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THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

EXHIBIT
A

THE BOARD OF DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

April 15, 2026

Richard Anthony Patti
1302 Waugh Dr., #201
Houston, TX 77019

RE: Disposition of Appeal Notice
Richard Anthony Patti / James G. Munisteri
202508509; BODA Case No. 72494

Dear Mr. Patti:

On April 09, 2026, the Board of Disciplinary Appeals, appointed by the Supreme Court of Texas, considered your appeal from the dismissal of your grievance. The Board is a separate body from the State Bar of Texas Office of the Chief Disciplinary Counsel, which screened your grievance when you filed it.

The Board reviewed the complete grievance file, including the grievance and accompanying documentation you filed. The Board did not consider any information, documentation, or argument that was filed by any party after the Office of the Chief Disciplinary Counsel made its classification decision. After reviewing the grievance file, the Board has determined that the grievance contains allegations that, if true and accurate, would constitute professional misconduct under the following Texas Disciplinary Rules of Professional Conduct in effect at the time of the conduct alleged in the grievance:

Rule(s) 4.04 (b)(1); ; ; ;

Your grievance has now been classified as a "complaint." The complaint will be returned to the Office of the Chief Disciplinary Counsel for further processing, which shall include an opportunity for the respondent attorney to respond, an investigation, and a determination of whether there is just cause to proceed on the complaint. That process will not be limited by the above-cited rule(s) and may address additional rules or issues. Each party will be notified of each step as the process continues. For information concerning the handling of the case from this point forward, please contact the regional Office of the Chief Disciplinary Counsel in charge of this complaint.

This decision concludes this appeal, and the Board has closed its file. The Board's decision is final and not subject to appeal by the respondent attorney.

Information concerning the disciplinary system, the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure are available at www.texasbar.com. The Board's Internal Procedural Rules are available at www.txboda.org.

Very truly yours,

Jenny Hodgkins

Jenny Hodgkins
Executive Director & General Counsel

JH/jt

cc: James G. Munisteri

Office of the Chief Disciplinary Counsel
State Bar of Texas
PO Box 13287
Austin, TX 78711
(512) 427-1350
(877) 953-5535 toll free

EXHIBIT
B

FROM THE DESK OF

Richard A. Patti

May 19, 2026

Ms. Lisa Marie Gonzalez
Assistant Disciplinary Counsel
State Bar of Texas
4801 Woodway Drive, Suite 315-W
Houston, Texas 77056

Re:	Complaint No.	202508509
	BODA Case No.	72494
	Attorney	James Munisteri
	SBOT No.	14667380

Dear Ms. Gonzalez:

Please allow this letter to serve as my reply to the written response submitted by counsel for my older brother, James Munisteri, dated May 8, 2026, along with my production of additional supporting documents.

<u>Introduction</u>

It bears reminder at the outset that as per the determination by The Board of Disciplinary Appeals (BODA) in its correspondence of April 15, 2026 (Exh. 1), the complaint in this proceeding concerns my brother's violation of Rule 4.04(b)(1) of the Texas Disciplinary Rules of Professional Conduct, by his presentment of disciplinary charges and participation in presentment of criminal charges solely to gain advantage in a concurrent civil lawsuit brought by his wife against me, in which my brother stood to gain direct financial benefit from the outcome.

You ask my brother a simple question - to explain his evident violation of Rule 4.04 - and in response you get Linda Blair in "The Exorcist."

My brother and his counsel do everything possible to avoid addressing the complaint at issue and instead spend 28 pages, single-spaced, vomiting all manner of slurs and smears, gaslighting, name-calling, projection, false accusations, gross mischaracterizations, baseless insinuations, and gaping omissions, on subjects and activity in wholly separate forums that are completely irrelevant and have absolutely nothing to do with the charge under investigation here.

The only semblance of even an attempt to substantively respond to the complaint is passing reference buried within footnote 8 of their letter, in relation to a sentence in subparagraph 6.c that is a blatant lie.

