fraud-mail-in-ballot/> last visited October 23, 2017.

7. Toni Pippins-Poole directed a county employee via email to request that an Dallas County Elections Department vendor, ES&S, to sponsor lapel pins for the Texas Delegation attending the International Association of Government Officials national conference in amount of approximately \$1500.00.⁴ In an email from an ES&S employee it was indicated that “[i]n the past we simply wrote a check to Toni...” providing evidence of other instances where Toni Pippins-Poole had received funds from ES&S.⁵ Furthermore, there is evidence that Toni Pippins Poole requested six election companies (that are Dallas County Elections Department vendors) donate \$500 to \$800 to a charity on behalf of her International Association of Government Officials Texas delegation.⁶

IV.
CAUSE OF ACTION - REMOVAL

8. Plaintiff incorporates all preceding allegations in paragraphs 1-7 as if fully set forth herein verbatim.

9. Toni Pippins-Poole in a county officer whose office is created by the laws of this state and is subject to removal under Chapter 87 of the Local Government Code ("Chapter 87"). Tex. Election Code 31.031; Tex. Gov. Code 87.012. Such officers of the public may be removed for:

- (1) Incompetency;
- (2) Official misconduct; or
- (3) Intoxication on or off duty caused by drinking an alcoholic beverage.

Tex. Gov. Code 87.013.

10. Toni Pippins-Poole showed her incompetency in connection with the mail in ballot fraud discovered by Direct Action Texas and Aaron Harris. As Elections Administrator it was her duty to make sure processes put in place to verify the identity of the individual that requested a

⁴ **Emails reveal Dallas Co. elections administrator soliciting favors from vendors**
<http://www.wfaa.com/news/local/investigates/emails-reveal-dallas-co-elections-administrator-soliciting-favors-from-vendors/484425083> last visited October 23.

⁵ Id.

⁶ Id.

mail-in ballot, received the mail in ballot and filled out the mail-in ballot was the same as the individual by comparing the signatures. This process broke down under her incompetent leadership.

11. Toni Pippins-Poole engaged in official misconduct by soliciting and accepting a gift in the amount \$1500.00 from ES&S to pay for lapel pins for her bid to become president of the International Association of Government Officials ("IAGO") as well as soliciting \$500 to \$800 from six elections company vendors to benefit a charity on behalf of her IAGO Texas Delegation. Tex. Penal Code § 36.02, 39.02.

V.
REQUESTED RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Court order Removal of Toni Pippins-Poole from her position as Dallas County Elections Administrator, and further prays that Plaintiff be awarded his costs and all other relief, either in law or in equity, special or general, to which Plaintiff may be justly entitled under the circumstances.

Respectfully submitted,

WILLIAM M. WOODALL, P.C.



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VERIFICATION

STATE OF TEXAS §
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COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Justin Jay Koch, who stated, upon oath, that the statements made in the foregoing Verified Petition for Removal of Toni Pippins-Poole Pursuant to Texas Local Government Code Chapter 87 are within his personal knowledge and are true and correct.


Justin Jay Koch

SUBSCRIBED AND SWORN TO BEFORE ME on the 23rd day of October 2017, to which witness my hand and seal below,



Notary Public in and for the State of Texas

