



## I. STIPULATIONS

1. Plaintiff is the STATE OF TEXAS and the Defendants are TEXAS HIGHWAY PATROL MUSEUM (THPM), TEXAS HIGHWAY PATROL ASSOCIATION (THPA), THPA SERVICES, INC. (SERVICES, INC.) (collectively referred to as "corporate Defendants"), KENNETH LANE DENTON, TIMOTHY TIERNEY, RUBEN VILLALVA, JR. and STEVEN JENKINS (collectively referred to as "key personnel"), MARK LOCKRIDGE, TED RIOJAS, FRED RIOJAS, GREGG GREER, JAMES COLUNGA AND ROBERT BERNARD, JR. (collectively referred to as "board members") as stated by Plaintiff in its Petition in this cause.
2. The board member Defendants met on February 22, 2012 and transferred all assets and liabilities of the corporate Defendants to the court-appointed Receiver and terminated the key personnel Defendants.
3. Plaintiff, Defendants and the Receiver agree to and do not contest the entry of this Judgment and all parties agree that the Court has continuing jurisdiction to enforce this judgment.
4. All of the parties have compromised and settled all claims stated by the Attorney General in this cause without the necessity of a trial. The parties further acknowledge and agree that this is a compromised settlement of a disputed claim and no actual findings having been made.
5. All parties agree to waive the thirty (30) day period in which to file a Motion for New Trial and waive any and all rights to appeal this Judgment.
6. The Court has jurisdiction over the subject matter of this action.
7. The Court has jurisdiction over the Plaintiff, Defendants and Receiver.

8. Venue is proper in Travis County, Texas.
9. Entry of this judgment is in the public interest.

## II. DEFINITIONS

10. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that, as used in this Judgment, the following terms are defined as follows:

- A. "Assets" mean any and all property, real, personal and mixed, wherever situated;
- B. "Consumer" means an individual, partnership, corporation, or entity of any kind, including this state, or a subdivision or agency of this state who seeks or acquires, by purchase or lease, any goods or services;
- C. "Contributor" means an individual, partnership, corporation, or entity of any kind, including this state or a subdivision or agency of this state, who donates or provides funds or tangible goods to support or assist a charitable cause or any cause which the public could reasonably understand to be for public benefit, public safety, or community service in nature;
- D. "Key Personnel Defendants" mean KENNETH LANE DENTON, TIMOTHY TIERNEY, RUBEN VILLALVA, JR., STEVEN JENKINS, their officers, agents, successors, assigns, servants, employees, subcontractors, corporations and any other persons in active concert or participation with them;
- E. "Corporate Entity Defendants" mean TEXAS HIGHWAY PATROL MUSEUM (THPM), TEXAS HIGHWAY PATROL ASSOCIATION (THPA), THPA SERVICES, INC. (SERVICES, INC.) their officers, agents, successors, assigns, servants, employees, subcontractors, corporations and any other persons in active

concert or participation with them;

- F. "Board Member Defendants" mean MARK LOCKRIDGE, TED RIOJAS, FRED RIOJAS, GREGG GREER, JAMES COLUNGA AND ROBERT BERNARD, JR.;
- G. "Person" means an individual, sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity, however organized;
- H. "Solicits," "solicitation" or "solicited" means any type of contact with a person or entity for the purpose of requesting, persuading, or seeking any type of contribution, sponsorship, compensation, advertising revenue, or anything of value from said person or entity for any reason whatsoever;
- I. "Telemarketer" or "paid solicitor" means a person employed or authorized by a seller to make telephone solicitations;
- J. "Telephone solicitation" and "engaging or engaged in telephone solicitation" means engaging in any type of business or being employed by or for any type of business that makes telephone calls to or from a person or entity for the purpose of making a charitable contribution, soliciting advertising revenues or sponsorships in support of any stated or implied charitable cause or any cause which the public could reasonably understand to be for public benefit, public safety or community service in nature. The term includes a call made by a consumer or contributor in response to a charitable solicitation sent by mail or made by any other means. The term also includes any use of the Internet for any type of charitable solicitation purpose;