For proof that my brother takes great pains to circumvent the substance of the complaint here about his Rule 4.04 violation, one need look no further than the fact that his 21-page statement provided in alleged support for his response is the same 21-page statement that he submitted to the Bar last August in a wholly separate case that pertained to the conflict of interest and Rule 1.06 violation for his law firm representing me as my estate counsel while he simultaneously joined my other older siblings in hiring the Jackson Walker law firm to go after me as an adverse party and pursue litigation against me in various civil courts. It doesn't even mention Rule 4.04 or any of the key facts of his misconduct on which this complaint is based.

A Long List of Unanswered Questions

My brother's recycled 21-page statement from last August is devoid of any hint of reference or response to the principal issues associated with a Rule 4.04 violation in his engagement of the incoming Harris County District Attorney ("HCDA") Sean Teare to lobby Mr. Teare's former colleagues at the HCDA's Office who would soon be reporting to Mr. Teare as their new boss, to "shuttle" the civil dispute litigated by my brother's wife against me, in front of a grand jury immediately prior to Mr. Teare being sworn in as the new HCDA on January 1, 2025, so as to get charges issued while negotiations were underway in the then-pending civil lawsuit concerning the same matter, in order to gain leverage in the civil action and in the settlement talks to resolve that case, from whose outcome my brother stood to gain direct financial benefit, grafting the same language and claims from his wife's court papers in the civil suit as was later asserted in the criminal indictment that he paid Mr. Teare to obtain.

In what may be the most muted response ever received by the Bar on a complaint of misconduct, my brother has nothing more to say about the above facts than that he "engaged Mr. Sean Teare, an experienced criminal defense attorney, as counsel" and that he "consulted with" Mr. Teare "regarding the potential criminality of Mr. Patti's actions."

The abject dishonesty in his response is exemplified by their assertion about the timing of my brother's engagement of Mr. Teare, claiming that it only happened "(w)hen the gravity of Mr. Patti's misconduct became manifest." That's a lie.

My brother's engagement of Mr. Teare evidently occurred sometime in fall 2024, in reaction to and following my having to file for bankruptcy protection in June 2024 and his patent frustration with the effects that the bankruptcy would have on the prospects for his financial recovery from the civil lawsuit that his wife was then pursuing against me. Starting in the prior year - in 2023 - the original petition (Exh. 2) and other civil court filings by my brother's wife already cited the same allegations of violation of the Texas Penal Code that were later recited in the indictments that my brother paid Mr. Teare to get issued against me at the tail end of 2024, just before Mr. Teare took office on January 1, 2025.

In fact, my brother's counsel at the Jackson Walker law firm had exhaustively questioned me under oath in the civil proceedings on February 14, 2024, on the specific allegations of "criminality" found throughout the court papers filed by my brother's wife in the civil action starting in 2023, many months before my brother engaged Mr. Teare; they even complain about the invocation of my Fifth Amendment privilege in response to such examination by my brother's counsel in February 2024 (section 7.i.v of their letter), oblivious to the inconsistency with section 6.c where they claim that my brother only just realized the alleged "criminality" at the time of his engagement of Mr. Teare in fall 2024.

You might notice their conspicuous use of the passive voice in section 6.c of their response: "information regarding Mr. Patti's misconduct was submitted to the Harris County District Attorney's Office." Curious wording that steers clear of any indication whether Mr. Teare was the one who "submitted" the civil dispute - between me and my brother and his wife - to Mr. Teare's former colleagues at the HCDA's Office who would be reporting to Mr. Teare weeks later as their near-certain future boss and head of that office, or of the type or extent of "information" that was carried there by Mr. Teare or whomever.

The most likely explanation for their efforts to eschew providing any specification of the source or content of the "information" delivered to the HCDA's Office could be that the American Express statements and other financial records received by HCDA (Exh. 3) were obtained and collected through discovery subpoenas issued in secret - without providing notice as required under the Rules - by my brother's lawyers at Jackson Walker in the civil action during the same period in which my brother had engaged Mr. Teare in fall 2024, which also happens to be the same time when the civil (bankruptcy) Judge had ordered a stay of discovery in light of the concurrent criminal proceedings (Exh. 4); my brother's counsel at Jackson Walker was later found by the court to have violated that discovery order by collection of subpoenaed records while the stay was in effect, and his counsel was sanctioned for such violation (Exhs. 5 & 6).

