



Year	Amount Misappropriated
2006	104,722.83
2007	225,073.01
2008	237,243.04
2009	222,701.50
2010	231,944.48
2011	275,764.43
2012	183,625.73
2013	253,421.64
2014	23,291.04
Total	1,757,787.70

- From January 2006 through January 2013, under Defendant's supervision and direction, \$129,502.00 in cash collected from on-site convention fees, membership fees, and other cash transactions at TETA's Theatrefest and Summerfest conventions was never deposited into the TETA Southside Bank Account. Defendant instead unlawfully misappropriated this cash by depositing the cash into personal bank accounts in his name and his wife's name during and immediately following TETA's Theatrefest and Summerfest conventions. Further, additional cash was collected at TETA conventions during this time period that was not deposited into TETA's account or Defendant's accounts.

NOTE: As reflected in the following chart, in order to arrive at the final aggregated theft amount of **\$1,688,979.23**, \$129,310.47 (from item two above) was added to the theft total from item one above. Additionally, a total of \$198,310.47 was *subtracted* from the total to reflect all the expenditures that Defendant made from personal bank accounts and credit cards which appeared to have some possible relationship to TETA business and for



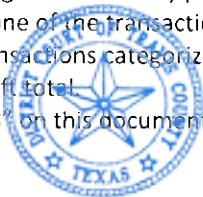
expenditures which the TETA President has indicated had been authorized for reimbursement to Defendant: <sup>1</sup>

	TETA \$ Defendant
\$1,757,787.70	misappropriated
\$198,310.47	(-TETA expenses paid)
\$129,502.00	(+ unrecorded CASH deposited)
<b>\$1,688,979.23</b>	<b>THEFT TOTAL</b>

3. Defendant forged a letter dated June 30, 2008, using the electronic signature of David Stevens, who was President of TETA at the time, stating that he (Defendant) was receiving a salary of \$50,000 per year.
4. Defendant paid himself fraudulent and unauthorized “paychecks” from TETA in the amount of \$4,166.67 and similar amounts for several months in 2008 and 2009, totaling \$38,719.10.
5. As a Board member of a nonprofit organization, it was unlawful for Defendant to be paid a salary and David Stevens stated that he did not authorize, and would not have authorized, Defendant to be paid a salary.
6. Defendant retained Accountant Paul Keischnick to prepare financial summary documents to present to the Board of Directors with the following dates: August 31, 2006, August 31, 2007, August 31, 2008, August 31, 2009, August 31, 2010, August 31, 2011, and December 31, 2012. Defendant supplied inaccurate and misleading data to Kieschnick to use in preparing the reports.
7. Defendant created falsified “independent audit reports” with the following dates: January 8, 2007, January 2, 2008, January 12, 2008<sup>2</sup>, January 9, 2010, December 31, 2010.
8. Defendant forged Paul Keischnick’s signature on the above-described “independent audit reports.”
9. Defendant presented the above-described forged and falsified “independent audit reports” to the TETA Board of Directors at the annual meetings in 2007, 2008, 2009, 2010, and 2011.

<sup>1</sup> Through the discovery process, Defendant’s counsel has been provided with a detailed spreadsheet setting out every one of the transactions alleged by the State to be involved in the theft. Additionally the spreadsheets detail the transactions categorized by the State as possible TETA business expenditures and therefore subtracted from the theft total.

<sup>2</sup> “2008” on this document may have been a clerical error and report may have actually pertained to 2009 records.