- K. "Item" means property or service and includes any advertising that is used with a business or company;
- L. "Owner" means a person who has any control over or is entitled to, by ownership or other claim, at least one percent of the net income of a seller;
- M. "Salesperson" means a person employed or authorized by a seller to make a telephone solicitation;
- N. "Purchaser" means a person who either is solicited to become or becomes obligated for the purchase or rental of an item, or is offered the opportunity to claim or receive an item.
- O. "Public safety organization" means a nongovernmental organization that, in a manner that reasonably implies that the organization is composed of law enforcement or public safety personnel or that a contribution, purchase, or membership will benefit public safety personnel, uses the term "officer," "peace officer," "police officer," "police," "law enforcement," "reserve officer," "deputy," "deputy sheriff," "constable," "deputy constable," "fireman," "firefighter," "volunteer fireman," "emergency medical service provider," "civilian employee," or any other term in its name, in the publication of the organization or in a solicitation for contributions to the organization, membership in the organization, the purchase of advertising in a publication of the organization or the purchase of products or tickets to an event sponsored by or for the benefit of the organization by a solicitor.
- P. "Public safety entity" means a public safety promoter or public safety

organization.

- Q. “Law enforcement-related charitable organization” means a person who solicits a contribution and is or purports to be established or operating for a charitable purpose relating to law enforcement. This includes a nongovernmental law enforcement organization or publication and survivors of law enforcement officers killed in the line of duty. This does NOT include a governmental law enforcement agency or organization.
- R. “Disclosure” means an oral or written representation given to each person before the person delivers any consideration to a public safety entity, public safety publication or public safety solicitor. If a written disclosure is given it must be in contrasting eight-point type or larger and includes the name of the public safety organization registered under the Secretary of State, if an organization is involved, a statement that the promotion is independent of affiliation with any public safety organization, if a public safety promoter is involved, the name of any public safety solicitation employed, a general statement of the use of net funds received, and the name, street address and statewide telephone number established by the Texas Secretary of State that a person may use to obtain information on the public safety entity, public safety publication or public safety solicitor.

**III. PERMANENT INJUNCTION- KEY PERSONNEL KENNETH LANE DENTON,  
TIMOTHY TIERNEY AND STEVEN JENKINS**

11. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants KENNETH LANE DENTON, TIMOTHY TIERNEY, and STEVEN JENKINS and any other persons in active concert or participation with them, who receive actual notice of this order by

personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, entity or other devise, **SHALL BE PERMANENTLY ENJOINED** from engaging in the following acts or practices:

**These provisions are intended to effectively prevent such activity by KENNETH LANE DENTON, TIMOTHY TIERNEY, and STEVEN JENKINS and any attempt to conduct such activity through another person in circumvention of this injunction shall be deemed a violation of the injunction.**

- (A) Owning, operating, managing, or advising any sole proprietorship, corporation, partnership, public safety organization, law enforcement-related charitable organization, charity or other entity that engages in any type of telephone solicitation in the State of Texas for the purposes of soliciting contributions, advertising revenues or sponsorships which purport to benefit law enforcement or public safety in any manner, or which the public could reasonably understand to be for the benefit of law enforcement or public safety in any other state from which Texas businesses, consumers or contributors are solicited for the purpose of supporting law enforcement in any manner;
- (B) Performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, public safety organization, law enforcement-related charitable organization or entity that engages in any type of telephone solicitation in the State of Texas, or in any other state or jurisdiction in which Texas businesses, consumers or residents are solicited in any manner for the purposes of supporting law enforcement or public safety in any manner or

which the public could reasonably understand to be for benefit of law enforcement or public safety;

- (C) Engaging in any type of telephone solicitation on behalf of any charitable organization, for-profit organization, public safety organization or any cause which the public could reasonably understand to be for benefit of law enforcement or public safety in the State of Texas or in any other state or jurisdiction in which Texas businesses, consumers, residents or businesses are solicited in any manner without disclosing to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;
- (D) Performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, public safety organization, charity, nonprofit corporation or for-profit organization which solicits funds, advertising revenues or sponsorships from persons or entities for any type of purpose or any cause which the public could reasonably understand to be for the benefit of law enforcement or public safety in the State of Texas or in any other state or jurisdiction in which Texas businesses, consumers or residents are solicited in any manner;
- (E) Owning, operating, managing, advising, or being employed by any charitable and/or nonprofit, for-profit organization or public safety organization that solicits funds, advertising revenues or sponsorships for any type of purpose which the

public could reasonably understand to be for the benefit of law enforcement or public safety which may be tax deductible in whole or in part pursuant to Internal Revenue Service laws, rules or regulations, now existing or hereinafter created including, but not limited to, entities that have applied for, but not received, tax exempt status from the Internal Revenue Service;