Nowhere do they provide any answer, detail, record, documentation, or other evidence or information on questions that are obviously integral to the Bar's investigation of the complaint of violation of Rule 4.04, such as:

> When exactly did my brother engage Mr. Teare or his law firm?
>
> What was the purpose of the engagement of Mr. Teare?

What were the expected deliverables from Mr. Teare, or the specific actions that Mr. Teare was expected to undertake or the specific outcome that his services were expected to accomplish?

Did my brother or his wife sign any form of retainer letter to engage Mr. Teare or otherwise document the terms of the engagement of Mr. Teare or his firm?

> If so then they should provide a copy of such document, whose content clearly would be an essential piece of the Bar's investigation of this complaint.

How did my brother come to be introduced to Mr. Teare, especially in the midst of Mr. Teare's election campaign (and particularly given that Mr. Teare was the Democratic Party nominee for HCDA, and my brother is a longtime Republican donor and activist - one of the earliest supporters of Ted Cruz, for example, when he first ran for U.S. Senate)?

How much did my brother pay Mr. Teare for his services on the engagement?

What were the sources of funds for payment of the retainer and fees to Mr. Teare on the engagement?

Were any other attorneys engaged or assisting on the same matter as that on which Mr. Teare was engaged?

What communications did Mr. Teare (or any attorneys or others assisting him on the matter) have with anyone at the HCDA's Office?

> When did those communications take place, between whom, and for what purpose or which subject(s) were discussed in those communications?

Who has taken over handling of the matter of engagement of Mr. Teare since Mr. Teare took office as HCDA on January 1, 2025?

> What is such attorney's relationship or background with Mr. Teare, and how did my brother get introduced to or come to subsequently engage such attorney?

Does my brother consider the purpose of the engagement of Mr. Teare accomplished at this point, in whole or in part?

> If my brother considers the purpose of the engagement of Mr. Teare to have been accomplished or completed - in whole or in part - at some earlier point in time, then when did my brother feel that the purpose of the engagement was

then accomplished or completed, and what was the basis for the determination then that the engagement had been accomplished or completed at that point?

If my brother does not feel that the purpose of the engagement was wholly accomplished or completed by the time that Mr. Teare took office on January 1, 2025, then which aspects of the purpose or deliverables by Mr. Teare does my brother feel still needed completion and required furtherance of the engagement by a successor attorney after Mr. Teare took office?

What communications have my brother or the successor attorney had with Mr. Teare since Mr. Teare took office on January 1, 2025?

What communications have my brother or the successor attorney had with anyone else at the HCDA's Office since Mr. Teare took over as head of that office on January 1, 2025?

What communications or coordination occurred between Mr. Teare and my brother's and his wife's civil attorneys at Jackson Walker prior to Mr. Teare taking office on January 1, 2025?

What about after Mr. Teare took office on January 1, 2025?

What communications or coordination occurred between my brother's and his wife's civil attorneys at Jackson Walker on the one hand, and anyone at the HCDA's Office on the other hand, at any time, on the matter for which my brother engaged Mr. Teare?

These are just some of the obvious questions that my brother was expected to address in his response to the BODA determination letter (Exh. 1) and the Bar's investigation of this complaint of his misconduct, but instead chose to withhold his answers and hide the truth and attempt to divert attention by throwing mud at the victim of his malfeasance, so as to cover up his corrupt and unlawful actions with Mr. Teare and avoid accountability for his clear violation of Rule 4.04.

Their Straw Man Argument

Their approach in trying to minimize and deflect from my brother's violation of Rule 4.04 seems to be through assertions that he is qualified privileged and not barred from reporting criminal activity to the authorities.

Well of course not. But that's a radical understatement of my brother's wrongdoing in this instance and shows a lame effort to raise a straw man argument.