10. Likewise, Defendant presented to the TETA Board of Directors at annual meetings in 2007-2011 the financial reports prepared by Kieschnick containing false and/or misleading financial information supplied by Defendant. Defendant used these reports to hide his ongoing theft from TETA, to give a false impression of the financial state of TETA, and to lead the Board of Directors to believe that TETA was in possession of Wendy's/Arby's Group Inc. common stock, when TETA did not own any such stock.
11. Through use of the financial reports and independent audit reports, the Defendant led the TETA Board of Directors to believe that Paul Keischnick was a Certified Public Accountant (CPA) and had evaluated the financial state of the organization, when Keischnick had not made any such evaluation and was not a CPA.
12. Defendant also presented the above-described falsified financial statements and "independent audit reports" to Southside Bank to support TETA's application for a line of credit and a signature loan, used to borrow a total of \$174,280.00 for the fiscal periods corresponding to the following dates: August 31, 2006, August 31, 2007, August 31, 2008, August 31, 2009, August 31, 2010, August 31, 2011, December 31, 2012.
13. TETA would not have had a financial need for the line of credit and signature loan from Southside Bank had Defendant not engaged in his aggregated theft scheme. As a result of the line of credit and signature loan, TETA paid \$9,155.52 in interest and/or fees to Southside Bank from 2007 through 2013.
14. Defendant refused to disclose the bank statements and financial records of the organization to members and directors who demanded to see these records on multiple occasions in 2012 and 2013, including Jackie deMontmollin, Rachel Mattox, Kim Blann, and others, in violation of the Bylaws of TETA and Chapter 22 of the Texas Business Organizations Code.
15. Defendant made large donations to charities, such as Broadway Cares using TETA's funds without authorization from the Board of Directors.
16. Defendant paid for travel and gifts for his friends and family for non-TETA related business and to attend social and entertainment events using TETA funds.



17. Defendant misrepresented his professional credentials to TETA members and others personally and in his biographical statements published in convention programs stating that he had a doctorate, when, in fact, he did not have a college degree
18. Defendant misrepresented his professional credentials to TETA members and others by stating that he was paid as a business/financial consultant, when he was not being paid for such work.
19. Defendant filed for bankruptcy on May 9, 2000, and did not disclose his bankruptcy to TETA while serving as CFO and Treasurer.
20. Defendant allowed himself to be listed in Theatrefest Programs as a sponsor or co-sponsor of the following celebrities who appeared at Theatrefest Conventions when he did not personally pay for their attendance and did not obtain Board approval for TETA's expenditure of funds to secure their attendance: Lynn Redgrave in 2007, Angela Lansbury in 2009, Carol Channing and Bernadette Peters in 2010, and Chita Rivera, Carol Channing, and Jonathan Groff in 2011.<sup>3</sup>
21. US Treasury checks payable to Mercy Medicine, Inc. were deposited into Defendant's personal Wells Fargo bank account on May 9, 2007.
22. A Cashier's check payable to World Opportunities International was deposited into Defendant's personal Wells Fargo bank account on June 10, 2008.
23. Several large expenditures to Stubhub and other entertainment-related vendors were made in the first quarter of 2006 using World Opportunities International d/b/a Help the Children's corporate VISA card while the Defendant was the cardholder.
24. Defendant did not report the money he stole from TETA as income in his bankruptcy filings in Spring of 2014.
25. Defendant destroyed, deleted, or otherwise made unavailable TETA financial records while serving as treasurer/CFO of TETA.

Respectfully submitted,

ROSEMARY LEHMBERG  
DISTRICT ATTORNEY



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<sup>3</sup> The TETA funds expended for the appearance of these celebrities were not included in the theft total above.

By: \_\_\_\_\_

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### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above State's NOTICE OF INTENT TO INTRODUCE EVIDENCE OF EXTRANEIOUS OFFENSES AND AGGREGATED OFFENSES IN STATE'S CASE IN CHIEF AND PUNISHMENT PHASES OF TRIAL is being sent by email and certified mail, return receipt requested, on this 15 day of September, 2014, to Kevin B. Ross, Attorney for Eugene ("Gene") Dickey, Law Office of Kevin B. Ross, PC, 8150 N. Central Expy., Ste. 601, Dallas, TX 75206, kbr@rosscrimlaw.com.

By: \_\_\_\_\_

Holly Taylor

Assistant District Attorney