- (F) Representing, expressly or by implication, that any person or entity has any business or other association with any public safety organization or law enforcement organization unless Defendants have first obtained written authorization from such organization, including, but not limited to any representation that Defendants are associated with any law enforcement agency, public safety agency, or organization including but not limited to "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," or "Texas Highway Patrol" unless Defendants are actually employed with these named entities;
- (G) Creating, publishing, disseminating, selling, or distributing any type of magazine, periodical, newsletter, brochure, or publication of any kind or character relating to any cause, agency, organization, department or fraternal order, including but not limited to any law enforcement organization, public safety organization or law enforcement related organizations for which the public could reasonably understand to be for benefit of law enforcement or public safety;
- (H) Disseminating, selling, or distributing any list or tangible thing obtained from THPA, THPM or THPA SERVICES, INC. containing names of businesses or

persons who have contributed or paid funds to any charity, nonprofit corporation, for-profit organization or entity of any kind, including, but not limited to law enforcement related magazines, firefighter or fire department related magazines, veteran organizations of veteran related magazines, any magazine or publication purporting to benefit law enforcement or public safety agencies or any magazine for which the public could reasonably understand to be for the benefit of law enforcement or public safety;

- (I) Engaging in any type of solicitation of a person, business entity, consumer, or contributor by use of the Internet on behalf of any organization which purports to benefit any law enforcement organization or public safety organization in any manner or which the public could reasonably understand to be for the benefit of law enforcement or public safety;
- (J) Soliciting money, advertising fees, sponsorships or anything of value for any publication, entity or organization which purports to provide support for any law enforcement organization or public safety organization in any manner or which the public could reasonably understand to be for benefit of law enforcement or public safety;
- (K) Serving as an officer, director, employee, board member, contract employee, spokesperson, or consultant of any law enforcement related nonprofit, law enforcement related for profit organization or public safety organization;

- (L) Serving as a fund raiser, spokesperson, or consultant of any law enforcement related nonprofit organization, law enforcement related for-profit organization, law enforcement related charitable entity or public safety organization.

**IV. PERMANENT INJUNCTION- KEY PERSONNEL DEFENDANT RUBEN VILLALVA, JR.**

12. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant RUBEN VILLALVA, JR., and any other persons in active concert or participation with him, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, entity or other devise, **SHALL BE PERMANENTLY ENJOINED** from engaging in the following acts or practices:

**These provisions are intended to effectively prevent such activity by RUBEN VILLALVA, JR. and any attempt to conduct such activity through another person in circumvention of this injunction shall be deemed a violation of the injunction.**

- (A) Owning, operating, managing, or advising any sole proprietorship, corporation, partnership, public safety organization, law enforcement-related charitable organization, charity or other entity that engages in any type of telephone solicitation in the State of Texas for the purposes of soliciting contributions, advertising revenues or sponsorships which purport to benefit law enforcement or public safety in any manner, or which the public could reasonably understand to be for the benefit of law enforcement or public safety in any other state from which Texas businesses, consumers or contributors are solicited for the purpose of supporting law enforcement in any manner without providing a disclosure to any potential donor, advertiser or sponsor that the organization for which it is

soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;

- (B) Performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, public safety organization, law enforcement-related charitable organization or entity that engages in any type of telephone solicitation in the State of Texas, or in any other state or jurisdiction in which Texas businesses, consumers or residents are solicited in any manner for the purposes of supporting law enforcement or public safety in any manner or which the public could reasonably understand to be for benefit of law enforcement or public safety without providing a disclosure to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;
- (C) Engaging in any type of telephone solicitation on behalf of any charitable organization, for-profit organization, public safety organization or any cause which the public could reasonably understand to be for benefit of law enforcement or public safety in the State of Texas or in any other state or jurisdiction in which Texas businesses, consumers, residents or businesses are solicited in any manner without providing a disclosure to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement

agency, and the person soliciting is not an actual peace officer;