The complaint here is not that my brother merely communicated with the HCDA's Office to relay his opinion of an alleged crime. In fact, one can assume that my brother himself never communicated or reported anything to law enforcement authorities, or else they would have clarified and documented and touted that claim in their response rather than hiding behind a single passive-voice statement that obviously avoids naming the conduit paid and used to deliver their poisonous accusations to the HCDA's Office.

Here, my brother didn't just make a phone call or drop off financial records at the doorstep of law enforcement. The charges in question did not arise organically or through normal channels of investigation by the authorities but instead via my brother - perhaps joined by other family members - leveraging political and financial relationships.

The indictments were 100% bought & paid for, rushed[1] in preparation, and forced to get issued at the eleventh hour before the grand jury adjourned for its term and Mr. Teare was sworn in the days thereafter, at which point the entire HCDA's Office would be and was conflicted out from touching the case because of the engagement of the head of that Office by my brother on the same matter in the weeks prior to the inauguration.

Against the express wishes of my mom in her Will, my brother misappropriated tens of thousands of dollars of her money to pay off Mr. Teare - the Democrat Party nominee and near-certain incoming HCDA - to lobby his former colleagues at the HCDA's Office who soon would be reporting to Mr. Teare as their new boss, to "shuttle" this matter in front of a grand jury within the 2024 term before Mr. Teare took office on January 1, 2025, so that indictments would issue while my brother's wife and I were in the midst of settlement negotiations and litigation of the civil lawsuit that she was pursuing against me on the same matter, and in which my brother stood to gain direct financial benefit from the outcome … and now he tries to claim that all this was "privileged" and that he doesn't have to talk about it with anyone, including the Bar.

Additional Documents Produced

Exh. 1 - BODA correspondence dated April 15, 2026.

Exh. 2 - Relevant excerpts from the Original Petition filed by my brother's wife, Celia Munisteri, in Harris County Probate Court in November 2023, and filed again as an Amended Complaint in U.S. Bankruptcy Court in August 2024, citing provisions of the Texas Penal Code later cut & paste into the criminal indictments issued months later in December 2024.

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[1] The indictments were so clearly rushed in their drafting that they got both my name and my birthdate wrong in the charging papers, in attempt to identify me.

Exh. 3 - List of discovery released by the State in the criminal proceedings, predominantly consisting of records from American Express.

Exh. 4 - October 21, 2024 Minutes Order of The Honorable Eduardo V. Rodriguez, Chief Judge of the United States Bankruptcy Court, Southern District of Texas, instituting a stay of all discovery activity in light of information then having just been brought to the court's attention about an apparent investigation by the HCDA's Office of actions that were the subject of the civil suit brought against me by my brother's wife, over which litigation Chief Judge Rodriguez was presiding.

Exh. 5 - Order entered March 19, 2025, in which Chief Judge Rodriguez finds that my brother's counsel violated the court's October 21, 2024 Order for Stay of Discovery.

Exh. 6 - Order signed April 29, 2025, in which Chief Judge Rodriguez determines that my brother's counsel be sanctioned for earlier violation of the October 21, 2024 Order for Stay of Discovery.

The lies are so pervasive throughout the 28 pages of my brother's response that it would take a tome to point out and explain their falsehood in each and every instance, so my reply here is limited to just those lies stated in the microscopic portion of their response that actually addresses the complaint at issue in this proceeding.

Please let me know if your office should need anything else for now, to assist its investigation of the complaint of my brother Jay's violation of Rule 4.04.

Respectfully submitted,

RPatti

Richard A. Patti

RP/rp
Enclosures (6)

EXHIBIT
C

Cause No. 1897925

OATH OF OFFICE

APPOINTED OFFICIAL

ATTORNEY PRO TEM
TEX. CODE CRIM. PRO. art. 2.07

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
Ricardo A. Patti	§	262 JUDICIAL DISTRICT

I, Charles Robert Kyle Vance do solemnly swear that I will faithfully execute the duties of the office of Attorney *Pro Tem* in the investigation and prosecution in Harris County, Texas, regarding any offenses involving any criminal conduct concerning the above-referenced cause number so help me God, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

SIGNED the 29 day of June, 2026.

Attorney *Pro Tem*

Charles Robert Kyle Vance
Printed Name

SWORN TO and subscribed before me by Lori Chambers Gray, on the 29th day of June, 2026.