- (D) Performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, public safety organization, charity, nonprofit corporation or for-profit organization which solicits funds, advertising revenues or sponsorships from persons or entities for any type of purpose or any cause which the public could reasonably understand to be for the benefit of law enforcement or public safety in the State of Texas or in any other state or jurisdiction in which Texas businesses, consumers or residents are solicited in any manner without providing a disclosure to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;
- (E) Owning, operating, managing, advising, or being employed by any charitable and/or nonprofit, for-profit organization or public safety organization that solicits funds, advertising revenues or sponsorships for any type of purpose which the public could reasonably understand to be for the benefit of law enforcement or public safety which may be tax deductible in whole or in part pursuant to Internal Revenue Service laws, rules or regulations, now existing or hereinafter created including, but not limited to, entities that have applied for, but not received, tax exempt status from the Internal Revenue Service without providing a disclosure to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any*

*way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;

- (F) Representing, expressly or by implication, that any person or entity has any business or other association with any public safety organization or law enforcement organization unless Defendants have first obtained written authorization from such organization, including, but not limited to any representation that Defendants are associated with any law enforcement agency, public safety agency, or organization including but not limited to "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," or "Texas Highway Patrol" unless Defendants are actually employed with these named entities;
- (G) Creating, publishing, disseminating, selling, or distributing any type of magazine, periodical, newsletter, brochure, or publication of any kind or character relating to any cause, agency, organization, department or fraternal order, including but not limited to any law enforcement organization, public safety organization or law enforcement related organizations for which the public could reasonably understand to be for benefit of law enforcement or public safety without providing a written disclosure to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;
- (H) Disseminating, selling, or distributing any list or tangible thing obtained from

THPA, THPM or THPA SERVICES, INC. containing names of businesses or persons who have contributed or paid funds to any charity, nonprofit corporation, for-profit organization or entity of any kind, including, but not limited to law enforcement related magazines, firefighter or fire department related magazines, veteran organizations of veteran related magazines, any magazine or publication purporting to benefit law enforcement or public safety agencies or any magazine for which the public could reasonably understand to be for the benefit of law enforcement or public safety;

- (I) Engaging in any type of solicitation of a person, business entity, consumer, or contributor by use of the Internet on behalf of any organization which purports to benefit any law enforcement organization or public safety organization in any manner or which the public could reasonably understand to be for the benefit of law enforcement or public safety without providing a disclosure to any potential donor, advertiser or sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;
- (J) Soliciting money, advertising fees, sponsorships or anything of value for any publication, entity or organization which purports to provide support for any law enforcement organization or public safety organization in any manner or which the public could reasonably understand to be for benefit of law enforcement or public safety without providing a disclosure to any potential donor, advertiser or

sponsor that the organization for which it is soliciting, whether by phone, mail, internet or otherwise, is not affiliated *in any way* with any state agency, any law enforcement agency, and the person soliciting is not an actual peace officer;

- (K) Serving as an officer, director, board member, or spokesperson of any law enforcement related nonprofit or for profit organization or public safety organization for a period of five (5) years. After the five year period limitation is completed, if RUBEN VILLALVA, JR. serves on any board of directors of any nonprofit entity, prior to serving, RUBEN VILLALVA, JR. shall take a Texas Association of Nonprofit Organizations recommended course designed for individuals who serve on a board of directors of a nonprofit organization consisting of not less than 21 hours of course instruction which shall include education on developing and maintaining nonprofit budgets, internal controls that should be maintained by the nonprofit organization, roles and responsibilities of board members, roles of the executive director and other staff members and leadership versus management of the nonprofit entity. Proof of course completion shall be kept in the records of the nonprofit entity.

#### **V. INJUNCTION- BOARD MEMBERS**

13. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants MARK LOCKRIDGE, TED RIOJAS, FRED RIOJAS, GREGG GREER, JAMES COLUNGA AND ROBERT BERNARD, JR., any other persons in active concert or participation with them, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, entity or other devise **SHALL BE**

**ENJOINED** from engaging in the following acts or practices:

- (A) Owning, operating, managing, or advising any sole proprietorship, corporation, partnership, public safety organization, law enforcement-related charitable organization, charity or other entity that engages in any type of solicitation in the State of Texas for the purposes of soliciting contributions, advertising revenues or sponsorships which purport to benefit law enforcement in any manner, or which the public could reasonably understand to be for the public benefit, public safety, or community service in any other state from which Texas businesses, consumers or contributors are solicited for the purpose of supporting law enforcement in any manner for a period of one year;
- (B) Serving as an officer, director, employee, board member, contract employee, spokesperson, or consultant of any law enforcement related nonprofit organization or law enforcement charitable organization for a period of one year from the signing of this judgment. After the one year period limitation is completed, any board member Defendant who serves on a board of directors of any law enforcement related nonprofit entity, prior to serving, shall take a Texas Association of Nonprofit Organizations recommended course designed for individuals who serve on a board of directors of a nonprofit organization consisting of not less than 21 hours of course instruction which shall include education on developing and maintaining nonprofit budgets, internal controls that should be maintained by the nonprofit organization, roles and responsibilities of board members, roles of the executive director and other staff members and

leadership versus management of the nonprofit entity. Proof of course completion shall be kept in the records of the nonprofit entity.

## VI. JUDGMENT

### KEY PERSONNEL

14. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant KENNETH LANE DENTON shall not be involved in any manner, whatsoever, with any law enforcement related nonprofit, any law enforcement related for profit organization or any law enforcement related charitable entity that is located in Texas, or with any law enforcement related nonprofit, for profit or charitable entity that does business within the State of Texas.

15. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant TIMOTHY TIERNEY shall not be involved in any manner, whatsoever, with any law enforcement related nonprofit, any law enforcement related for profit organization or any law enforcement related charitable entity that is located in Texas, or with any law enforcement related nonprofit, for profit or charitable entity that does business within the State of Texas.

16. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant STEVEN JENKINS shall not be involved in any manner, whatsoever, with any law enforcement related nonprofit, any law enforcement related for profit organization or any law enforcement related charitable entity that is located in Texas, or with any law enforcement related nonprofit, for profit or charitable entity that does business within the State of Texas.

17. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that all call lists, including, but not limited to any business, consumer, donor, advertiser or potential donor or potential advertiser lists or any other lists previously used in the solicitation of donations,

advertisements, sponsorships, gifts in kind or contributions on behalf of THPM, THPA, or THPA SERVICES, INC. shall not be used for any purpose, shall not be sold, borrowed, maintained or utilized by any individual Defendant for any purpose, but all such lists shall be given to the Temporary Receiver as part of the assets of the corporate Defendants. Use of any such business, consumer or donor lists shall be deemed a per se violation of this judgment and shall be grounds for contempt and payment of penalties as reflected herein.

18. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that all Defendants shall immediately tender their resignations as board members for any law enforcement related board that they are presently a member.

19. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the 2010 Toyota 4Runner in the name of TIMOTHY TIERNEY shall be returned under the terms of the lease governing said vehicle and any expense of returning the lease shall be incurred by TIMOTHY TIERNEY.

20. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that any property, whether real or personal, including but not limited to books, cameras, artwork, antiques or other property purchased by key personnel KENNETH LANE DENTON, TIMOTHY TIERNEY, RUBEN VILLALVA, JR. or STEVEN JENKINS with funds of the corporate Defendants shall be released to the court appointed receiver to be sold with the proceeds of the sale to be used in the nature of cy pres and distributed to the Department of Public Safety Foundation and the Department of Public Safety Historical Museum and Research Center and/or as approved by this Court to carry out the purposes for which the donors whose charitable contributions were used to purchase said property.

21. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that any outstanding balances incurred by the Defendants on any credit cards affiliated with the corporate Defendants shall be paid to the credit card company by TIMOTHY TIERNEY and RUBEN VILLALVA, JR., payment of which has been acknowledged.

22. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the STATE OF TEXAS shall have judgment against Defendant KENNETH LANE DENTON for penalties in the amount of \$1,000,000.00. However, that amount is reduced to \$5,000.00 contingent on Denton's continued compliance with this Agreed Final Judgment and Permanent Injunction. However, if the Court determines, after notice and hearing, that KENNETH LANE DENTON has failed to comply with this Agreed Final Judgment and Permanent Injunction, said remaining penalties shall be due and owing immediately, in addition to any contempt of court punishment as determined by the Court.

23. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the STATE OF TEXAS shall have judgment against Defendant TIMOTHY TIERNEY for penalties in the amount of \$500,000.00. However, that amount will not be owed contingent on TIMOTHY TIERNEY'S compliance with Paragraph 21 and continued compliance with this Agreed Final Judgment and Permanent Injunction. However, if the Court determines, after notice and hearing, that TIMOTHY TIERNEY has failed to comply with this Agreed Final Judgment and Permanent Injunction, said remaining penalties shall be due and owing immediately, in addition to any contempt of court punishment as determined by the Court.

24. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the STATE OF TEXAS shall have judgment against Defendant RUBEN VILLALVA, JR. for penalties in the amount of \$500,000.00. However, that amount will be reduced to \$2,500.00 contingent on VILLALVA'S compliance with Paragraph 21 and continued compliance with this Agreed Final Judgment and Permanent Injunction. If after receiving notice that RUBEN VILLALVA, JR. may be in violation of the injunction, the Office of Attorney General will evaluate the allegation and notify RUBEN VILLALVA, JR. of such violation to which RUBEN VILLALVA, JR. has ten (10) days to respond and/or take remedial action to the notice of violation before seeking Court intervention. However, if the Court determines, after notice and hearing, RUBEN VILLALVA, JR. has failed to comply with this Agreed Final Judgment and Permanent Injunction, said remaining penalties shall be due and owing immediately, in addition to any contempt of court punishment as determined by the Court.

25. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the STATE OF TEXAS shall have judgment against Defendant STEVEN JENKINS for penalties in the amount of \$10,000.00. However, that amount will not be owed contingent on JENKINS' continued compliance with this Agreed Final Judgment and Permanent Injunction. However, if the Court determines, after notice and hearing, STEVEN JENKINS has failed to comply with this Agreed Final Judgment and Permanent Injunction, said remaining penalties shall be due and owing immediately, in addition to any contempt of court punishment as determined by the Court.

26. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants KENNETH LANE DENTON, TIMOTHY TIERNEY, RUBEN VILLALVA, JR., and STEVEN JENKINS' indebtedness to the State of Texas for the civil penalties identified above are for

alleged violations of the Texas Deceptive Trade Practices Act ("DTPA"), have been found by this court to constitute a civil fine or penalty to or for a governmental unit, and are not compensation for actual pecuniary loss.

27. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that KENNETH LANE DENTON shall pay to the State of Texas all monies as ordered in Paragraphs 22 above, within thirty (30) days of signing this Agreed Final Judgment and Permanent Injunction, by cashier's check or money order, made payable to the "Office of the Texas Attorney General," bearing the reference AG# 082535436, and delivered to the Office of the Texas Attorney General, attention Karyn A. Meinke at 115 E. Travis, Ste. 925, San Antonio, Texas 78205-1615.

28. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that RUBEN VILLALVA, JR. shall pay to all monies as ordered in Paragraphs 21 and 24 above, within 30 days of signing this Agreed Final Judgment and Permanent Injunction, by cashier's check or money order, made payable to the "Office of the Texas Attorney General," bearing the reference AG# 082535436, and delivered to the Office of the Texas Attorney General, attention Karyn A. Meinke at 115 E. Travis, Ste. 925, San Antonio, Texas 78205-1615.

**BOARD OF DIRECTORS**

29. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Court Appointed Receiver, KARL G. JOHNSON, shall accept the resignations of the Board of Directors of THPM and THPA, those being MARK LOCKRIDGE, GREGG GREER, FRED RIOJAS, TED RIOJAS, JAMES COLUNGA and ROBERT BERNARD, JR. at the time this judgment is entered such that no one else shall be in control of the liquidation and distribution of

assets of the corporate Defendants except the Court Appointed receiver, KARL G. JOHNSON, in accordance with the Orders of the Court.