Signature of Person Administering Oath

Lori Chambers Gray
Printed Name
Judge 262 ND Dist. Court

EXHIBIT
D

[Z2A]

189792501010 - The State of Texas vs. PATTI, RICARDO ANTHONY (Court 262)

Print All (non-financial)

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Preview DocketSheet

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Print Summary

Case	189792501010 - 3
File Date	12/19/2024
Case (Cause) Status	Pending Completion of Probation
Offense	THEFT/AGG >=$300K ELDERLY/NONPROFIT
Last Instrument Filed	Felony Indictment
Case Disposition	DEFERRED ADJUDICATION OF GUILT
Case Completion Date	11/13/2025
Defendant Status	Deferred Adjudication of Guilt
Bond Amount	$500,000.00
Next/Last Setting Date	7/29/2026

Race/Sex	W / M	**Height/Weight**	5'06 / 160 LBS
Eyes	BRO	**Hair**	BRO
Skin		**Build**	MED
DOB	6/13/1966	**In Custody**	N
US Citizen	Yes	**Place Of Birth**	
Address		1507 BRANARD ST, HOUSTON, TX 77006	
Markings			

Current Court	262nd
Address	1201 Franklin (Floor: 15) Houston, TX 77002 Phone:8329273700
JudgeName	Lori Chambers Gray
Court Type	Criminal

EXHIBIT
E

3/2/2026 2:35 PM
Marilyn Burgess - District Clerk Harris County
Envelope No. 111886991
By: Deanna Garcia
Filed: 3/2/2026 2:35 PM

CAUSE NO. 189792501010-3

STATE OF TEXAS	§	**IN THE 262ND JUDICIAL**
	§	
VS.	§	**DISTRICT COURT OF**
	§	
RICARDO ANTHONY PATTI	§	**HARRIS COUNTY, TEXAS**

MOTION TO MODIFY CONDITIONS OF COMMUNITY SUPERVISION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RICARDO ANTHONY PATTI, Defendant in the above-styled and numbered cause, by and through his attorney of record, David A. Breston, and files this, his Motion to Modify Conditions of Community Supervision, and would respectfully show the following:

I.

The purpose of this Motion is to avoid duplication and align the conditions of Defendant's community supervision with the terms of a previous civil settlement and restitution agreement into which Defendant entered with the complainant for resolution of the same alleged conduct and loss.

All non-financial obligations of the parties to the earlier civil settlement - Defendant and the complainant - had been performed, and Defendant already had commenced his monthly restitution payments to the complainant under the ten-year, scaled payment schedule that was previously negotiated and agreed to, prior to Defendant's arrest on the charge for which he was ultimately placed on deferred adjudication for a coinciding ten-year period.

II.

For context and background, the relevant timeline is as follows:

June 23, 2022	Defendant's mother passes away.
July 2022 - Sept 2023	Per her Will, Defendant serves as Executor of his late mother's estate (conduct about which the complainant complains).
Oct 1, 2023	After providing a full accounting of his administration of his late mother's estate, Defendant resigns as Executor and the complainant is appointed as successor executor.
Nov 22, 2023	In her position as successor executor, the complainant files a civil lawsuit against Defendant in Harris County Probate Court alleging malfeasance in administration of the estate.
Aug 1, 2024	The complainant removes her civil suit against Defendant to the U.S. Bankruptcy Court for the Southern District of Texas.
May 29-30, 2025	Defendant and the complainant participate in two full days of mediation administered by U.S. Bankr. Judge Marvin Isgur.
May 30, 2025	Defendant and the complainant sign a settlement and restitution agreement providing for a mutual release and ten-year scaled payment plan in the total amount of **$468,687.00**.
June 2025	All non-financial obligations in the settlement are performed, including delivery of certain personal property to complainant.
July 1, 2025	Defendant completes the first monthly restitution payment to the complainant under the civil settlement.
Aug 1, 2025	Defendant completes the second monthly restitution payment to the complainant under the civil settlement.
Aug 4, 2025	Defendant is arrested on the charge for which deferred adjudication is later ordered.
Nov 13-14, 2025	Disposition Hearing held and Defendant is released under Order for Deferred Adjudication.
Nov 18, 2025	Chief Judge Eduardo V. Rodriguez approves settlement and restitution agreement and enters judgment closing civil case.
Dec 1, 2025	Defendant resumes monthly restitution payment per schedule in civil settlement.
Jan 1, 2026	Defendant completes agreed monthly restitution payment under civil settlement.
Feb 1, 2026	Defendant completes agreed monthly restitution payment under civil settlement.
Mar 1, 2026	Defendant completes agreed monthly restitution payment under civil settlement.