**OTHER PROVISIONS**

30. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the TEXAS HIGHWAY PATROL MUSEUM and the TEXAS HIGHWAY PATROL ASSOCIATION were created for the purpose of creating a museum to honor Texas highway patrol officers, providing social educational opportunities and providing benevolent assistance to the families of Texas highway patrol troopers slain in the furtherance of their service to Texas. In order to fulfill the philanthropic purposes for which the TEXAS HIGHWAY PATROL MUSEUM and TEXAS HIGHWAY PATROL ASSOCIATION were created and to further fulfill the purpose of the public donations made to these entities, this Court has placed these entities in temporary receivership, appointed a Temporary Receiver and makes the following further orders.

31. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the TEXAS HIGHWAY PATROL MUSEUM, the TEXAS HIGHWAY PATROL ASSOCIATION and THPA SERVICES, INC. (the corporate Defendants) shall be voluntarily dissolved and all certificates with the Texas and Washington, D.C. Secretaries of State shall be withdrawn once the assets have been sold, liabilities have been liquidated by the Court appointed receiver KARL G. JOHNSON, Jr..

32. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that all properties, real or personal, wherever located, including but not limited to the properties located at 501 Oakland Avenue, Austin, Texas 78703 and 812 S. Alamo, San Antonio, Texas 78205 shall be sold by the court appointed receiver; except for those items of personal property (specifically museum items

and two restored trooper vehicles) which may be donated to the Department of Public Safety Museum and Research Center.

33. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that all personal property items purchased with the corporate Defendants' funds but in the possession of any party other than the temporary receiver be transferred to the temporary receiver, and it is **FURTHERED ORDERED** that all property in the possession of the temporary receiver are deemed to be the property of the corporate Defendants.

34. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the \$10,000 death benefit THPM alleged to provide to troopers' families who have died in the line of duty since the inception of THPM shall be paid by the Receiver to the said families who were not previously paid by THPM.

35. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the STATE OF TEXAS shall have judgment from the key personnel Defendants KENNETH LANE DENTON, TIMOTHY TIERNEY and RUBEN VILLALVA, JR. in the amount of \$250,000.00 representing attorneys' fees and expenses, pursuant to Section 402.006(c) of the Texas Government Code upon signing of this judgment. Additional payment of \$250,000.00 will also be made by key personnel Defendants KENNETH LANE DENTON, TIMOTHY TIERNEY and RUBEN VILLALVA, JR. to the Court Appointed Receiver for costs associated with expenses of the receivership. Payment is to be made to the "Office of the Texas Attorney General," bearing the reference AG# 082535436, and delivered to the Office of the Texas Attorney General, attention Karyn A. Meinke at 115 E. Travis, Ste. 925, San Antonio, Texas 78205-1615.

36. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the court appointed receiver, KARL G. JOHNSON, shall disburse, at the conclusion of the temporary receivership, all cy pres funds to the Department of Public Safety Foundation and the Department of Public Safety Historical Museum and Research Center and/or as approved by this Court to carry out the purposes for which the donations to THPM were intended. Disbursement shall occur after resolving all debts and liabilities of the corporate defendants and any other issues associated with the winding down of the corporate Defendants and after distribution of the \$10,000.00 death benefits referenced in paragraph 34.

37. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants, by their signatures below, hereby acknowledged notice of this Agreed Final Judgment and Permanent Injunction and acceptance of same, therefore, no injunctive writ need be issued. Plaintiff, the State of Texas, may enforce the Judgment and Permanent Injunction through any procedure or process available under the laws of the State of Texas.

38. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants shall not represent to the public that this Judgment constitutes approval by Plaintiff, the temporary receiver or this Court of any of Defendants' actions or business practices.

39. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that this judgment is final, disposes of all claims and all parties. All relief asserted or which could have been asserted among the Parties hereto, including the Temporary Receiver, based on the legal and factual allegations not expressly granted herein is denied. **IT IS FURTHER ORDERED** and agreed by each party hereto, excluding the State of Texas, but including the Temporary Receiver, that each party hereby releases and indemnifies all other parties against a claim subsequently brought by the

releasing party, or that party's spouse or a person related to that party by the first degree of lineal, collateral or kindred consanguinity, for any matter that arises out of this proceeding or that could have arisen out of this proceeding, including but not limited to wage or tax obligations. The indemnity shall include all costs incurred by the released and indemnified parties, including attorneys' fees or court costs.

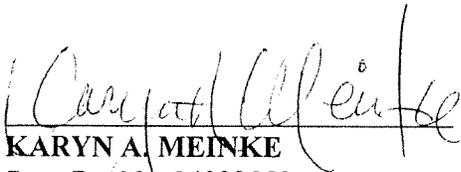
40. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the temporary receivership of the corporate Defendants is severed into Cause No. C-1-PB-12 001431 in the Probate Court No. One, Travis County, Texas, to be styled Receivership of TEXAS HIGHWAY PATROL MUSEUM (THPM), TEXAS HIGHWAY PATROL ASSOCIATION (THPA), THPA SERVICES, INC. (SERVICES) so that the completion of the temporary receiver's obligations may be done under Court supervision.

41. **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that all costs of court expended or incurred in this cause are adjudged against the party incurring the same.

SIGNED this 28 day of August 2012.

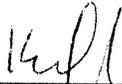
  
JUDGE PRESIDING

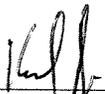
**AGREED AS TO SUBSTANCE AND FORM AND ENTRY REQUESTED:**



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*Court Appointed Receiver for Corporate Defendants*

 for  
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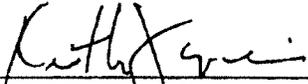
  
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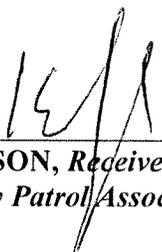
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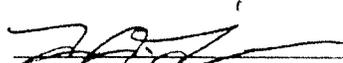
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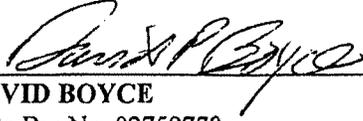
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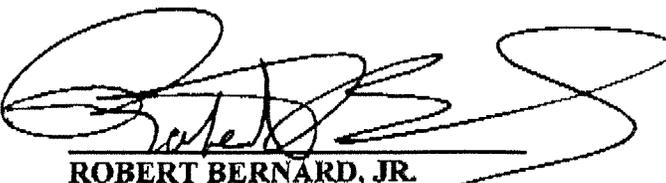
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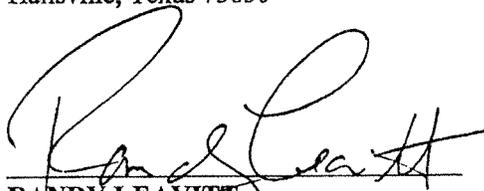
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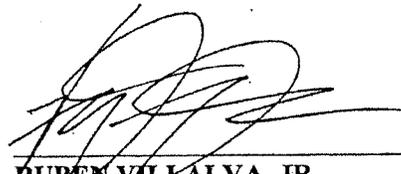
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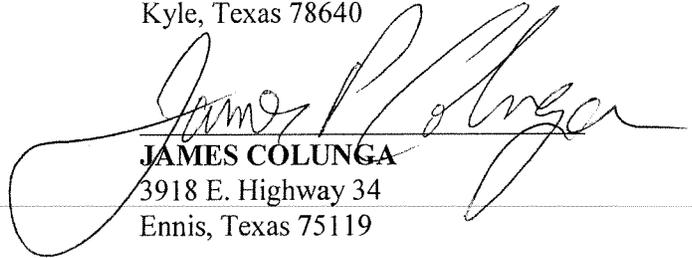
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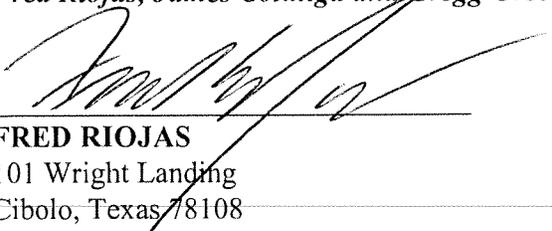
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