III.

On November 14, 2025, Defendant was placed on deferred adjudication community supervision for a period of ten years for the offense of MISAPP FIDUC/FINAN

PROP>=$300K. The original Order required Defendant to pay restitution in the total amount of $957,587.93 in equal installments over ten years separate and additional to the restitution that Defendant was already paying to the complainant in the total amount of $468,687.00 in scaled installments over ten years under the previously negotiated and agreed settlement in the civil case.

Defendant was informed recently that following the hearing held on February 9, 2026, the Order for Deferred Adjudication has been amended to reduce the total amount of restitution to $257,587.93, though still separate and additional to the restitution that Defendant is already paying to the complainant in the total amount of $468,687.00 in scaled installments over ten years under the previously agreed settlement in the civil case.

IV.

Defendant requests that Your Honor modify the conditions of community supervision in the Order for Deferred Adjudication, to tie and align the amounts and schedule of restitution owed with the terms of the civil settlement into which the complainant and Defendant previously entered, as approved by the Honorable Eduardo V. Rodriguez, Chief Judge of the United States Bankruptcy Court for the Southern District of Texas, on November 18, 2025, such that Defendant is not required to pay any duplicate or additional amounts of restitution in this proceeding.

V.

In support of this Motion, Defendant attaches as Exhibit A the Mediated Settlement Agreement signed by the complainant and Defendant on May 30, 2025, and ratified in later form on August 4, 2025, to which Defendant seeks to tie and align the terms of restitution ordered in the Conditions for Community Supervision in this proceeding.

WHEREFORE, PREMISES CONSIDERED, the Defendant requests that in all things, said Motion be GRANTED.

Respectfully submitted,

LAW OFFICE OF DAVID A. BRESTON

_/s/ *David A. Breston*

By: DAVID A. BRESTON, Attorney
SBN: 90001478
1820 W. Bell Street
Houston, TX 770019
Tel: 713.224.4040
Fax: 713.223.1875
david@davidbreston.com
COUNSEL FOR DEFENDANT
RICARDO ANTHONY PATTI

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Defendant's MOTION TO MODIFY CONDITIONS OF COMMUNITY SUPERVISION was served on the Harris County District Attorney's Office in accordance with the Texas Code of Criminal Procedure on the 2nd day of March, 2026.

_/s/ *David A. Breston*
DAVID A. BRESTON

EXHIBIT F

Cause No. 1897925

STATE OF TEXAS	§	IN THE 262nd
v.	§	DISTRICT COURT
RICARDO ANTHONY PATTI, Defendant	§	HARRIS COUNTY, TEXAS

NOTICE OF APPEARANCE BY AMICUS CURIAE

THE STATE OF TEXAS notifies the Court that it will be making an appearance as *amicus curiae* in the above case at the March 16, 2026 court setting. *Amicus* requests permission to address certain issues raised by a letter sent to the Court by Assistant District Attorney Lester Blizzard acting in an individual capacity.

Amicus has consulted with the Defendant's counsel regarding the reasons for the appearance.

Service has been accomplished be sending a copy of this instrument to the Defendant's counsel: David@Davidbreston.com.

SIGNED this 12th of March, 2026.

RESPECTFULLY SUBMITTED,

/s/ Joshua A. Reiss

Joshua A. Reiss
General Counsel
Harris County District Attorney
1201 Franklin Street
Houston, Texas 77002
713-274-5990
Reiss_josh@dao.hctx.net
SBOT#24053738